

Portland, Oregon

# FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Linda Jefferson, FPDR Director		2. Telephone No. (503) 823-6823	3. Bureau/Office/Dept. FPDR
4a. To be filed (date):	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Amend Intergovernmental Agreement with the Office of Administrative Hearings to increase compensation for hearings officer services for the Bureau of Fire and Police Disability and Retirement (Ordinance; amend Intergovernmental Agreement No. 30001419)

**2) Purpose of the Proposed Legislation:**

To amend Intergovernmental Agreement with the State of Oregon Office of Administrative Hearings/Employment Division to increase compensation for hearings officer services for contested disability and pension hearings. Due to the volume of hearings being assigned to the Office of Administrative Hearings, the compensation paid to the Office of Administrative Hearings will soon exceed the amount allotted for their services.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |   |                                    |                                    |                                |
|---|------------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional                           | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                            | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                                 |                                    |                                    |                                |
| <input checked="" type="checkbox"/> Internal City Government Services |                                    |                                    |                                |

**FINANCIAL IMPACT****4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

None.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

Costs will vary based on the number of appealed cases. The estimated cost for hearings officers is not to exceed \$250,000 per fiscal year. Funds are available within the FPDR's budget.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No

- **Will positions be created or eliminated in *future years* as a result of this legislation?**

No

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

No change to appropriations

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

☐ **YES:** Please proceed to Question #9.

☒ **NO:** Please, explain why below; and proceed to Question #10.

However, this item was brought up in public session at the Board of Trustees' regular monthly meeting on January 24, 2012.

**9) If "YES," please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

**c) How did public involvement shape the outcome of this Council item?**

**d) Who designed and implemented the public involvement related to this Council item?**

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No

Linda L. Jefferson, Director

*Linda L. Jefferson/ss*

BUREAU DIRECTOR (Typed name and signature)



# City of Portland, Oregon



## BUREAU OF FIRE AND POLICE DISABILITY AND RETIREMENT

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185188

City Council  
Agenda Item  
Staff Supplemental Report

TO: Commissioner Dan Saltzman

THROUGH: Shannon Callahan, Director of Public Safety

FROM: Linda L. Jefferson, FPDR Director *LSB*

DATE: February 22, 2012

RE: Authorize Amendment to Intergovernmental Agreement with the Office of Administrative Hearings (OAH) to Increase Compensation for Hearings Officer Services for the Bureau of Fire and Police Disability and Retirement (FPDR)

Requested Placement Date:

### I. RECOMMENDATION

It is requested that the ordinance authorizing an amendment to the Intergovernmental Agreement with OAH be placed on the Consent agenda and approved by Council.

### II. BACKGROUND

Background/Analysis: 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. The Charter amendment required that hearings on contested disability claims be conducted by independent hearings officers.

The State of Oregon, Office of Administrative Hearings/Employment Department agreed to conduct contested hearings and entered into an Intergovernmental Agreement with the FPDR on January 23, 2007. Ordinance No. 180693 approved the original Agreement.

The volume of claims being referred to a hearing has doubled. In addition, a good number of the decisions of the Administrative Law Judges at the hearings level are being appealed by members to the three-person Appeals Panel. For example, in 2007/2008, the estimated number of claims referred to a hearing was 23, with 4 decisions being appealed to the Appeals Panel. In 2010/2011, the estimated

number of claims referred to a hearing was 43, with 13 decisions being appealed to the Appeals Panel and 21 cases still undetermined as to whether further appeal will be requested. Members are entitled to a due process of their claim.

Due to the continued volume of hearings being assigned to the OAH, the compensation paid for their services will soon exceed the amount allotted for services. An increase of \$150,000 per fiscal year is therefore being sought.

III. FINANCIAL IMPACT

The contract is increased by \$150,000 per fiscal year. There are funds available within the FPDR's budget.

IV. LEGAL ISSUES

None

V. CONTROVERSIAL ISSUES

None

VI. LINK TO CURRENT CITY POLICIES

n/a

VII. CITIZEN PARTICIPATION

n/a

VIII. OTHER GOVERNMENT PARTICIPATION

n/a

IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_\_\_\_\_. WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_\_\_\_. IS THEIR ACCOUNT WITH THE CITY CURRENT? \_\_\_\_\_. IF NOT, HOW MUCH IS OWING? \_\_\_\_\_.

n/a