

OMBUDSMAN CODE AMENDMENT

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Charles JOHNSON	on File	simcha
✓ Crystal KUMAR	1003 87th St NW 97207	

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Margie Sollinger, Ombudsman		2. Telephone No. 503-823-4503	3. Bureau/Office/Dept. Auditor's Office
4a. To be filed (hearing date):  October 2 <sup>nd</sup> , 2013	4b. Calendar (Check One)  Regular    Consent    4/5ths <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO 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:**

Establish employment restrictions for the Ombudsman position to further safeguard the integrity and independence of the Office of the Ombudsman (Ordinance; amend Code Section 3.77.050)

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

To protect the actual and perceived independence and impartiality of the Ombudsman by prohibiting the Ombudsman from working for any of the City agencies the Ombudsman is empowered to investigate for two years prior and two years after serving as Ombudsman.

**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 checked="" 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                  |                                    |                                    |                                |

**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.

No.

**5) Expense:** What are the costs to the City as a result of 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 year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. 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*.)

None.

**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

**[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.

Low potential for controversy, internal to government hiring process.

**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.**

None. Code amendment completes action.

Sarah Landis



BUREAU DIRECTOR (Typed name and signature)

## ORDINANCE No.

Establish employment restrictions for the Ombudsman position to further safeguard the integrity and independence of the Office of the Ombudsman (Ordinance; amend Code Section 3.77.050)

The City of Portland ordains:

Section 1. The Council finds:

1. There is value to both the public and City officials in having an independent and impartial office under the authority of the City Auditor that investigates complaints about City agencies.
2. The actual and perceived independence and impartiality of the Ombudsman is further protected by prohibiting the Ombudsman from working for any of the City agencies the Ombudsman is empowered to investigate for a period of years prior to and after serving as Ombudsman.
3. The proposed employment restrictions are modeled after the restrictions placed upon the National Taxpayer Advocate (Internal Revenue Service Ombudsman).

NOW, THEREFORE, the Council directs:

- a. PCC 3.77.050 Qualifications and Prohibitions is amended by adding the following new subsections:
  - C. A person may serve as the Ombudsman only if the person agrees not to accept any employment with or compensation from the City for at least 2 years after leaving the Office of the Ombudsman.
  - D. Employment by the Auditor's Office shall not be taken into account in applying Subsection C above.
- b. Subsections 3.77.050C. and D. shall apply to the incumbent Ombudsman.

Passed by the Council:

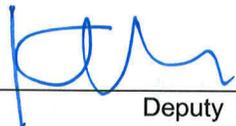
Auditor LaVonne Griffin-Valade  
Prepared by: Margie Sollinger  
Date Prepared: September 16, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By

Deputy

Agenda No.  
**ORDINANCE NO.**  
Title

Establish employment restrictions for the Ombudsman position to further safeguard the integrity and independence of the Office of the Ombudsman (Ordinance; amend Code Section 3.77.050)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Auditor LaVonne Griffin-Valade</b>	CLERK USE: DATE FILED <u>SEP 27 2013</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Auditor Bureau Head: LaVonne Griffin-Valade 	<b>ACTION TAKEN:</b> OCT 02 2013 PASSED TO SECOND READING As Amended OCT 09 2013 9:30 A.M.
Prepared by: Margie Sollinger Date Prepared: 9/16/2013	OCT 09 2013 REFERRED TO OFFICE OF CITY AUDITOR
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances <i>Tone</i>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date <b>10/02/2013</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>10 minutes</b> (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. Novick	4. Novick	
Hales	Hales	