



[Home](#) / [Council Documents](#)

# 191740

Ordinance

## Amend Administration Code to reflect Charter reform (replace Code Chapter 3.06; repeal Code Chapters 3.08 and 3.15; add Code Chapters 3.14, 3.15, and 3.17)

Passed

The City of Portland ordains:

Section 1. The Council finds:

### Background

- In November 2022, Portlanders passed Measure 26-228 and changed the City Charter and the City's government in three primary ways: (1) by allowing voters to rank candidates in order of the voter's preference; (2) by establishing four geographic districts, with three Council members elected to represent each district, expanding the Council to a total of 12 members; and, (3) by establishing a Council that would focus on setting policy and engaging with community, transitioning day-to-day oversight of bureaus to a Mayor elected citywide and a professional City Administrator (Charter Reform). All aspects of Charter Reform are effective January 1, 2025.
- In November 2023, Council approved an organization chart to unify bureaus and programs for the last six months of the current form of government and for the future Mayor and City Administrator (Resolution No. 37635). The chart identified an executive leadership team under the City Administrator and the following six Service Areas:
  - Budget and Finance,
  - City Operations,
  - Community and Economic Development,
  - Public Safety,
  - Vibrant Communities, and
  - Public Works.

The chart included key administrative offices to support Council offices, the Mayor, the Auditor, the City Administrator, and the six Service Areas. The chart also identified workgroups, programs and city functions for further assessment and discussion.

- Charter Reform transition staff are working with Council, bureaus, and other stakeholders to revise City Code to reflect Charter Reform and the

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance](#)

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**Requested Agenda Type**

Regular

**Date and Time Information**

**Requested Council Date**

May 29, 2024

Changes City Code

chart.

### Ordinance Overview

4. This ordinance will:

- Establish a new Code Chapter pertaining to the City Administrator;
- Create a new bureau of Fleet and Facilities from the current Division of Asset Management of the Office of Management and Finance (OMF);
- Reconstitute the OMF bureaus and programs; and,
- Replace and repeal Code Chapters.

### Reconfiguration of Bureaus and Offices

5. To implement Charter Reform, two new bureaus and one program should be effective on July 1, 2024: (1) a Fleet and Facilities bureau, (2) a Portland Permitting & Development bureau, and (3) a Police Oversight System. Budget appropriation must also be established for the bureaus and program. Portland Permitting & Development and the Police Oversight System will be created through separate ordinances.
6. Currently, the City's organization includes OMF, which was established by Code Chapter 3.15. OMF includes four subunits: (1) the Office of the Chief Administrative Officer (CAO); (2) the Bureau of Revenue and Financial Services (BRFS); (3) the Bureau of Human Resources (BHR); and, (4) the Bureau of Technology Services (BTS).
7. Within the CAO, its Division of Asset Management (DAM) was established approximately five years ago after the dissolution of the former OMF Bureau of Internal Business Services. DAM has nearly 150 staff that manage citywide fleet programs and assigned real property and facilities, with an estimated budget of \$200,000,000. DAM provides citywide services to support vehicle acquisition, maintenance, and repair needs for a majority of bureaus and manages real property assets assigned to OMF. DAM also routinely supports other property-managing bureaus on real property assets assigned to those bureaus, and DAM lends its real estate and property management expertise across the City in support of other bureaus' projects. Recently, DAM has also been tasked with critical organizational projects such as transitioning the City's fossil fuel fleet to an alternative sustainable green fuel fleet, sourcing and implementing innovative fuel delivery systems, and relocating CityFleet to a new headquarter location.
8. DAM's core functions currently exist in Code Section 3.15.060. Administrative powers for fleet and facilities are assigned to the Chief Administrative Officer or designee. The Chief Administrative Officer has delegated management authority of DAM to a Deputy Chief Administrative Officer and to the DAM manager. Given DAM's size and the complexity of issues that it manages, the transition of DAM from a subordinate division within OMF to its own bureau is supportable. Under both the current and amended Charter, Council has authority to establish bureaus and their functions.
9. The Chief Administrative Officer concurs with the Charter Reform steering committee recommendation that:

