

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6666

ADOPTING AMENDED CONSTRUCTION WAGE POLICY

WHEREAS, the PDC Board of Commissioners (the "Board") adopted the Construction Wage Policy (the "Policy") on January 10, 2007 (Resolution No. 6424), and subsequently amended the Policy on April 11, 2007 (Resolution No. 6471), and October 10, 2007 (Resolution No. 6513), to, among other things, achieve a diverse workforce, and provide training opportunities for workers that have historically been excluded from the construction trades;

WHEREAS, to achieve that objective, the Policy included a Workforce Diversity Strategy Component under which certain stakeholders (the "Parties") agreed to negotiate and enter into an agreement that sets forth the Parties' commitment to develop a program for the recruitment, training, employment and retention of People of Color and Women members of the Portland metropolitan area in union and non-union apprenticeship programs through graduation with the objective of achieving a permanent increase at the journey level in the participation of trained and licensed People of Color and Women in the construction trades in the Portland metropolitan area (the "Workforce Diversity Strategy Agreement");

WHEREAS, the Workforce Diversity Strategy Agreement has been negotiated and was signed by the Parties on June 16, 2008; and

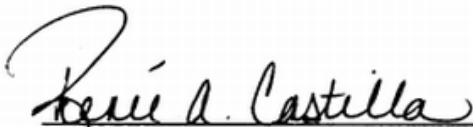
WHEREAS, to facilitate easier administration and improve clarity of the Policy and other PDC policies related to social equity, PDC staff recommends that the Policy be amended to delete the Workforce Diversity Strategy Component and to amend the Business and Workforce Equity Policy to include the Workforce Diversity Strategy Component, including the Workforce Diversity Strategy Agreement (a separate resolution of even date herewith concerning the amendment of the Business and Workforce Equity Policy has been submitted for the Board's adoption).

NOW, T HEREOFRE, B E I T R ESOLVED that the Board hereby adopts an amended Construction Wage Policy, in the form attached hereto as Exhibit A;

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to make all determinations or interpretations required in implementing the Policy, as amended, and establish such additional administrative policies, procedures and guidelines as may be necessary; and

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon its adoption.

Adopted by the Portland Development Commission on January 29, 2009.


Renee A. Castilla, Recording Secretary

Construction Wage Policy (As amended on January 29, 2009, Resolution 6668)

The purpose of this PDC Construction Wage Policy (this “Policy”) is to ensure that PDC Resources are utilized to ensure that workers on projects subject to this Policy are paid a living wage.

1 **Definitions.**

- A. **“PDC Resources”** include PDC funds in the form of grants, loans and Land Write-Downs. For purposes of calculating PDC Resources, any PDC funds used for a project in the form of grants and loans shall be combined to determine the total amount of PDC Resources. Sources of PDC Resources may include Tax Increment Financing (TIF) but do not include New Market Tax Credits and other Federal and State Tax Credits or abatements.
- B. **“PDC Wage Rate”** means wage rates under this Policy shall be identical to the Bureau of Labor and Industries (“BOLI”) rate for Commercial Construction and the Federal Davis-Bacon Act (“Davis-Bacon”) rate for Residential Construction, and shall include wage, fringe, and overtime rates and apprentice pay. Apprenticeship goals will be the same as on other PDC projects. In the event that a project under the Policy is subject to BOLI or Davis-Bacon, the PDC Wage Rate shall not apply.
- C. **“Residential Construction”** shall have a meaning consistent with BOLI’s definition for residential construction.

2. **Policy.**

- A. **Application of Policy.** The Policy shall apply to:
 - (a) All environmental remediation and demolition work to the extent that such work equals or exceeds \$50,000 in PDC Resources whether such environmental remediation and demolition work is undertaken in connection with a development agreement, in anticipation of a development agreement, or at PDC’s initiative. The application of the PDC Wage Rate shall only apply to such environmental remediation and demolition work subject to this Policy.

3. **General.**

The following provisions shall apply to all projects that are subject to the Policy:

- A. The effective date for applying the Policy to current projects is the signing of the memorandum of understanding (“MOU”) between PDC and the private developer. If there is no MOU, the effective date shall be the date of the disposition and development agreement, development agreement or other transactional documents between PDC and the private developer.
- B. At the signing of an MOU between PDC and the private developer, a preliminary determination shall be made by PDC of the applicability of the Policy. At the signing of a development agreement, a disposition and development agreement or other

transactional documents between PDC and the private developer, a final determination shall be made by PDC of the applicability of the Policy. PDC Wage Rates shall lock in at the signing of the prime construction contract with the private developer.

- C. PDC Wage Rates shall be posted at the construction worksite.
- D. Contractors that are on the BOLI list of ineligible cannot participate in construction projects subject to the Policy.
- E. One year after the adoption of the Policy, the PDC Board of Commissioners (the “Board”) will review the effects of the Policy.

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6666

Title:

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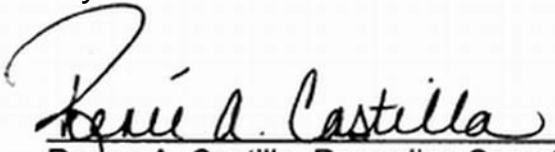
Adopted by the Portland Development Commission on January 29, 2009.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Charles Wilhoite, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

Certification

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and duly recorded in the official minutes of the meeting.


Renee A. Castilla, Recording Secretary

Date: February 20, 2009