

Cully TIF District Community Governance Charter

I. Preamble

In 2018, a group of community-based organizations, representing people of color, tribal and Indigenous communities, immigrants, and low-income people in Northeast Portland’s Cully neighborhood, approached Prosper Portland and the Portland Housing Bureau (“PHB”) to determine whether Tax Increment Financing (“TIF”) could be available for community development and anti-displacement efforts.

To realize the neighborhood’s vision, Cully community organizations, together with Prosper Portland and PHB, have facilitated a community process during the calendar years of 2019-22 to explore the creation of a Cully TIF District. While past use of TIF as a tool of urban renewal in the City of Portland has produced racially and economically unjust outcomes that are in opposition to the neighborhood’s community development and anti-displacement objectives, all parties believe TIF can be repurposed to benefit people of color and low-income people. To support this shift, a new Cully TIF District needs to prioritize different types of investments than past TIF Districts, and be governed in a new, community-led way. To fully explore and vet this possibility through community engagement, research, and policy analysis, the parties worked together to secure a Metro 2040 Planning and Development Grant. This grant supported a community-driven, iterative process to determine priorities for the programming, rules, and leadership of a prospective community-led TIF District.

Along with the Cully TIF District Plan, this Community Governance Charter (“Charter”) is the result of a co-creation process between Cully community members, Cully-based community organizations, Prosper Portland, and PHB. Co-creation includes collaborative idea generation as well as equitable participation in discussion. It requires sharing a deep understanding and respect for each other’s positions, power and expertise as proposals are being developed. Co-creation relies on transparency, technical support, and communication, the process of which is set forth in this Charter. We expect this Charter to inspire and facilitate ongoing guidance and recommendations¹, so that implementation of the Cully TIF District Plan (“TIF Plan”) and actions taken pursuant to the TIF Plan reflect in-depth input and specific recommendations and guidance from residents and stakeholders of the Cully neighborhood.

As signatories to this Charter, we are committed to authentic, open, and equitable public engagement processes. Our intent is to upend historic models of urban renewal by co-creating TIF Action Plans and other facets of TIF Plan implementation. While we acknowledge that differences of opinion will inevitably arise, we are committed to continue working together in co-creation for the life of the TIF Plan to achieve the community’s vision, goals, and values as established in the TIF Plan.

II. Creation and Purpose

The Cully TIF District Community Leadership Committee (the “Committee”) is hereby created. The Committee’s purpose is to advise City staff, the Directors of Prosper Portland and PHB, Commissioners-in-Charge, the Portland City Council (“City Council”) and the Prosper Portland Board of Commissioners (“Board”) on the implementation of the TIF Plan by providing essential guidance, public recommendations, and oversight of the City of Portland’s and Prosper Portland’s implementation of the

¹ “Recommendations” are non-binding guidance to decision makers. It is the intent of the City that recommendations be treated as important and be used to shape and guide the implementation of the TIF Plan.

TIF Plan. As the Committee will advise City Council and the Board directly on certain decisions, it is a public body pursuant to ORS Chapter 192.

This Charter is adopted by Portland City Council as an exhibit to the Cully TIF District Plan. It describes the processes and roles that will be followed to develop and present public recommendations to decision-makers about the implementation of the District Plan. It is a living document that may be amended from time to time pursuant to the procedures stated in Section IX. The consequences for not following this Charter can be found in Section VIII.

III. Roles and Responsibilities

a. Shared among the Committee, City Staff, Executive Directors, City Council and Prosper Portland Board of Commissioners are commitments to:²

i. Comply with Cully TIF District Plan

1. Recommendations and decisions about the implementation of the Cully TIF District Plan will be guided by the Plan, with particular attention to Section IV (Values, Vision and Goals) and Section VI (Principles that Guide Implementation of the Plan).
2. Recommendations and decisions related to the Cully TIF District Plan will draw on community engagement that centers the voices and needs of Cully community members, particularly those representing Priority Communities³, as defined in the TIF Plan.

ii. Respect Partnerships and Adhere to the Co-creation Process

1. The goal of the co-creation process is to produce recommendations that are supported in their entirety by the Committee, Prosper Portland, and PHB.
2. Through collaboration, transparent and proactive communication, community engagement, and technical support, the City and the Committee will develop public recommendations outlined in Section IV of this Charter.
3. If full support of both the Committee and the City cannot be reached, recommendations will make clear which areas have joint support. Remaining areas will include both the Committee's and the City's recommendations.
4. The Committee and the City will jointly present their recommendation(s), including alternate versions of any sections that could not be agreed on, to the relevant decision-maker(s).