- BHR should be its own bureau and not a division within OMF.
  - BTS should be its own bureau and not a division within OMF.
  - BRFS should not be its own bureau; instead BRFS should be separated into specialized divisions and programs.
10. As a result of these adjustments, Code Chapter 3.15 – which established OMF as a bureau with subordinate units – needs to be repealed. In its place, Code Chapters for BHR, BTS and the new bureau of Fleet and Facilities should be added.
11. Some provisions of Code Chapter 3.06 are legally unnecessary because they reiterate Charter language regarding departments and mayoral authority to assign bureaus for Commissioner administration. Accordingly, the numerical designation of Chapter 3.06 should be made available for new Code provisions to identify the responsibilities of the City Administrator and that office. Section 3.06.080's language to recognize acting directors when a bureau director is absent will be part of the BHR Chapter.
12. Code Chapter 3.06 will be replaced twice:
- The first replacement, effective July 1, 2024, will carry forward those powers that Council already delegated to the Chief Administrative Officer in current Code Sections 3.15.010 through 3.15.060 and to BRFS in Section 3.15.070.
  - The second replacement of Chapter 3.06, effective January 1, 2025, will describe the powers of the City Administrator in accordance with Charter and Code.
13. Currently, Public Finance and Treasury is a division of BRFS. The Treasurer is an employee assigned to BRFS who performs responsibilities specified in the Charter over public funds management and other financial services-related tasks assigned by the Chief Administrative Officer or the director of BRFS. Under Charter Reform, the Treasurer is assigned to performed responsibilities by a City Administrator or Deputy City Administrator. Current Code Chapter 3.08 prescribing the responsibilities of the Treasurer is not necessary. Existing Chapter 3.08 should be repealed with relevant Treasurer responsibilities instead described within the City Administrator's financial services responsibilities in the updated Chapter 3.06.

#### Work of the Interim City Administrator

14. Upon the repeal of Chapter 3.15, OMF will no longer be a bureau and the Chief Administrative Officer position will not be identified within a Code chapter as the head of a bureau. However, references to OMF and the Chief Administrative Officer will continue to appear throughout the City Code until the Code is updated in its entirety by the end of 2024.
15. Until a permanent City Administrator is appointed by the Mayor and confirmed by the Council in 2025, the current Chief Administrative Officer will serve as the interim City Administrator subject to the Mayor's appointment and approval authority. To ensure there is no confusion, this ordinance contains a directive specifying that references to "Chief

Administrative Officer” and “City Administrator” in Code provisions, policies, and other documents have the same meaning.






16. To further ensure there is no confusion, this ordinance contains a directive specifying that references to “Office of Management and Finance” and “OMF” in current Code provisions and City policies will mean the appropriate Service Areas to which the former OMF programs, functions, or services have been assigned.
17. The Mayor and Commissioners, acting in their roles as executive heads of City Departments, have appointed Deputy City Administrators for the six Service Areas. The interim City Administrator is working to transfer and delegate OMF’s former responsibilities to the appropriate Deputy City Administrators and their Service Areas. This work does not and is not intended to alter the powers that may be held by the Mayor and Commissioners under the current Charter.
18. The interim City Administrator is expected to issue written delegations of authority, with copies provided to the elected offices, the City Attorney’s Office, and other relevant internal stakeholders.

NOW, THEREFORE, the Council directs:

- A. Code Chapters 3.08 and 3.15 are repealed in their entirety.
- B. Code Chapter 3.06 is replaced as shown in Exhibit A, effective July 1, 2024, and as shown in Exhibit B, effective January 1, 2025.
- C. Code Chapters 3.14 (Bureau of Human Resources), 3.15 (Bureau of Technology Services), and 3.17 (Bureau of Fleet and Facilities) are added as shown in Exhibits C through E effective July 1, 2024.
- D. References in Code provisions, policies, and other City documents to “Chief Administrative Officer” will mean “City Administrator.”
- E. References in Code provisions, policies, and other City documents to “Office of Management and Finance” will mean “Office of the City Administrator” or an appropriate Service Area to which OMF programs, functions, or services have been assigned. Interim and future City Administrators are authorized to issue administrative clarification as appropriate.
- F. The interim City Administrator is authorized to:
  1. Exercise any powers, authority, or responsibilities assigned to the “City Administrator” or the “Chief Administrative Officer.”
  2. Delegate City Administrator or Chief Administrative Officer responsibilities to Deputy City Administrators or other designees consistent with the direction of the Council or executive order of the Mayor.
  3. Assign the powers, responsibilities, and functions of the Office of Management and Finance to the appropriate Deputy City Administrators and Service Areas for their ongoing administration.

