

ORDINANCE No. 184912

*Amend Memorandum of Understanding between Portland Police Bureau and Office of Neighborhood Involvement regarding administration of Time Place and Manner Code (Ordinance; amend Administrative Rule ENB-8.02)

The City of Portland ordains:

Section 1. The Council finds:

1. On February 18, 2004, the Council adopted Portland City Code Chapter 14B.120, addressing time, place and manner regulations for establishments selling and serving alcoholic beverages. Ordinance No. 178201. The ordinance included as an exhibit a memorandum of understanding between the Police Bureau and the Office of Neighborhood Involvement, establishing guidelines for the relative roles and responsibilities in administration and enforcement of PCC Chapter 14B.102.
2. On September 14, 2011, the Council amended the PCC Chapter 14B.120 in several aspects.. Ordinance No. 184870.
3. The inter-agency agreement between the Police Bureau and the Office of Neighborhood Involvement needs to be amended to conform to the recent code amendments approved by the Council. Although Section 14B.120.025 grants specific authority to the ONI Director and the Chief of Police to adopt rules, procedures and forms to implement the provisions of PCC Chapter 14B.120, their authority to do so is unclear because the original Memorandum of Understanding was approved by Council.
4. The Memorandum of Understanding should properly reflect the Code amendments approved by the Council, and the ONI Director and the Chief of Police should be authorized to enter into future conforming amendments of the agreement, to reflect any future modifications by Council.

NOW, THEREFORE, the Council directs:

- a. The Memorandum of Understanding between the Office of Neighborhood Involvement and the Portland Police Bureau, originally attached as Exhibit C to Ordinance No. 178201, Administrative Rule ENB-8.02, is amended to read as attached as Exhibit A.
- b. As provided in Section 14B.120.025, the Director and Chief of Police have authority from time to time to adopt further modifications of the Memorandum of Understanding to implement the provisions of PCC Chapter 14B.120.

- c. The Memorandum of Understanding attached as Exhibit A, and any further modifications adopted by the Director and Chief of Police, represents binding city policy.

Section 2. The Council declares that an emergency exists because the Memorandum of Understanding between the Portland Police Bureau and the Office of Neighborhood Involvement should be consistent with and accurately reflect the current provisions of PCC Chapter 14B.120, which was amended by Council effective September 14, 2011; Therefore this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: OCT 05 2011

Commissioner Amanda Fritz

Prepared by: Theresa Marchetti

Date Prepared: September 26, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 184912
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>Amanda Fritz</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: ONI Bureau Head: Acting-Stephanie Reynolds <i>SK Reynolds</i></p> <p>Prepared by: Theresa Marchetti Date Prepared: 9-27-11</p> <p>Financial Impact & Public Involvement 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 checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date October 5th, 2011</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Ann Walters</i></p>	<p>CLERK USE: DATE FILED <u>SEP 30 2011</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<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>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	