

## ORDINANCE NO. 156711

An Ordinance amending Title 3, Administration, of the Code of the City of Portland by amending Section 3.10.030(5) of Chapter 3.10, Office of City Attorney, to authorize the City Attorney to file a complaint for interpleader upon approval of the commissioner in charge whenever the Bureau of Police shall come into possession of personal property in which the City has no claim and on which multiple claims have been made; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. As a result of criminal investigations, the Bureau of Police frequently comes into possession of personal property in which the City claims no interest but on which multiple claims have been made by other parties.
2. Such claims expose the City to multiple liability.
3. In those instances a complaint for interpleader allows the City to dispose of the recovered property and be discharged by the Court from any further liability.
4. The current requirement of obtaining a resolution of the Council in order to file such complaints unnecessarily retards the City in handing the property over to the Courts for disposition and thereby releasing itself from liability.

NOW, THEREFORE, the Council directs:

- a. Title 3 of the Code of the City of Portland is hereby amended by amending Section 3.10.030, to read as follows:

**3.10.030 Duties.** The city attorney shall have the following duties:

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AS FOLLOWS											
THE COMMISSIONERS VOTED	Yes										

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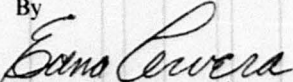
(5) Institute legal proceedings for the city in any court or tribunal on direction by resolution of the council, except that the city attorney may upon approval of the commissioner in charge and for good cause shown seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by charter, code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third party claim. The city attorney may institute appeals on behalf of the city for enforcement of regulations or license requirements including such payments established by charter, code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the city attorney deems advisable. The city attorney shall institute other appeals on direction by resolution of the council. The city attorney may also upon approval of the commissioner in charge and for good cause shown file in the appropriate forum a complaint for interpleader whenever the city shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties.

Section 2. The Council declares that an emergency exists because it is necessary to dispose of property in which it has no interest and to deliver such property as quickly as possible to whomever a court shall direct thereby discharging the city from any further liability; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **OCT 25 1984**

**COMMISSIONER SCHWAB**  
S Moskowitz:cg  
October 15, 1984

**Jewel Lansing**  
Auditor of the City of Portland

By  Deputy

City Engineer	City Auditor	City Attorney	Commissioner	Calendar	Replies	Noted by	City Engineer
City Engineer	City Auditor	City Attorney	Commissioner	Calendar	Replies	Noted by	City Engineer

2342

Calendar No.

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## Title

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OCT 17 1984

Filed

JEWEL LANSING  
Auditor of the CITY OF PORTLAND

By Dennis V. [Signature]  
Deputy

### THE COMMISSIONERS VOTED AS FOLLOWS

	Yeas	Nays
JORDAN		
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
IVANCIE	✓	

### FOUR-FIFTHS CALENDAR

JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY

Commissioner Schwab

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Prepared By:

Steven Moskowitz 10/15/84

Date:

Budget Impact Review:

Completed

Not required

Bureau Head:

CPT

CALENDAR

Consent

Regular

NOTED BY

City Attorney

CPT

City Auditor

City Engineer