

ORDINANCE NO. 183872

*Authorize an Intergovernmental Agreement with the State of Oregon for hearings officer services (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. On November 7, 2006, the voters of the City of Portland passed Ballot Measure 26-86 amending Chapter 5 of the Charter of the City of Portland.
2. The Charter amendment required that hearings on contested claims be conducted by independent hearings officers.
3. The State of Oregon, Office of Administrative Hearings/Employment Department (OAH) agreed to conduct the contested case hearings for the Bureau of Fire and Police Disability and Retirement (FPDR).
4. On January 23, 2007, the FPDR entered into an Intergovernmental Agreement with OAH.
5. The Intergovernmental Agreement with OAH will expire on June 30, 2010.
6. Pursuant to ORS 183.655, OAH will be increasing their hourly rates associated with conducting administrative hearings.
7. The OAH wishes to continue providing services to the FPDR and the FPDR wishes to have OAH continue conducting its contested pension and disability claim hearings.
8. The OAH and FPDR have agreed to the terms set forth in the Intergovernmental Agreement attached as Exhibit "A" and by this reference made a part hereof.
9. Funds for said Intergovernmental Agreement are available in the current fiscal year budget.
10. The Intergovernmental Agreement will be effective upon execution of the Intergovernmental Agreement by all parties and continue to be in effect until June 30, 2013.

NOW, THEREFORE, the Council directs:

- a. The FPDR Director is hereby authorized to enter into a contract with the OAH in a form substantially in accordance with the Intergovernmental Agreement attached hereto as Exhibit "A".

- b. The FPDR Director is hereby authorized to pay for said Intergovernmental Agreement from the FPDR budget.

Section 2. The Council declares that an emergency exists because of the need to provide these services as mandated by law; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council: JUN 09 2010

Commissioner Dan Saltzman

Linda L. Jefferson/kk
June 2, 2010

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 183872
 Title

*Authorize an Intergovernmental Agreement with the State of Oregon for hearings officer services (Ordinance)

INTRODUCED BY Commissioner/Auditor: Dan Saltzman	CLERK USE: DATE FILED <u>JUN 04 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Dan Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: Fire & Police Disability & Retirement Bureau Head: Linda L. Jefferson <i>lj</i>	
Prepared by: Linda L. Jefferson/kk Date Prepared: June 2, 2010	ACTION TAKEN:
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date	
City Attorney Approval <i>Kam</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	