



Protecting the Auditor's Independence

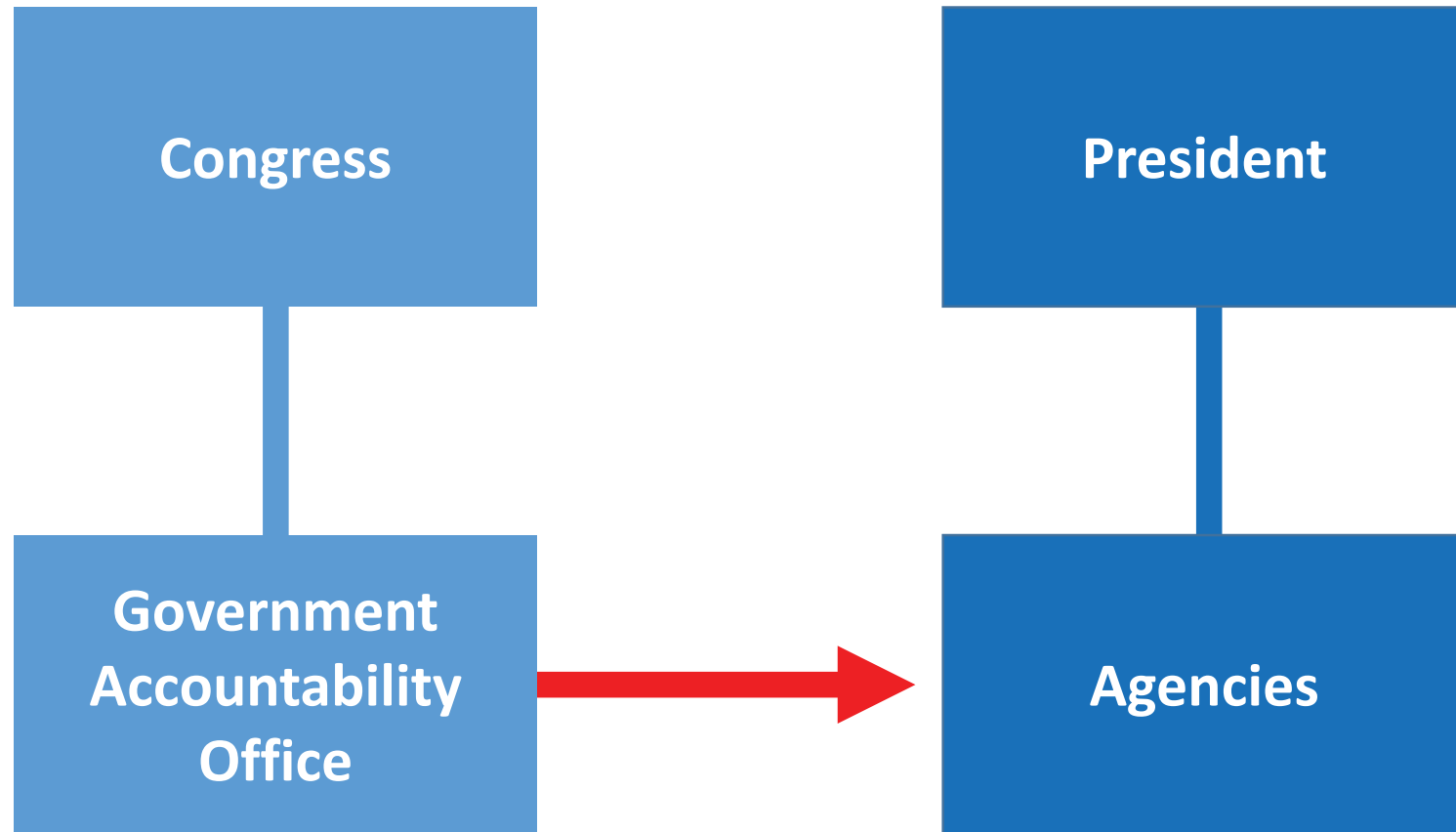
Proposal to Amend City Charter

January 25, 2017

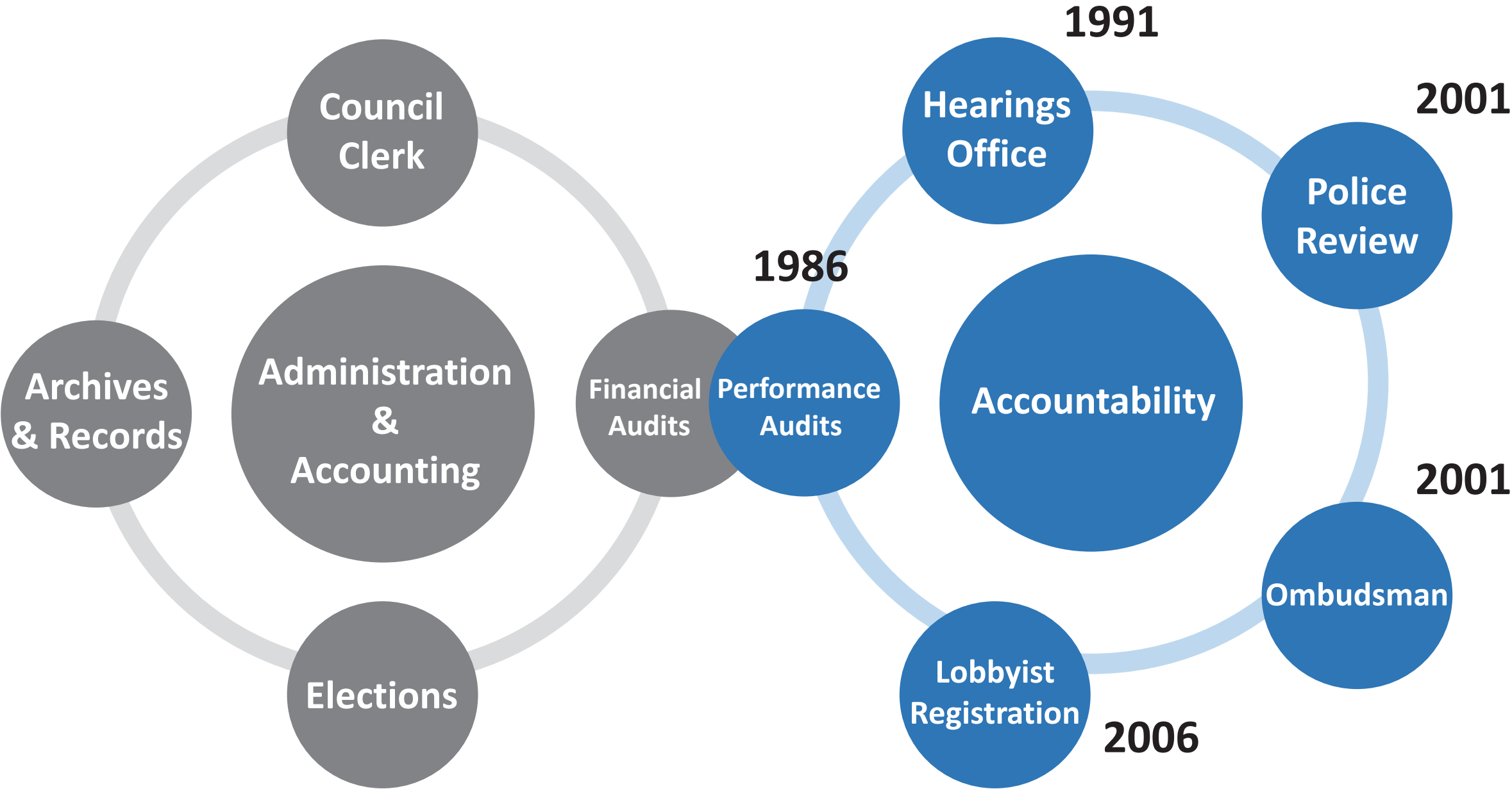
Independence has a specific meaning for oversight entities

