

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Deborah Sievert-Morris		2. Telephone No. 3-7338	3. Bureau/Office/Dept. BDS – 299/5000
4a. To be filed (date):  4/30/14	4b. Calendar (Check One)  Regular    Consent    4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: 4/24/14
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Clarify the Bureau of Development Services authority to adopt Administrative Rules and assess liens for noncompliance, adopt Administrative Rulemaking Procedures and authorize a Stop Work Order Penalty (Ordinance; amend Code Sections 3.30.040 and 3.30.080, and add Section 3.30.045)

**2) Purpose of the Proposed Legislation:**

The ordinance amends Chapter 3.30 of the Portland City Code to clarify BDS authority to adopt administrative rules and assess liens for noncompliance with the code provisions that BDS administers and enforces. The ordinance also codifies procedures for adopting administrative rules and authorizes BDS to impose a penalty when BDS issues a stop work order for work commenced without a required permit.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional     | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                 | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                      |                                    |                                    |                                |
| <input type="checkbox"/> Internal City Government Services |                                    |                                    |                                |

## FINANCIAL IMPACT

**4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

Additional revenue of approximately \$5,000 annually from the stop work order penalty is anticipated as a result of the proposed code amendments. This estimate is based on a projection of approximately 10 penalties per year @ \$500 per penalty.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

No additional cost is anticipated with the proposed code amendments.

**6) Staffing Requirements:**

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No.

- Will positions be created or eliminated in *future years* as a result of this legislation?

No.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- ☒ YES: Please proceed to Question #9.  
☐ NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item? This ordinance will only impact a person that commences work without a permit and BDS issues a stop work order for such work.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved? The proposed ordinance was sent to the BDS Development Review Advisory Committee, a citizen advisory committee that meets monthly to provide input on BDS policies, procedures and budget, for review and comment in April 2014. BDS received no comments.

c) How did public involvement shape the outcome of this Council item? Because BDS received no comments, BDS made no changes to the proposed ordinance.

d) Who designed and implemented the public involvement related to this Council item? Nancy Thorington, BDS Code and Policy Analyst

e) Primary contact for more information on this public involvement process (name, title, phone, email): Nancy Thorington, BDS Code and Policy Analyst, (503) 823-7023, [nancy.thorington@portlandoregon.gov](mailto:nancy.thorington@portlandoregon.gov).

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Not at this time.



Paul L. Scarlett, Director, Bureau of Development Services

BUREAU DIRECTOR (Typed name and signature)



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**

FROM CONCEPT TO CONSTRUCTION

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April 30, 2014

**To:** Mayor Hales  
 Commissioner Fish  
 Commissioner Fritz  
 Commissioner Novick  
 Commissioner Saltzman

**From:** Paul L. Scarlett, Director  
 Bureau of Development Services

PLS

**Regarding:** Proposed Amendments to Portland City Code Chapter 3.30 (Bureau of Developments Services) Clarifying BDS Authority to Adopt Administrative Rules and Assess Liens for Noncompliance, Adopting Administrative Rulemaking Procedures, and Authorizing a Penalty When a Stop Work Order Is Issued for Commencing Work Without a Permit

The Bureau of Development Services (BDS) administers and enforces the State Building Codes throughout the City. The City Council has delegated authority to the Director of BDS to “[a]dopt written policies and procedures for the enforcement of” the City and State code provisions and laws that BDS administers and enforces. (PCC 3.30.040(A).) Although this language implies that BDS has the authority to adopt administrative rules, such authority is not specifically articulated in Chapter 3.30. Similarly, BDS authority to assess liens for fees and penalties charged for noncompliance with the codes BDS administers and enforces is not specifically articulated in Chapter 3.30. Also, the procedures required for adopting administrative rules are not specified in Chapter 3.30.

Although BDS has been providing public notice when an administrative rule is adopted or amended, the method of providing the notice and other procedural aspects of the process are not specified anywhere in the Portland City Code. In contrast, other bureaus have codified their administrative rulemaking procedures (see, e.g., PCC 3.13.040, which contains the administrative rulemaking procedures for the Bureau of Environmental Services.)

In addition, BDS has the authority to issue stop work orders to assist in gaining compliance with violations of the laws and regulations BDS enforces (PCC 3.30.080). But Chapter 3.30 does not specifically authorize BDS to impose a penalty when a stop work order is issued for commencing work without a required permit. Consequently, BDS is recommending adding language to PCC section 3.30.080 making it clear that BDS has the authority to impose these penalties. This will be a new penalty that BDS is adding to the Enforcement Fee Schedule effective July 1, 2014.