² The term "City," for purposes of this document, is intended to refer primarily to PHB, a bureau of the City of Portland, and Prosper Portland, the City of Portland's economic development and urban redevelopment agency, but if context requires otherwise, it may include staff of other City of Portland bureaus who are or become responsible for administering or assisting with this Committee.

³ "Priority Communities" refers to the intended beneficiaries of the Cully TIF District: African American and Black persons; Indigenous and Native American persons; persons of color; immigrants and refugees of any legal status; renters; mobile home residents; persons with disabilities; low-income people; houseless people; and other population groups that are systemically vulnerable to exclusion from Cully due to gentrification and displacement.

5. If for any reason the Committee is not able to provide recommendations, the work of the City to implement the TIF Plan may still proceed, in line with the TIF Plan and any sections of this Charter that are still able to be implemented.

- b. Community Leadership Committee: The Committee’s recommendations and other actions should reflect the needs and priorities of the Cully community, both current and future generations, as described in the TIF Plan. Members are responsible for complying with laws and regulations applicable to the Committee as a public body, such as city and state ethics codes, conflict of interest rules, and public meeting and record laws.

The Committee will establish its collective position on recommendations through a vote or other procedure that will be established in the Committee by-laws (see section VIII.d).

- c. PHB and Prosper Portland: The agencies are responsible for implementing program offerings in line with the Cully TIF Plan and the processes described in Section IV, including financial and competitive land offerings that align with the TIF Plan and Action Plans. Staff will provide research and technical support and engage with the Committee on co-creation as described in Section IV, and will coordinate with staff in other City bureaus as needed. In the context of the co-creation process, the City will be responsible for drafting and revising TIF Plan documents with the active collaboration of the Committee. Staff are responsible for communicating with the broader Cully community regarding the Bureaus’ work.

Bureau Directors will support the co-creation process by ensuring adequate staffing, subject to appropriations⁴, and by providing guidance on recommendations and alignment with citywide affordable housing and economic development policies, together with any political opportunities and challenges, as needed. Bureau Directors will consider co-created recommendations and will provide an explanation to the Committee if their final decision differs from the recommendation.

- d. The City Council and Prosper Board of Commissioners: Commissioners are subject to public meetings laws. The City Staff will ensure that any public meetings that occur with the Prosper Portland Board or the City Council are noticed to the Committee in advance of the meetings to allow Committee members to testify on any actions regarding the Cully TIF District.

IV. Scope of Work and Processes

- a. Implementing the TIF Plan through Action Plans and Program Offerings: This subsection outlines how Cully TIF funds will generally be programmed and allocated over the life of the District, notwithstanding investments made outside of an Action Plan. Through the co-creation process, as outlined in Section III.a.ii, the steps below will be followed to select and implement investments and programs (“Program Offerings”) from the Cully TIF District Plan. Section VII of the TIF Plan contains the complete list of eligible Cully TIF District projects. Through the co-creation process, the District Plan’s Values, Vision and Goals (Section IV) and Guiding Principles (Section VI) will be applied to guide the following processes:

⁴ “Appropriations,” for the purpose of this document, refers to a sum of money allocated by City Council for a specific purpose, such as staffing.

- i. Action Plans and Action Plan Amendments: Approximately every five years, an Action Plan will be presented to City Council to select the Program Offerings that are expected to be implemented over the subsequent five years.
 1. Through the co-creation process, the Committee and the City Staff will collaborate to create a recommended Action Plan, which will be a public document presented to the City Council.
Program offerings eligible to be included in an Action Plan are those that appear in Section VII of the Cully TIF District Plan. This includes developing new programs that are identified in the Plan.
 2. Portland City Council makes the final decision to adopt and amend Action Plans, after receiving for consideration the recommendation(s) of the Committee and City staff.
 3. This same process will be used to consider amendments to an existing Action Plan.