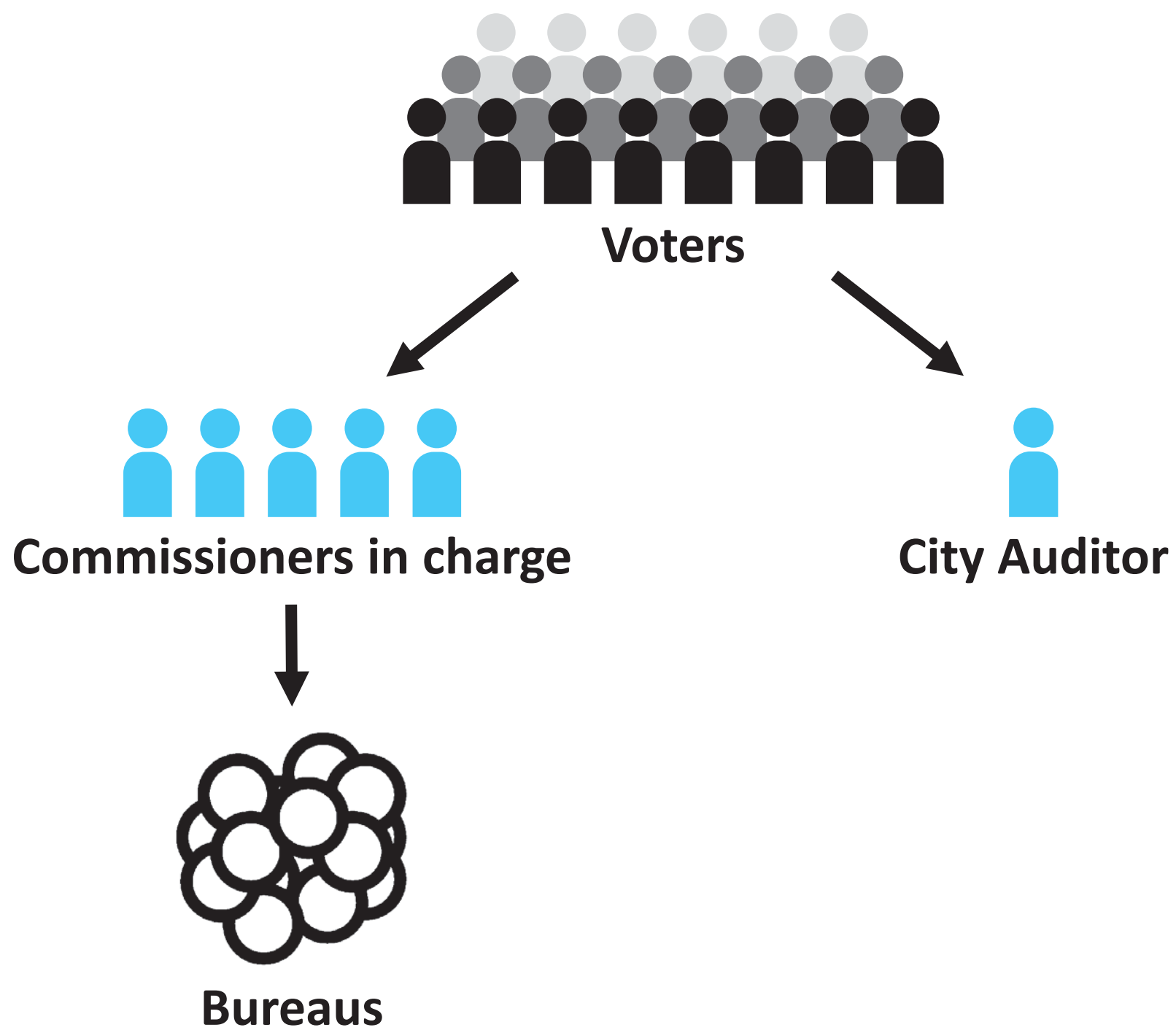
Free in **fact and appearance** from personal, external, and **organizational impairments**.

