

ORDINANCE No. 186116

*Authorize an Intergovernmental Agreement with the State of Oregon, Office of Administrative Hearings/Employment Department for hearings officer and appellate review services in an amount not to exceed \$400,000 for a four-year period (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 requires 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 the OAH will expire on June 30, 2013.
6. There are no other entities with the expertise of the OAH to conduct the FPDR's hearings.
7. The OAH wishes to continue providing services to the FPDR and the FPDR wishes to have the OAH continue conducting its contested pension and disability claim hearings.
8. The OAH and the FPDR have agreed to the terms set forth in the Intergovernmental Agreement attached as Exhibit "A" and are incorporated into this ordinance by reference.
9. At its May 28, 2013 board meeting, the Board of Trustees of the FPDR addressed a request for a process to recuse hearings officers.
10. Based on that request, FPDR's Administrative Rule 5.6 is being amended to allow for recusal of a hearings officer for "Good Cause" as defined in Oregon Administrative Rules 471-060-0005(2)(b).
11. Funds for said Intergovernmental Agreement are available in the current fiscal year and Fiscal Year 2013-2014 budgets.

12. The Intergovernmental Agreement will be effective upon execution of the Intergovernmental Agreement by all parties and continue to be in effect until June 30, 2017.

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" on behalf of the FPDR for OAH to conduct hearings and appellate reviews on contested pension and disability claims in an amount not to exceed \$400,000 for a four-year period beginning July 1, 2013.
- 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 27 2013

Mayor Charlie Hales

Linda L. Jefferson/kk
June 10, 2013

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By 

Deputy

628

Agenda No.
ORDINANCE NO.
 Title

186116

*Authorize an Intergovernmental Agreement with the State of Oregon, Office of Administrative Hearings/Employment Department for hearings officer and appellate review services in an amount not to exceed \$400,000 for a four-year period (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL <i>[Signature]</i> Chief of Staff Mayor—Finance and Administration</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL Bureau: Fire & Police Disab. & Ret. Bureau Head: Linda L. Jefferson <i>[Signature]</i> Prepared by: Linda L. Jefferson/kk Date Prepared: June 12, 2013</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date June 26, 2013</p>	<p>CLERK USE: DATE FILED <u>JUN 21 2013</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/> <i>per phone call from Kathy K.</i></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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