It is possible for investments to be made outside of an Action Plan's identified Program Offerings, typically at the direction of City Council, provided that the investment is consistent with the TIF Plan. When these types of investments are made, there is a commitment by the City to bring announcements and information regarding the investment to the Committee at the first possible opportunity to engage in the co-creation process to the extent possible based on the negotiations of the project.

- ii. Program Offerings: When a Program Offering has been included in an adopted Action Plan, but before it is moved forward for implementation by Prosper Portland or PHB, its structure and details should be considered to determine how it could be implemented as part of the Cully TIF District.
 1. Through the co-creation process, the Committee and the City will collaborate to create recommended Program Offerings, which will be public documents presented to the relevant decision makers.
 - a. Existing programs. The Committee and the City will review the existing program and may elect to make recommendations for adapting or tailoring the program to best fulfill the TIF Plan.
 - b. New programs. The Committee and the City will work together to make recommendations about the program's structure, guidelines, and other elements of program design and implementation.
 - c. Funding solicitations. The City will develop drafts in-line with the TIF Plan, Action Plan, and dialogue with the Committee, and then refine them in consultation with the Committee.

The final decision makers for approving Program Offerings will vary depending on the specific offering, but they will consist of one or more of the following: City staff; Bureau director(s); Commissioner(s) in Charge; the Prosper Portland Board of Directors; and/or Portland City Council. Final decisions to move forward with implementation of Program Offerings should happen only after the relevant decision makers have received for consideration the Committee's and City's recommendation(s).

iii. Program Implementation: After Program Offerings are developed and approved as described above, they will be implemented by the City, subject to appropriations and staff capacity.

1. The City intends to use competitive processes to select for any development partners/owners. The City will work with the Committee to select a representative from the Committee to serve on selection advisory committees for projects within the Cully TIF District, subject to policies and practices regarding conflicts of interest and committee diversity.

b. TIF Plan Amendments: The Committee and City may propose both substantial and minor amendments to the Cully TIF Plan. If and when an amendment is proposed, the co-creation process described in section III.a.ii will be used to make recommendations about those amendments.

i. The adoption processes for amendments to the Cully TIF Plan are outlined in the Plan section IX. The final decision-making body for substantial amendments is the Portland City Council. The final decision-making body for minor amendments is the Prosper Portland Board of Directors.

1. For substantial amendments, the Committee will have the opportunity to provide guidance for the community engagement aspects of the adoption process.

V. **Committee Membership, Appointments, and Terms**

a. Membership

- i. The Committee will consist of thirteen (13) positions and will not convene if fewer than seven (7) positions are filled. The process to fill any vacancies should begin within 30 days of a member leaving.
- ii. All Committee members must either live, worship, have children enrolled in school, or have been displaced from within the Cully TIF District boundaries.
- iii. All committee members will represent the interests of community members vulnerable to displacement within the Cully TIF District boundaries, rather than their own personal or organizational interests.
- iv. The Committee's composition should reflect the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the Cully TIF District community. Committee membership should specifically include Cully residents and community members who represent populations that are disproportionately vulnerable to displacement, including:
 1. African American and Black people
 2. Indigenous and Native American people
 3. People who identify as Latinx, Asian American, Pacific Islander American, multiracial people and other people of color.
 4. Immigrants and refugees of any legal status
 5. Renters
 6. Mobile home residents
 7. Low-income people
 8. People living with disabilities

9. Houseless people
 10. Small business owners and workers
- v. Committee members should have a range of experience and knowledge to inform implementation of the TIF Plan, drawing from life experiences, community connections and leadership, education, and professional experience.
- b. Appointments
 - i. Creating the inaugural committee:
 1. The Board will nominate, or delegate to the Executive Director of Prosper Portland the ability to nominate, seven (7) Committee members for initial 3-year terms. The Mayor will nominate six (6) Committee members for initial 2-year terms. City Council will confirm Committee members.
 2. The City will announce an opportunity for community members and community-based organizations to suggest nominees for consideration for initial Committee appointments.
 - ii. Filling vacancies:
 1. Once the Committee is established and initial members appointed and confirmed, the Committee and the City will collaborate through co-creation to identify nominees to fill any vacancies. City Council will confirm new Committee members.
 2. The Committee should develop additional procedures to involve community members and groups in the process of nominating Committee members.
 - c. Removals:
 - i. The Committee may develop procedures in addition to what is in the bylaws to involve community members and groups in the process of removing Committee members.
 - d. Terms
 - i. Seven (7) initial members will be appointed for 3-year terms. Six (6) initial members will be appointed for 2-year terms. The length of terms for members after the initial members will be defined in the by-laws.
 - ii. Each member's term will start upon the City Council's confirmation.
 - iii. Committee members can be reappointed, and a Committee member may continue to serve until their replacement is confirmed, unless they were removed from the Committee through the process described in the by-laws.