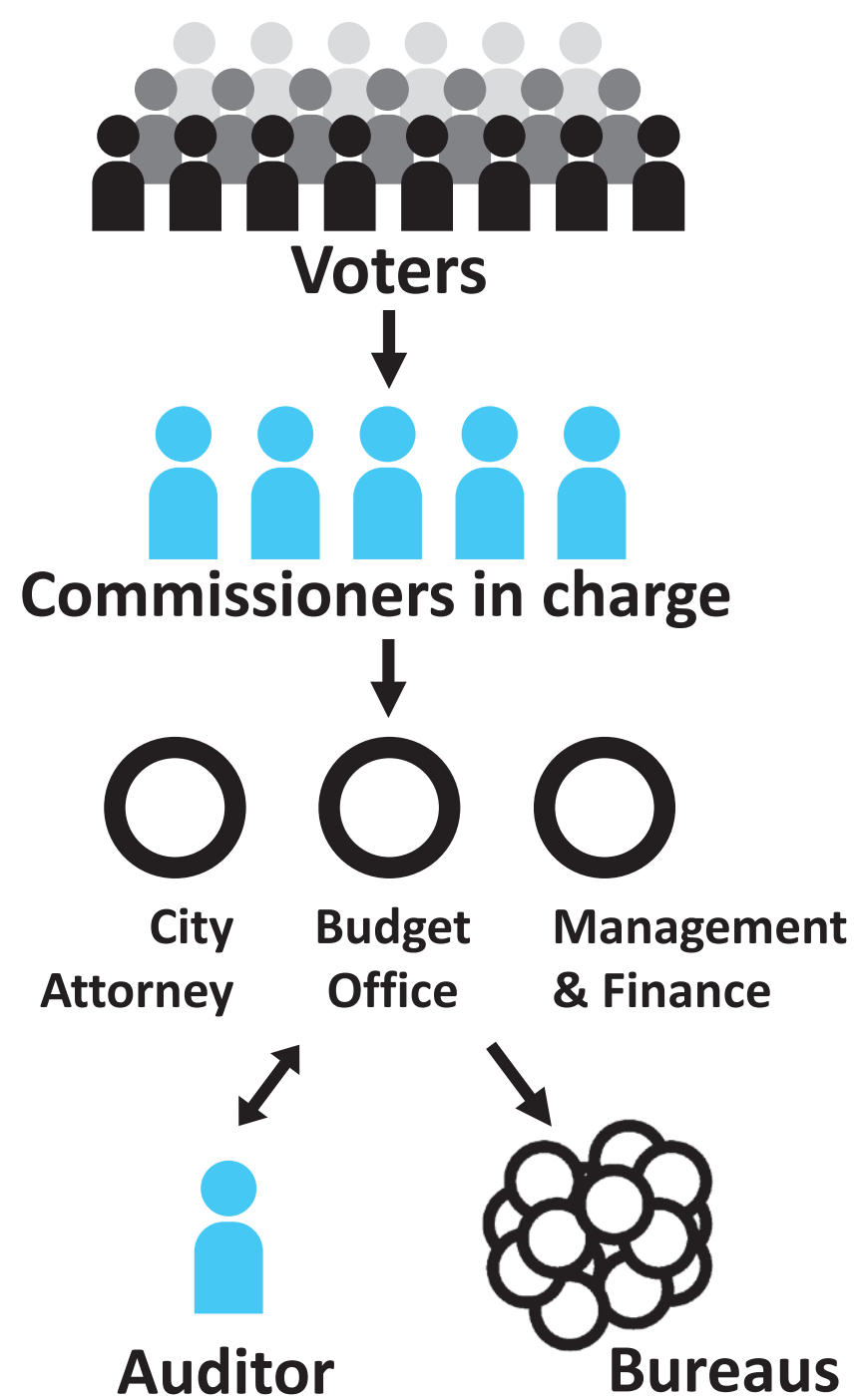
Separate branches of the federal government

