

ORDINANCE No. 189027

*Authorize the Auditor to award, execute and amend Intergovernmental Agreements for services to carry out the duties of the Auditor's Office (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. City Charter Section 2-501 makes the Auditor's Office subject to the supervision and control of the Auditor of the City of Portland.
2. Section 2-503 provides that the City Auditor is administratively independent of the City Council and City bureaus in the exercise of the Auditor's duties.
3. To perform the duties of the Auditor's Office, the Auditor periodically pursues contracts for services with other governments. Recent examples include an intergovernmental agreement with Multnomah County to provide administrative hearings for the County, and an intergovernmental agreement with Multnomah County to provide election services for the City, subject to the Auditor's supervision.
4. To carry out the Auditor's Office's Charter responsibilities, the Auditor requires the ability to independently award, execute, and amend intergovernmental agreements for services, equivalent to the Auditor's ability to enter into contracts for services with other entities.
5. Section 8-104 requires City contracts to be in writing, signed by a duly authorized person, and authorized by ordinance, and Portland City Code Subsection 5.33.020(E) requires the City Council to authorize all intergovernmental agreements by ordinance.
6. City Charter Section 2-507(b) authorizes the Auditor to contract with outside service providers to carry out the Auditor's duties. This Charter provision arguably gives the Auditor the authority to enter into intergovernmental agreements for such services, but specific authorization by ordinance will clarify that the Auditor possesses this power.
7. Section 2-506(d) gives the Auditor all authority granted to a contracting agency under state law to procure the goods and services for the proper functioning of the Auditor's Office, and requires the Auditor to adopt administrative rules governing procurement.
8. The Auditor has adopted Procurement Rules for the Auditor's Office. Under these rules, the Auditor serves as the Chief Procurement Officer for the Auditor's Office, and like the City's Chief Procurement Officer, is authorized to award and execute contracts for goods and services, without specific authorization by City Council ordinance, whenever the contract amount is

\$500,000 or less.

9. The procurement authority granted to contracting agencies under state law, and thus granted to the Auditor under Section 2-506(d), does not include the power to independently enter into agreements with other governments.
10. Unless otherwise authorized by the City Council, all payments to parties pursuant to an intergovernmental agreement executed by the Auditor are absorbed by the Auditor's Office.

NOW, THEREFORE, the Council directs:

- a. The Auditor is hereby authorized to award, execute, and amend intergovernmental agreements for services to carry out the duties of the Auditor's Office, without the need for an additional Council ordinance specifically authorizing the agreement, whenever the cost to the City under the agreement is \$500,000 or less.
- b. The Auditor is authorized to submit recommendations to the Council for the award of intergovernmental agreements for services in which the cost to the City exceeds \$500,000, or for intergovernmental agreements for purposes other than providing or receiving services related to the duties of the Auditor's Office. If the Council adopts the recommendation, it shall approve the intergovernmental agreement by ordinance.
- c. All payments to parties pursuant to an intergovernmental agreement executed by the Auditor are absorbed by the Auditor's Office, unless otherwise authorized by the Council.

Section 2. The Council declares that an emergency exists so the Auditor's authority to award, execute, and amend intergovernmental agreements may be implemented without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 20 2018

City Auditor Mary Hull Caballero
Prepared by: Jennifer Amriott
Date Prepared: June 12, 2018

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No. **189027**
ORDINANCE NO.
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: <i>Mary Hull Caballero</i> Mary Hull Caballero 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</p> <p>Position 4/Safety - Eudaly</p> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Auditor's Office Approval: Mary Hull Caballero</p> <p>Prepared by: Jennifer Amriott Date Prepared: June 12, 2018</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: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date June 20, 2018</p>	<p>CLERK USE: DATE FILED <u>JUN 12 2018</u></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>ACTION TAKEN:</p>
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AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
 (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. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	