VI. Staffing

All staffing commitments are subject to appropriations.

- a. Prosper Portland and/or PHB will provide staffing for the administration and logistics of Committee meetings (regular and special meetings as necessary) as described in the by-laws.
- b. Bureaus will dedicate appropriate program and subject area staff to fully participate in the governance processes defined in this Charter, as needed.
- c. Bureau staff will invite other City staff to participate as appropriate, and as requested by the Committee.
- d. Additional staff dedicated to supporting the Committee and its members and engaging the Cully community in the processes defined in this Charter, may be employed by the City or funded by the City but housed in an external, community-based organization.

VII. Operating Procedures

- a. Up to and including the creation of the first Action Plan, the Committee will plan to meet at least monthly. After the initial Action Plan is adopted by City Council, the Committee will plan to meet at least once every 3 months on a regular date established by the Committee and the City. Additional meetings may also be scheduled as determined by the Committee Co-Chairs and the City. The Committee Co-Chairs, in partnership with City staff, will develop meeting agendas in consultation with other Committee members.
- b. One-half of the total number of Committee positions (thirteen), plus one person, will constitute a quorum (seven) of the Committee.
- c. The Committee will elect two Co-Chairs.
- d. The Committee may at any time establish standing or temporary subcommittees of at least three (3) Committee members to address specific issues. Subcommittee members are responsible for complying with laws and regulations applicable to the Subcommittee as a public body.
- e. The Committee shall adopt, and may subsequently amend or update, by-laws to govern its procedures, which must not conflict with any portion of this Charter, and which are subject to the prior review and approval of the Mayor in consultation with the Commissioners-in-Charge (as applicable), with approval as to legal sufficiency by the City Attorney.
 - i. The Office of Civic Life provides a standardized by-laws template that includes, among other things, specifications concerning selection and tenure of subcommittee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Committee and the City, the media, and the general public.

VIII. Accountability

- a. If the Committee determines that City staff is not working in co-creation or in alignment with the Cully TIF Plan Vision, Values, and Goals, it has the responsibility to elevate this concern to the executive directors of PHB and Prosper Portland for resolution. If the

Committee determines the executive directors are not working in co-creation, they have the responsibility to elevate this concern to the Board and the City Council.

Examples of the breakdown of co-creation include but are not limited to:

- i. The Committee being surprised by decisions made by the City, such as investments made outside of an Action Plan’s identified Program Offerings that the Committee did not have the opportunity to offer recommendations on.
 - ii. The City implementing investments not in alignment with the Cully TIF Plan Vision, Values, and Goals, or not in alignment with decisions adopted through the processes defined in this Charter.
- b. If the City determines the Committee is not working in co-creation or in alignment with the Cully TIF Plan Vision, Values, and Goals, the Executive Directors of PHB and Prosper Portland have the responsibility to elevate this concern to the Committee co-chairs. If the Executive Directors determine the co-chairs are not working in co-creation, they have the responsibility to elevate this concern to the Mayor and/or Commissioner-in-Charge (if applicable).
- c. Each year, the Committee should prepare and submit to the Council a report summarizing the Committee’s perspective, concerns, and recommendations on the co-creation process and implementation of the Cully TIF District during the previous year, providing its assessment of how the co-creation framework is working, how it could be improved or strengthened, and if the Cully TIF District should be terminated. The Committee may receive assistance from and provide guidance to non-City support staff in preparation of the report. The Committee should present its report to the Council in a regular meeting or work session.

IX. Amendments to this Charter

- a. A charter review process will occur when:
 - i. The Committee or the City determines a review is needed, as described in the by-laws; or
 - ii. The City charter, local statutes, or statewide statutes relevant to this Charter change.
- b. Revisions will be drafted in co-creation and enacted if agreed to by the Committee and the Executive Directors of both Prosper Portland and PHB.