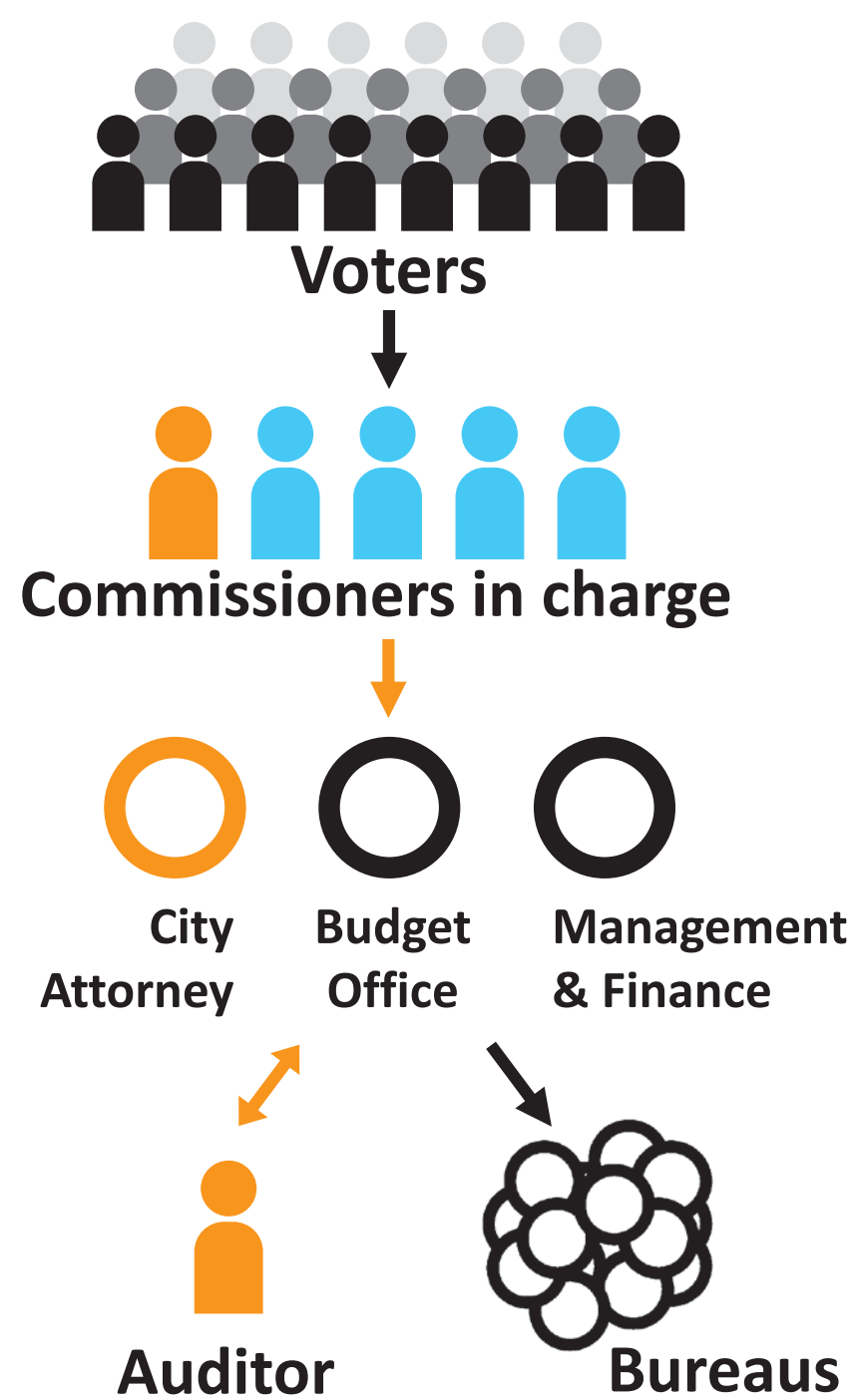


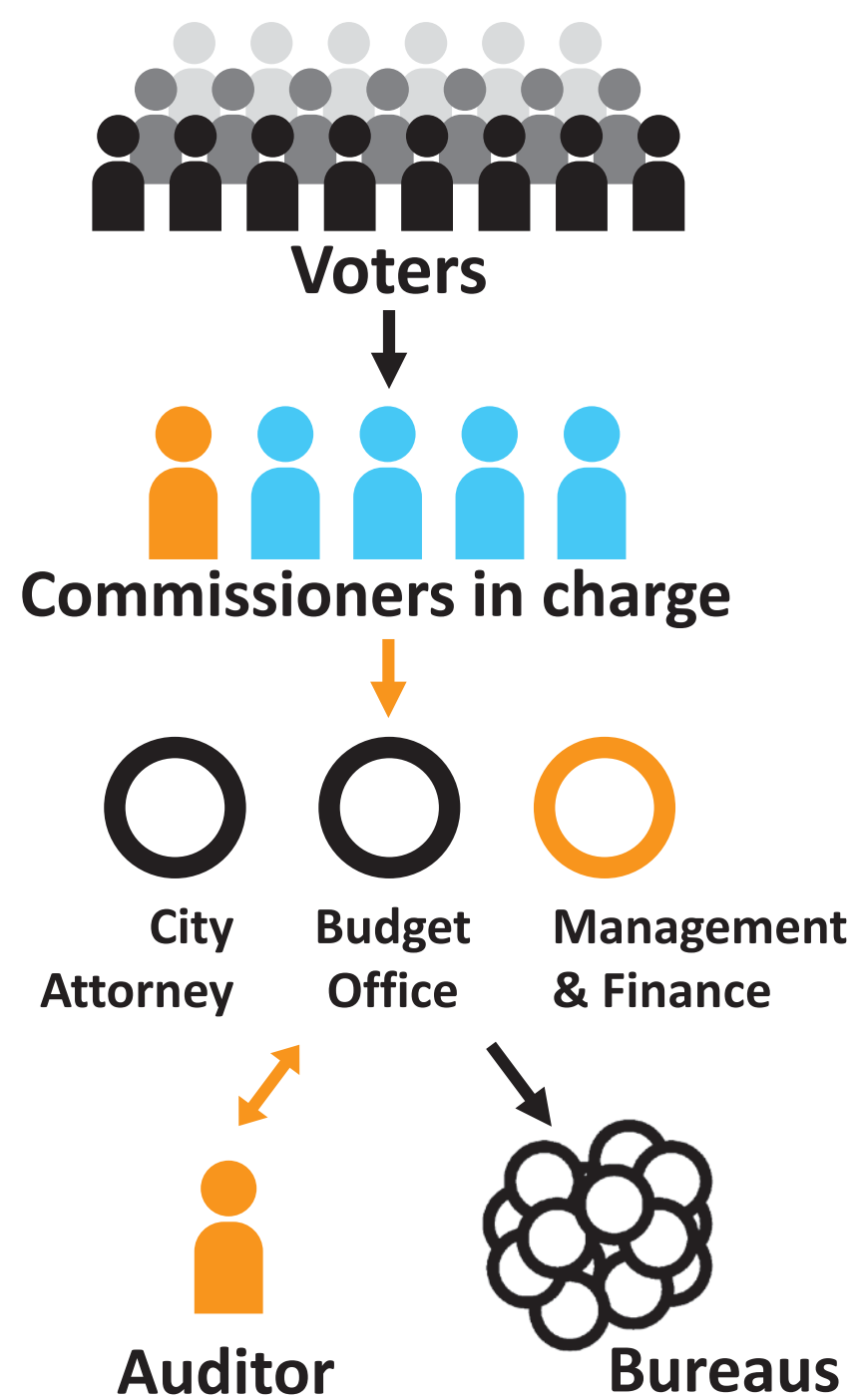
Auditor has acquired five accountability functions in past 30 years

