

ORDINANCE No. 188362

*Revise City Code language regarding Council subpoena powers (Ordinance; amend Code Chapter 3.04)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland has authority to legislate to protect the public health, safety and welfare within the incorporated boundaries of the City of Portland, including the authority to make and enforce all necessary or appropriate local, police and safety laws.
2. The Oregon courts have described the City Charter as investing the Council with plenary legislative authority, to exercise within the limits of the City of Portland all the powers commonly known as the "police power" to the same extent as the Oregon Legislature has or could exercise.
3. The power of inquiry – including subpoena power – is an essential aspect of the legislative function, which extends to cities and other local legislative bodies.
4. In addition to the Council's general legislative authority to issue subpoenas, the City Charter provides separate, specific authority to issue subpoenas to compel the attendance of persons or the production of books, documents or other records.
5. The process by which the Council authorizes the issuance of subpoenas should be amended to clarify the procedures by which such subpoenas are issued and enforced.

NOW THEREFORE, the Council directs:

- a. City Code Chapter 3.04 is amended as set forth in Exhibit A attached to this Ordinance.

Section 2. The Council declares that an emergency exists because the public interest would be harmed by delay in updating the Code language on the Council's legislative subpoena authority; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: MAY 10 2017

Commissioner Dan Saltzman
Prepared by: BWalters
Date Prepared: May 2, 2017

Mary Hull Caballero

Auditor of the City of Portland

By *Phillips*

Deputy

467

Agenda No. **ORDINANCE NO. 188302**
Title

v/40

*Revise City Code language regarding Council subpoena powers (Ordinance; amend Code Chapter 3.04)

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAY 02 2017</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler WD	By: <u>[Signature]</u> Deputy
Position 1/Utilities - Fritz [Signature]	
Position 2/Works - Fish [Signature]	
Position 3/Affairs - Saltzman [Signature]	
Position 4/Safety - Eudaly CDE	ACTION TAKEN:
BUREAU APPROVAL	
Bureau: City Attorney's Office Bureau Head: Tracy Reeve [Signature]	
Prepared by: Benjamin Walters Date Prepared: May 2, 2017	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: [Signature]	
City Attorney Approval: [Signature]	
Council Meeting Date 5/10/17	

AGENDA 1883
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 15 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	