

## ORDINANCE NO. 478-R

AN ORDINANCE AMENDING ORDINANCE NO. 448 OF THE PORT OF PORTLAND REGARDING CUSTOMER FACILITY CHARGES ON RENTAL CAR TRANSACTIONS AT THE AIRPORT.

BE IT ENACTED BY THE PORT OF PORTLAND:

**Section 1. Purpose** This Ordinance is enacted to amend Ordinance No. 448 to set forth limited circumstances under which Rent-A-Car Customers are not required to pay, and RACs are not required to collect and remit, Customer Facility Charges on rental car transactions at the Airport.

**Section 2. Authority to Amend Ordinance No. 448**

Ordinance No. 448 may be amended pursuant to the Port's authority to enact ordinances to regulate the use of its properties under Oregon Revised Statutes 778.260(1).

**Section 3. Definitions**

Capitalized terms used in this Ordinance shall have the meanings assigned to such terms in Ordinance No. 448, unless (i) another meaning is specifically assigned below or in the language of this Ordinance, or (ii) the context clearly requires otherwise.

a. "Ordinance" means this Ordinance, providing the terms under which Ordinance No. 448 is amended, together with any ordinances supplemental or amendatory hereto.

b. "Ordinance No. 448" or the "CFC Establishing Ordinance" means Ordinance No. 448, adopted December 11, 2013 and effective January 10, 2014, as amended and restated thereafter and hereafter from time to time.

**Section 4. Amendment to Section 2.11 of Ordinance No. 448**

Subsection 2.11 of Section 2 of Ordinance No. 448 (entitled "Definitions") is hereby amended and restated as follows (additions shown in **bold underline** format and deletions shown in ~~strikethrough~~ format for convenience):

2.11 "RAC" shall mean any rental car business, **including without limitation peer-to-peer vehicle sharing programs**, operating or using Airport facilities at the Airport either under a Concession Agreement, lease, sublease, permit, **operating agreement** or any other sort of agreement with the Port or other RAC.

**Section 5. Amendment to Section 2.12 of Ordinance No. 448**

Subsection 2.12 of Section 2 of Ordinance No. 448 (entitled "Definitions") is hereby amended and restated as follows (additions shown in **bold underline** format and deletions shown in ~~strikethrough~~ format for convenience):

2.12 "Rent-A-Car Customer" shall mean any person or entity renting a ~~vehicle~~ **Rental Car** from a RAC **that is** operating at, or from, ~~the~~ **or otherwise using any** Airport **facility** under a Concession Agreement, lease, sublease, permit, **operating agreement**, or any other sort of agreement with the Port or other RAC.

**Section 6. Amendment to Section 2.14 of Ordinance No. 448**

Subsection 2.14 of Section 2 of Ordinance No. 448 (entitled "Definitions") is hereby amended and restated as follows (additions shown in **bold underline** format and deletions shown in ~~strikethrough~~ format for convenience):

2.14 "Rental Car Facilities" shall mean those facilities which relate to rent-a-car operations and are used either exclusively or in part by the RACs; **provided however that Off-Site Airport Facilities are not Rental Car Facilities for purposes of this Ordinance.**

**Section 7. New Section 2.17 of Ordinance No. 448**

A new subsection 2.17 is added to Section 2 of Ordinance No. 448 (entitled "Definitions") to read as follows:

2.17 "Off-Site Airport Facility" shall mean a facility at the Airport which is: (i) not contiguous with or adjacent to the Airport terminal building; (ii) not funded in any way by CFC funds or the proceeds of debt issuances which are payable from CFCs; and (iii) specifically designated in writing by the Port as a permissible location for use by RACs to conduct Rental Car transactions. Off-Site Airport Facilities may include Airport parking lots, but do not include the Rental Car Facilities or other Airport facilities including, without limitation, the Airport terminal building, the Airport parking garages, commercial roadway and the airfield.

**Section 8. Amendment to Section 3.1 of Ordinance No. 448**

Subsection 3.1 of Section 3 of Ordinance No. 448 (entitled "Customer Facility Charge") is hereby amended and restated as follows (additions shown in **bold underline** format and deletions shown in ~~strikethrough~~ format for convenience):

Beginning on the Implementation Date, each Rent-A-Car Customer shall pay a fee for the use of the ~~Airport~~ Rental Car Facilities set by the Executive Director, as may be changed from time to time, for each Transaction Day a Rent-A-Car Customer rents an ~~automobile~~ **Rental Car**. The initial fee was provided to the RACs no less than thirty (30) days prior to the Implementation Date. Each RAC shall collect and remit such fee to the Port.

**Section 9. New Section 3.5 of Ordinance No. 448**

A new subsection 3.5 is added to Section 2 of Ordinance No. 448 (entitled "Customer Facility Charge") to read as follows:

3.5 No Customer Facility Charge shall be payable by, or collected from, a Rent-A-Car Customer for a Rental Car Transaction under this Section 3 when the Rent-

A-Car Customer and the applicable RAC solely uses Off-Site Airport Facilities to conduct such Rental Car Transaction.

**Section 10. Amendment to Section 8 of Ordinance No. 448**

Subsection 8.1 of Section 8 of Ordinance No. 448 (entitled “Notice of Violation”) is hereby amended and restated as follows (additions shown in **bold underline** format and deletions shown in ~~strikethrough~~ format for convenience):

8.1 The Port shall have the authority to issue a Notice of Ordinance Violation. The Notice shall set forth:

8.1.1 The nature of the violation(s) which is the reason for the violation;

8.1.2 The date of the violation(s); and

8.1.3 The date on which the violation shall result in a default under the Concession Agreement **or any other agreement the RAC has with the Port.**

**Section 11. Section Headings; Table of Contents**

The headings or titles of the several sections hereof, and any table of contents appended hereto or copies hereof, shall be solely for the convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

**Section 12. Publication and Effectiveness of This Ordinance**

A concise summary of this Ordinance, including the location within the Port where a complete copy of this Ordinance may be obtained without charge, shall be published within five days after passage once in a newspaper of general circulation within the Port. This Ordinance shall become effective thirty (30) days after enacted.

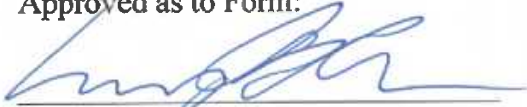
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PASSED AND ENACTED by the Board of Commissioners of the Port of Portland at a meeting held on Oct. 12, 2022 and signed by its President on the same date.

THE PORT OF PORTLAND

  
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Commission President

Approved as to Form:



Orrick, Herrington & Sutcliffe LLP  
Bond Counsel