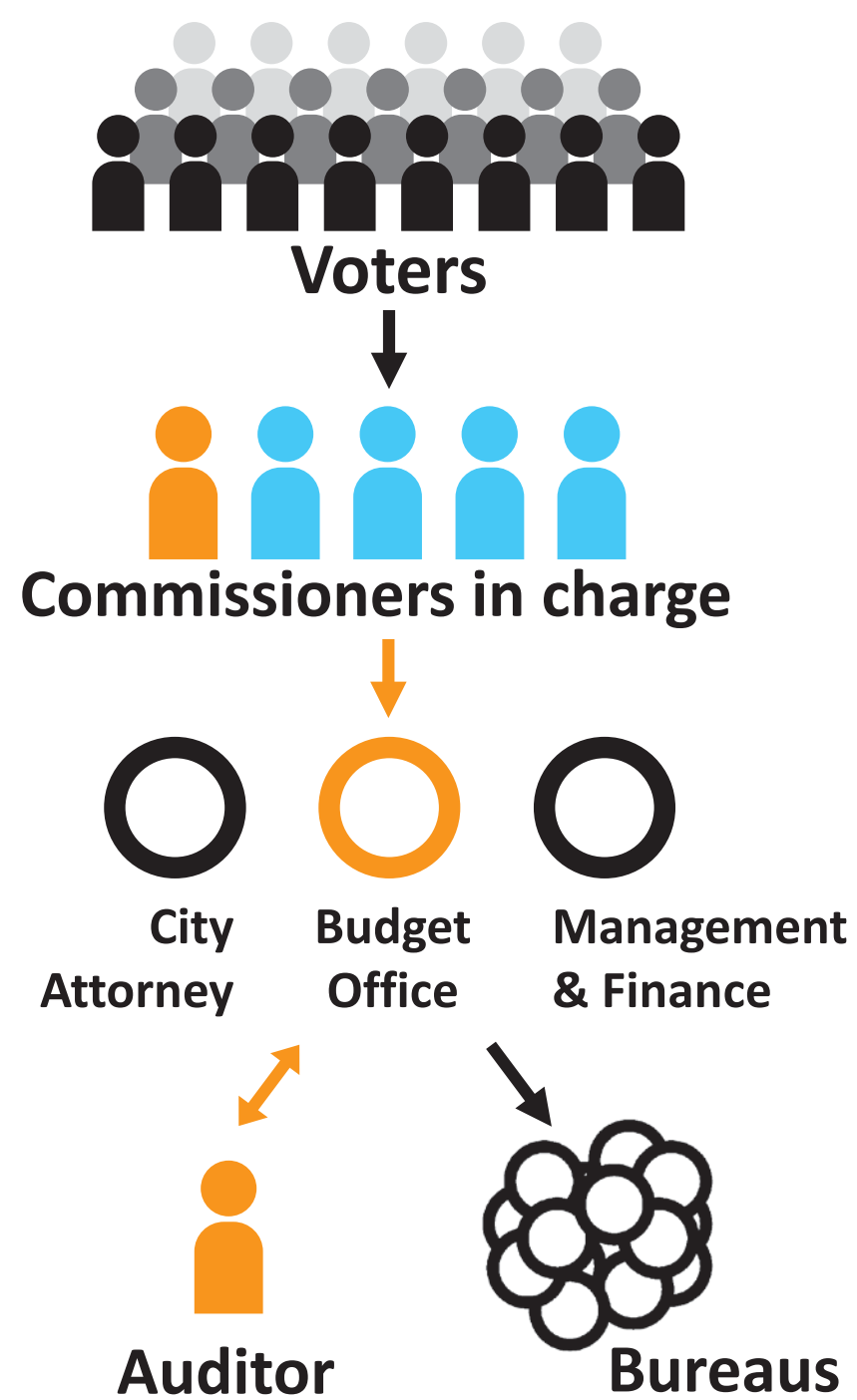


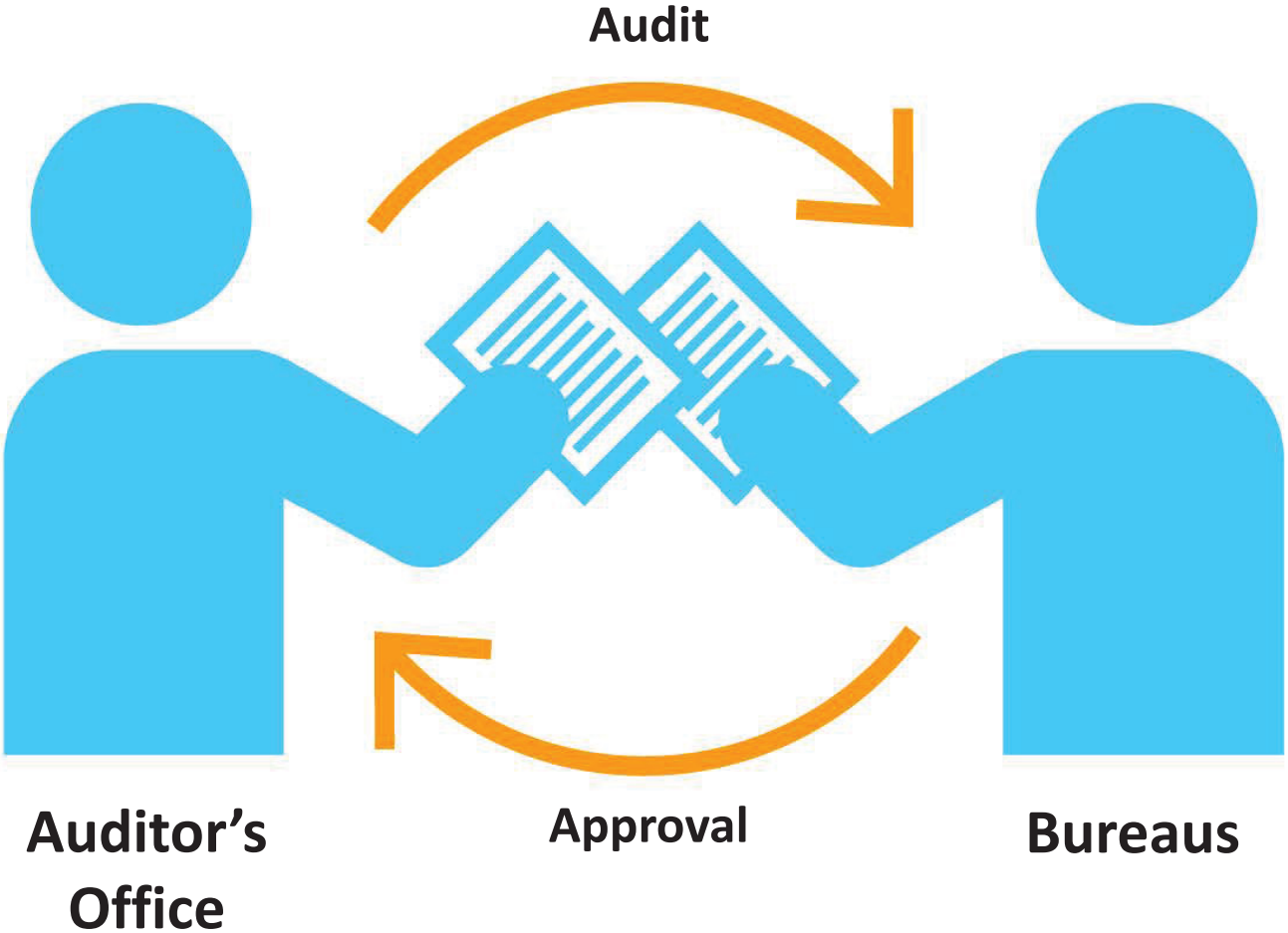


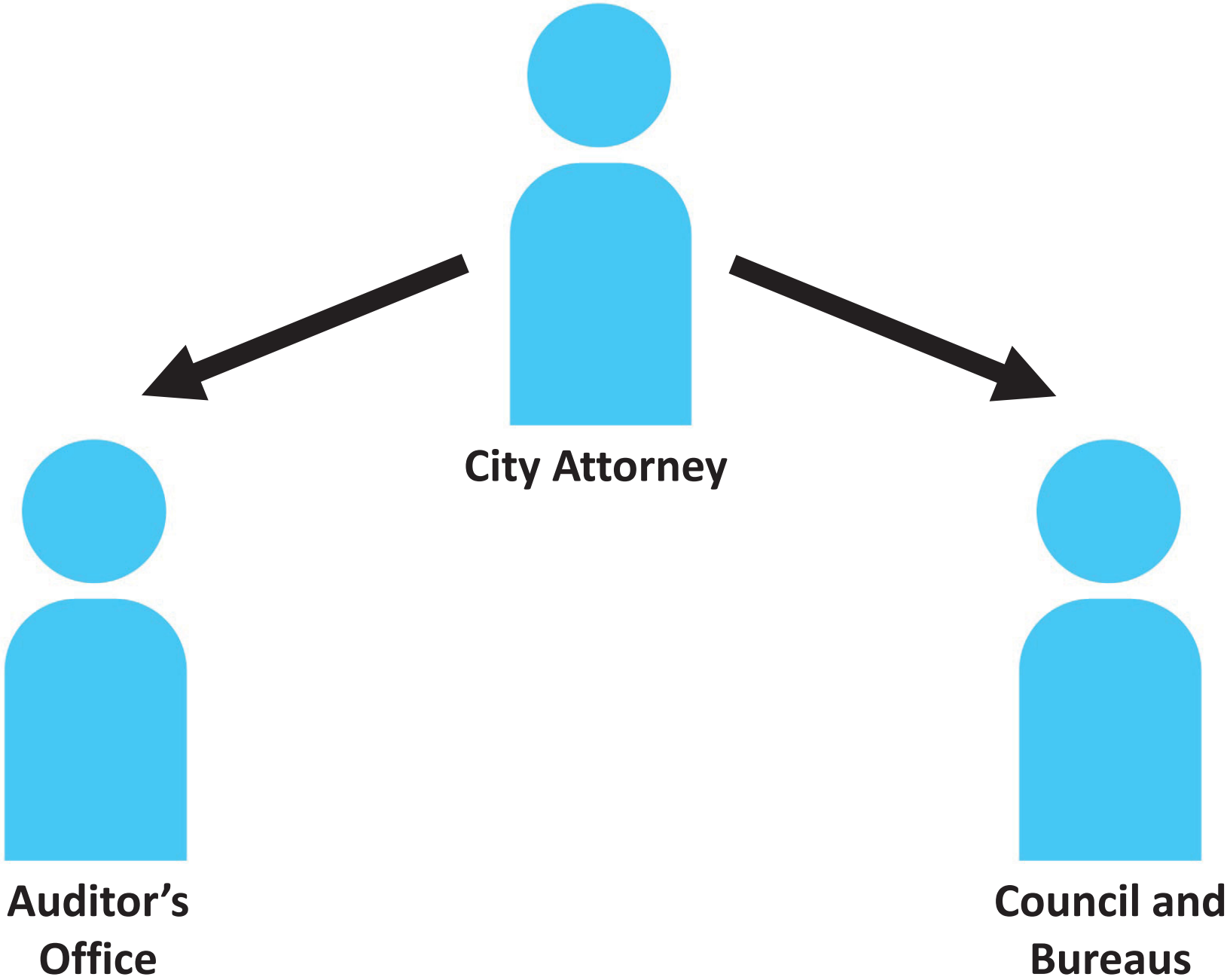


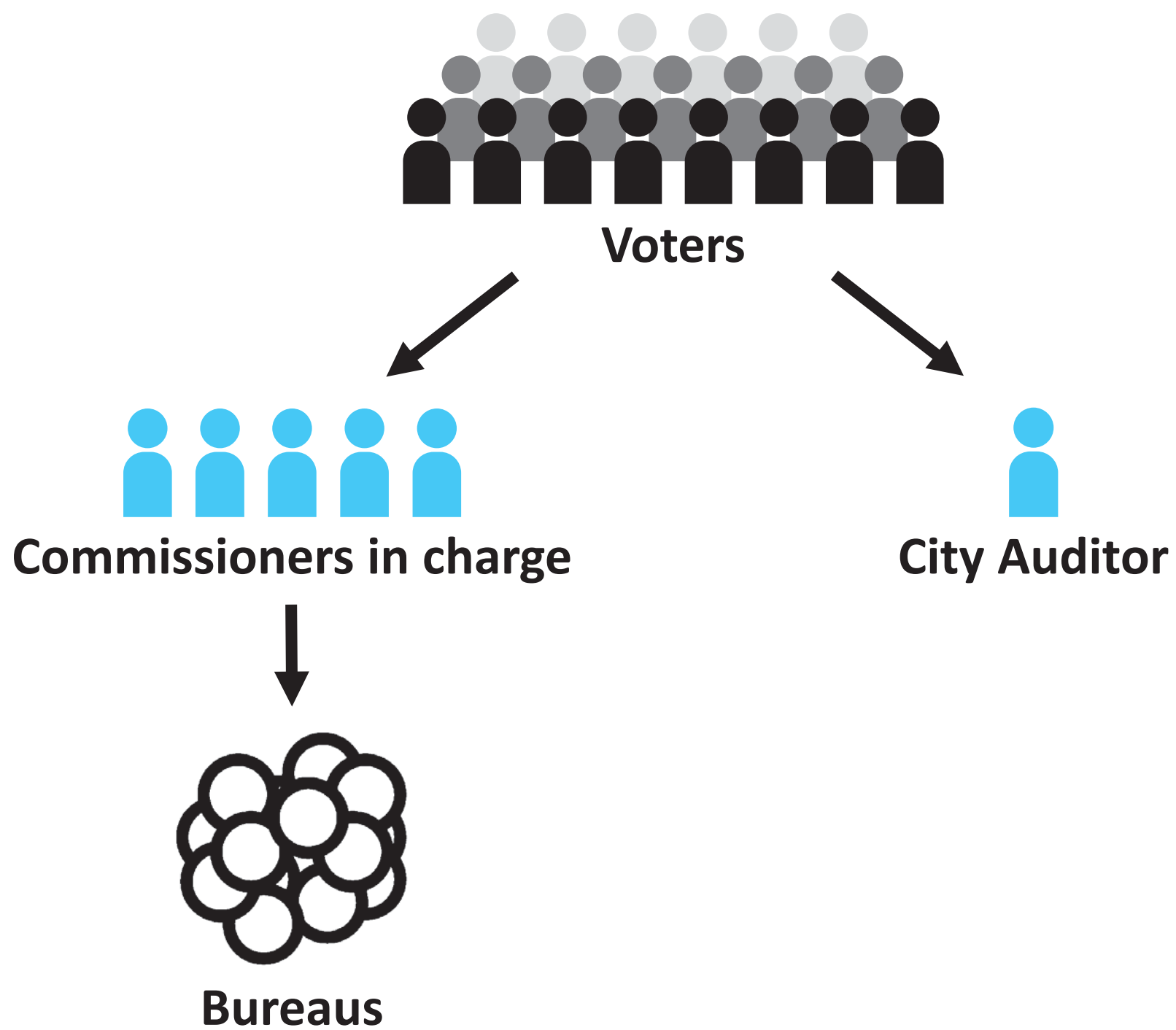












Oregon Secretary of State
Portland Development Commission
King County Ombudsman
King County Office of Law Enforcement Oversight
Anchorage Ombudsman
Denver Independent Monitor
Alaska Ombudsman
Honolulu, Hawaii Auditor
New York City Independent Budget Office
Dallas, Texas Auditor
Toronto Ombudsman

Professional groups support Charter protections



United States
Ombudsman Association



ALGA



Four proposed solutions

1. Place the Ombudsman in Charter

“

Right now I'm doing auditing **only at the generosity of council**. That means if for some political reason they didn't like an audit that came out, **they could just stop it** tomorrow.

People just can't believe that there's no authority in the charter for the auditor to audit, but that's true.

- City Auditor Jewel Lansing
as quoted in the Oregonian, February 2, 1986