4. Work collaboratively with Deputy City Administrators to ensure that City funds and accounts previously assigned to the Office of Management and Finance are reassigned to the management and oversight of the proper City officials and Service Areas in a manner consistent with this ordinance.

## Documents and Exhibits

 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-a-city-administrator-chapter-new-3.06-for-july-dec_updated.pdf">Exhibit A (https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-a-city-administrator-chapter-new-3.06-for-july-dec_updated.pdf)</a>	82.73 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-b-city-administrator-chatper-new-3.06-for-jan-2025_updated.pdf">Exhibit B (https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-b-city-administrator-chatper-new-3.06-for-jan-2025_updated.pdf)</a>	71.03 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-c-bhr-chapter-new-3.14_updated.pdf">Exhibit C (https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-c-bhr-chapter-new-3.14_updated.pdf)</a>	68.2 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-d-bts-chapter-new-3.15_updated.pdf">Exhibit D (https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-d-bts-chapter-new-3.15_updated.pdf)</a>	62.9 KB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-e-new-3.17-fleet-and-facility-bureau_updated.pdf">Exhibit E (https://www.portland.gov/sites/default/files/council-documents/2024/title-3-updates_exhibit-e-new-3.17-fleet-and-facility-bureau_updated.pdf)</a>	91.39 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
May 29, 2024

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

In November 2022, voters approved amendments to Portland's City Charter that included establishment of a mayor-council government, creation of four new geographic districts with three councilors representing each district, and election of City officials using Ranked Choice Voting.

In November of 2023, the council approved Resolution No. 3765, which approved a new organizational chart, with an organizational structure that reports to a City Administrator and aligns bureaus into service areas in order

to help ensure an effective, efficient transition to the new form of government.

The purpose of this legislation is to implement a portion of the City structure and dissolves the Office of Management and Finance and creates the Office of the City Administrator, the Bureau of Human Resources, the Bureau of Technology Services, and the new Bureau of Fleet and Facilities.

Establishing the Bureau of Fleet and Facilities, managed by a Director, ensures that the Director has the authority and structure to manage the complex, city-wide issues related to this critical city service and operations.

Additionally, because the charter changes, particularly the changes to the mayor and council authorities, do not go into effect until January 1, 2025, it was necessary to establish temporary authorities for the period of July to December 2024, which maintains the current commissioners-in-charge authorities and another set of authorities for after January 1, 2025, in the future form of government.

### **Financial and Budgetary Impacts**

There is no immediate financial impact to this ordinance. It only consolidates existing funds under a new bureau with no financial changes.

The creation of the bureau will necessitate the reclassification of one, or more, positions in the bureau. Costs would need to be absorbed within the bureau's budget with formal adjustments to the budget made in a budget monitoring process report.

### **Community Impacts and Community Involvement**

None.

### **100% Renewable Goal**

This legislation updates City Code related to emergency declarations and has no direct impact on the City's energy use. This legislation neither contributes to, nor detracts from, the City's goal of meeting 100% of community-wide energy needs with renewable energy by 2050. However, the Bureau of Fleet and Facilities would have responsibility for administering city fleet-related emissions reduction initiatives.

### **Budget Office Financial Impact Analysis**

This legislation implements a portion of the new City structure and dissolves OMF and creates the Office of the City Administrator, the Bureau of Human Resources, the Bureau of Technology Services, and the new Bureau of Fleet and Facilities. Because the charter changes, particularly the changes to the mayor and council authorities, do not go into effect until January 1, 2025, it was necessary to establish temporary authorities for the period of July to December 2024, which maintains the current commissioners-in-charge authorities and another set of authorities for after January 1, 2025, in the

future form of government. There is no immediate financial impact to this ordinance as it only consolidates existing funds under a new bureau with no financial changes. The creation of the new Bureau of Fleet and Facilities will necessitate the reclassification of one, or more, positions in the bureau. Costs would need to be absorbed within the bureau's budget with formal adjustments to the budget made in a budget monitoring process report

## Document History

Item 423 Time Certain in [May 22, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/5/22)  
(<https://www.portland.gov/council/agenda/2024/5/22>)

City Council

Passed to second reading

Passed to second reading May 29, 2024 at 9:30 a.m.

Item 449 Regular Agenda in [May 29-30, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/5/29)  
(<https://www.portland.gov/council/agenda/2024/5/29>)

City Council

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea