

## EXHIBIT A

## CHAPTER 1.07

DOCUMENTATION OF  
RULES AND POLICIES

(Chapter added by Ordinance No. 175959,  
effective October 26, 2001.)

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**1.07.010 Purpose.**

The purpose of this Chapter is to establish a procedure by which formally adopted policies and administrative rules are collected and maintained in a format that provides easy access for the public. The repository created by this ~~chapter~~ Chapter supplements other resources that are maintained independently, such as the Portland City Code and the Portland City's Comprehensive Plan.

**1.07.020 Definitions.**

(Amended by Ordinance No. 177556, effective June 11, 2003.) As used in this Chapter, the following definitions apply:

- A. "Binding City Policy" means statements of the City Council, expressed in a resolution or ordinance, that are directed to future decision-making or procedure and have binding effect or serve as mandatory approval criteria. Such resolutions or ordinances, ~~if adopted after October 26, 2001,~~ must state in their text that ~~they are the policy being adopted is a~~ "Binding City Policy." Examples include policies establishing requirements for City employees or other matters regulating the City's budget and internal management. This category of policies excludes Comprehensive Plan Policies-policies, which are organized separately.
- B. "Non-binding City Policy" means a statement of ~~a the~~ the City Council's opinion, expressed in a resolution or ordinance, which ~~that~~ does not have binding effect or serve as mandatory approval criteria for future decision-making. Such resolutions or ordinances, ~~if adopted after October 26, 2001,~~ must state in their text that ~~they are the policy being adopted is a~~ "Non-Binding City Policy." Examples include

statements urging support for charitable or political efforts and statements encouraging civic involvement.

- C. “Administrative rule” means binding requirements, regulations or procedures that are formally adopted by the City Council, ~~or by a City official pursuant to rule-making authority expressly delegated by the City Council.~~ Administrative rule-making authority must be adopted by Binding Resolution or Ordinance through a binding resolution or ordinance, or by the City Auditor pursuant to rule-making authority granted by the City Charter or delegated by the City Council. An administrative rule ~~adopted after October 26, 2001~~ must be labeled as or state in its text that it is an “Administrative Rule.”
- D. “Bureau Policy” means a requirement or procedure adopted by a Bureau, Department or Office in the absence of formally delegated rule-making authority that has binding effect on the Bureau, Department or Office. Examples include bureau-specific work rules and administrative procedures. ~~Bureau policies are maintained and documented by the individual bureau, department or office.~~
- E. “Formally adopted” means adopted by City Council, ~~or by another City official pursuant to procedures contained in a delegation of authority from the City Council,~~ or by the City Auditor pursuant to rule-making authority granted by the City Charter or delegated by the City Council.
- F. “Comprehensive Plan Policy” means a policy that relates to the exercise of the City’s zoning and land use responsibilities. ~~Comprehensive plan policies are organized and maintained within the framework of the City’s Comprehensive Plan.~~
- G. “Legislation” means a municipal law, enacted by ordinance. ~~Legislation is codified and maintained separately in the Portland City Code.~~

#### 1.07.30 **Creation of Portland Policy Documents ~~+~~Repository.**

The City Auditor shall ~~post~~ retain a copy of all binding ~~city~~ City policies, non-binding ~~city~~ City policies, and administrative rules ~~to an online.~~ Those documents shall be placed in a repository to be known as the Portland Policy Documents (“PPD”). The PPD repository shall be publicly available during normal working hours of the Auditor’s Office and via the Internet ~~internet~~. Costs for providing paper copies of documents included in the repository or other services shall be recovered according to the standard practice of the Auditor’s Office.

#### 1.07.040 **Creation of Index.**

The City Auditor shall create an index of documents in the PPD repository, organized by subject matter and by any additional methods deemed appropriate by the City Auditor, to assist ~~citizens~~ users with identifying and locating documents. The City Auditor may also, ~~at his or her~~ in the City Auditor’s discretion, provide automated tools for searching documents.

**1.07.050 Publication to the Internet.**

By January 1, 2002, ~~the~~ The City Auditor shall publish repository documents ~~in the PPD to the Internet~~—~~internet in the same manner as the Code~~. Documents published to the internet shall be kept current to the extent the Auditor has staff available for that purpose; however, documents published to the internet are provided only as a resource and do not constitute the official repository required by this Chapter.

**1.07.060 Submission of Documents to City Auditor for Filing in the PPD-Portland Policy Document Repository.**

(Amended by Ordinance Nos. 177556, 178099 and 178475, effective June 9, 2004.)

- A. ~~As of November 1, 2001, all bureaus that adopt or amend documents required to be retained in the PPD shall submit a copy of those newly adopted or amended documents to the Auditor for inclusion in the PPD. It shall be the responsibility of each~~ Each City official adopting, or amending or repealing documents that are required to be retained in the repository shall ~~such documents to~~ furnish the City Auditor with a copy of the any new or amended documents, or including information concerning any items that are repealed, within 2 weeks of such adoption, amendment or repeal.
- B. ~~As of September 30, 2004, all documents in the categories listed in section 1.07.030 must be filed with the Auditor for inclusion in the PPD to be in effect.~~
- B.C.—All documents submitted for inclusion ~~in the PPD~~ shall be submitted in ~~both paper and~~ electronic form, using the format specified by the City Auditor.
- C. Bureau, department and office policies that are not administrative rules or binding City policies are maintained and documented by the individual bureau, department or office. If such policies impact the public, the bureau, department or office is encouraged to submit the policies for inclusion in the repository.
- D. Comprehensive Plan policies are organized and maintained within the framework of the City's Comprehensive Plan and are not included in the repository.
- E. Legislation is codified and maintained separately in the Portland City Code and is not included in the repository.

**1.07.070 ~~Format for PPD.~~**

Although retaining flexibility in the format of individual policy documents is preferred, the City Auditor is authorized to establish a standard format for documents that are retained in the PPD, repository to facilitate compilation and use of those documents by the public. Bureaus are authorized to reformat documents to comply with the City Auditor's requirements without engaging in ~~rulemaking~~ rule-making procedures, so long as the reformatting does not result in substantive changes.

**1.07.080 ~~Status of PPD.~~**

(Amended by Ordinance Nos. 177556, 178099 and 178475, effective June 9, 2004.)

Documents kept in the PPD-repository are not legislation. Rules and policies establishing requirements for City employees or other matters regulating the City's budget and internal management are binding on City bureaus and employees. Administrative rules are binding pursuant to the delegation of authority under which the rules were adopted. Documents in the repository are not land use decisions and do not in any manner constitute criteria for future decisions in the land use context. ~~After September 30, 2004, policies and administrative rules defined in 1.07.020 A., B., C. that were previously adopted by the City Council or other City official but not filed in the PPD will be null and void.~~

**1.07.090 Other City Documents Not Affected.**

Documents required to be filed in the PPD-repository represent a small percentage of the documents used in the performance of the City's business. Nothing in this Chapter is intended or shall be construed as limiting the availability or effect of documents that are not required to be filed in the PPD-repository.