”

Four proposed solutions

1. Place the Ombudsman in Charter
2. End dependency on executive branch bureaus

“

The power to control and manage our own internal functions is **fundamental** to faithfully executing our constitutional duties.

- Former Secretary of State Jeanne Atkins

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Proposal amends employment language

Section 2-506. Administrative Powers.

- b. **Deputies and Employees.** The Auditor may appoint and remove one chief deputy. In addition, the Auditor may deputize other staff in

The Auditor should establish and administer human resources policies and rules for the Office of the Auditor that are consistent with City human resource policies and rules, except where the Auditor determines in writing that a City human resources policy or rule impairs the Auditor's independence or ability to carry out the Auditor's duties under this Charter. The Auditor's human resource policies and rules shall provide for-cause disciplinary review procedures for an employee who is not an at will employee or subject to a collective bargaining agreement.

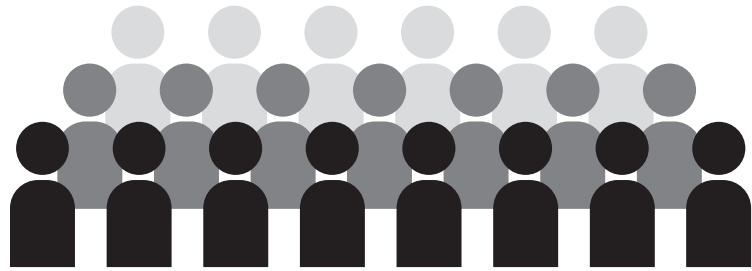
for-cause disciplinary review procedures for an employee who is not an
at will employee or subject to a collective bargaining agreement.

Proposal adds procurement language

Section 2-506. Administrative Powers.

- d. **Procurement.** The Auditor has all authority granted to a contracting agency under state law to procure or supervise the procurement of goods, services and personal services the Auditor finds necessary for the proper functioning of the Office. The Auditor should adopt administrative rules governing the Auditor's procurement practices and procedures that are consistent with City procurement policies and rules, except where the Auditor determines in writing that a City procurement policy or rule impairs the Auditor's independence or ability to carry out the Auditor's duties under this Charter.

