

ORDINANCE No. 188499

*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. Chapter 5 of the Charter of the City of Portland requires that hearings on contested claims for the Bureau of Fire and Police Disability and Retirement (FPDR) be conducted by independent hearings officers.
2. Since 2007, the State of Oregon, Office of Administrative Hearings/Employment Department (OAH) has been conducting contested case hearings for the FPDR.
3. The Intergovernmental Agreement between FPDR and OAH will expire on June 30, 2017.
4. There are no other entities with the expertise of the OAH to conduct the FPDR's hearings.
5. 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.
6. The OAH and the FPDR have agreed to the terms set forth in the Intergovernmental Agreement attached as Exhibit "A" and incorporated into this ordinance by reference.
7. On May 23, 2017, the Board of Trustees of the FPDR by its Resolution No. 516 approved the Intergovernmental Agreement with OAH.
8. Funds for said Intergovernmental Agreement are available within the FPDR budget.
9. The Intergovernmental Agreement will be effective upon execution of the Intergovernmental Agreement by all parties and continue to be in effect until June 30, 2021.

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" 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, 2017.

- 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: JUL 05 2017

Commissioner Dan Saltzman

Samuel Hutchison/kk
April 24, 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By 

Deputy

Agenda No. 188499
ORDINANCE NO.

Title

*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: Commissioner Saltzman</p>	<p>CLERK USE: DATE FILED <u>JUN 27 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>[Signature]</i></p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: FPDR Bureau Head: Sam Hutchison <i>[Signature]</i></p> <p>Prepared by: Sam Hutchison/kk Date Prepared: April 24, 2017</p> <p>Impact 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: <i>[Signature]</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date: July 5, 2017</p>	<p>ACTION TAKEN:</p>

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:																																		
<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"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th style="width: 15%; text-align: center;">YEAS</th> <th style="width: 15%; text-align: center;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>		YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Eudaly	✓		Wheeler	✓		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">1. Fritz</td> <td style="width: 15%;">✓</td> <td style="width: 15%;"></td> </tr> <tr> <td>2. Fish</td> <td>✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td>✓</td> <td></td> </tr> </table>		1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Eudaly	✓		Wheeler	✓	
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