Proposal increases Auditor's accountability



✓ Voters



City Auditor

- ✓ Council's budget authority
- ✓ Professional credential
- ✓ Peer reviews
- ✓ Internal controls
- ✓ Organizational efficiency assessments
- ✓ Compliance reviews

Four proposed solutions

1. Place the Ombudsman in Charter
2. End dependency on executive branch bureaus
3. Access independent legal advice

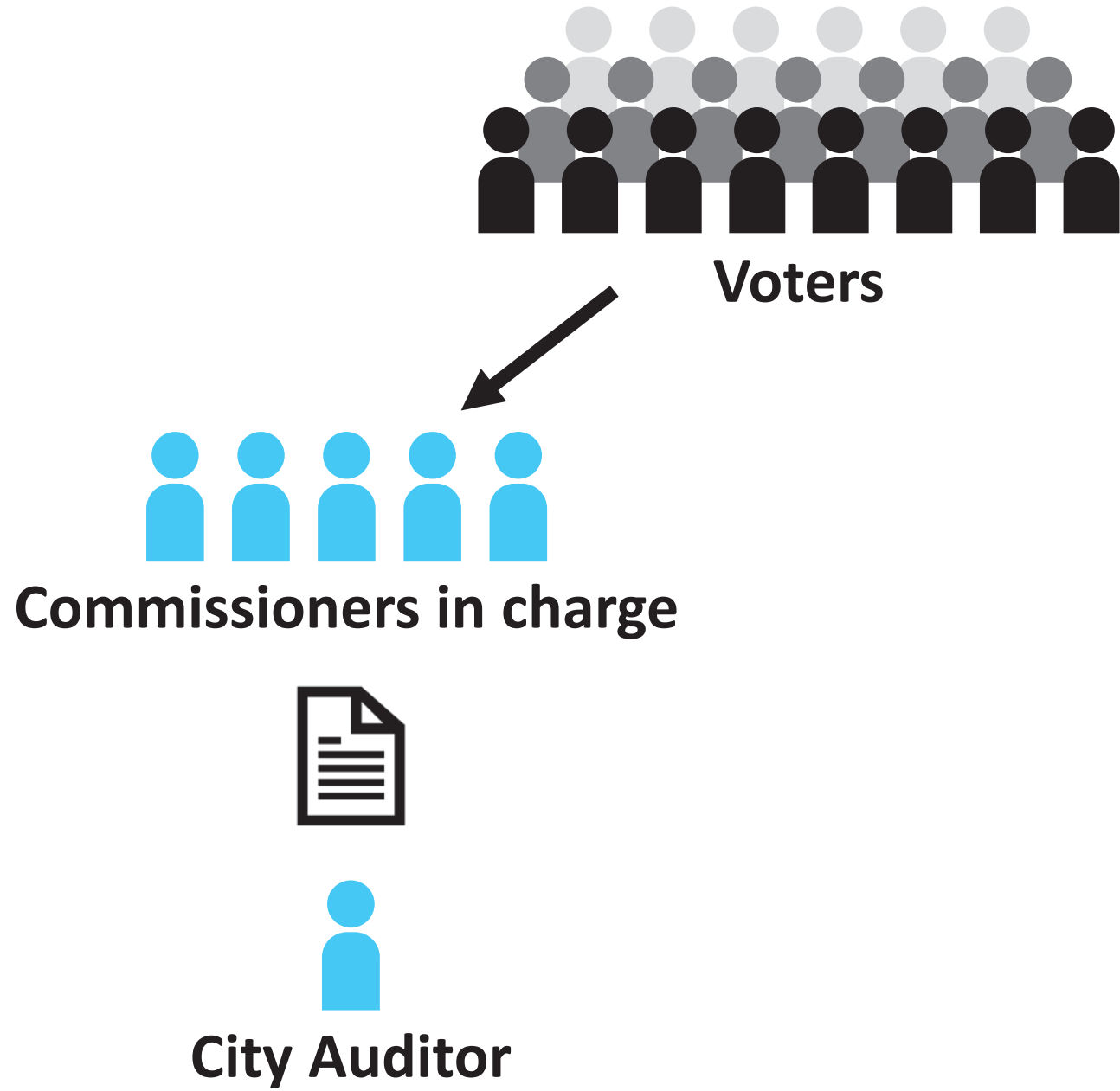
Proposal adds access to independent legal advice

Section 2-506. Administrative Powers.

- e. **Legal Services.** The Auditor may obtain legal advice and representation from the City Attorney or may retain or employ independent legal counsel. If the Auditor retains or employs independent legal counsel, the Office of the Auditor shall be the client and is entitled to the benefits and privileges thereof.

Four proposed solutions

1. Place the Ombudsman in Charter
2. End dependency on executive branch bureaus
3. Access independent legal advice
4. Request budget directly from Council



Auditor's budget request submitted directly to Council

Section 2-505. Budget. The Auditor shall prepare a requested budget and submit it to the Mayor and City Council in accordance with state law and on a schedule consistent with the City's budget process. The Auditor's budget is not subject to review by a City department, bureau or other administrative agency prior to its submission to the Mayor and City Council. After its submission, the Mayor or City Council may consult with a department, bureau or other administrative agency about the Auditor's requested budget. The Mayor or City Council may modify the requested budget. In doing so, the Mayor and Council should consider the Auditor's priorities and duties. The Auditor may carry-over any unused funds from year to year as provided by state law.



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Proposal to Amend City Charter

January 25, 2017

Charter, City of Portland, Oregon

Article 3 Executive and Administrative Powers

Section 2-301 The Departments.

The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among at least five (5) departments as follows:

- (a) Department of Public Affairs
- (b) Department of Finance and Administration
- (c) Department of Public Safety
- (d) Department of Public Utilities
- (e) Department of Public Works

Bureaus and their functions shall be fixed by the Council by ordinance.

Section 2-304 Codes.

Codes providing for the administration of the powers, duties and affairs of the different departments and for their organization shall be enacted. Such codes shall provide for a uniform standard for the purchase of materials and supplies...

Charter Section 2-601 Appointive Officers

The Council shall appoint the City Attorney.

City Code Title 3, Chapter 3.10 Office of the City Attorney

3.10.030.C Duties

Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;

City Code Title 3, Chapter 3.15 Office of Management and Finance

3.10.010.A Organization

The Office of Management and Finance shall be under the direction and control of the Chief Administrative Officer (CAO) and shall include such other employees as Council may provide. **The CAO shall report to the Mayor, but shall serve the entire Council,** including providing information and advice to elected officials. The Office of Management and Finance is responsible for providing and coordinating administrative services of the City in support of the operational needs of City bureaus, and other duties as assigned.

City Code Title 3, Chapter 3.16 City Budget Office

3.10.020 Authority of Council

The City Budget Director shall be appointed by the Commissioner in Charge of the City Budget Office, but shall serve the entire Council, including providing information and advice and making available for inspection the books and records of the City Budget Office to any Elected Official making a request for the same as soon as practical.