

ORDINANCE No. 188842

Update Auditor Code to conform to May 2017 Charter amendments that protect the Auditor's independence and add a duty; amend Auditor Code following passage of new state law that preserves City's privilege when information is disclosed to Auditor for the purposes of an audit or investigation (Ordinance; amend Code Chapters 2.12, 2.14, 3.05, 3.21 and 3.77)

The City of Portland Ordains:

Section 1. The Council finds:

1. In a special election held on May 16, 2017, voters approved ballot Measure 26-189, with the title caption "Amends Charter: Increases Auditor's independence from audited agencies, adds duty."
2. The amendments to the Charter in Measure 26-189 enabled the Office of the City Auditor to make its own decisions about human resources and procurement, as well as obtain independent legal advice.
3. The amendments to the Charter in Measure 26-189 incorporated the role of the City Ombudsman, which previously had existed only in City Code.
4. The amendments to the Charter in Measure 26-189 granted the Auditor's Charter-based accountability functions — Audit Services and the Ombudsman — access to confidential and legally privileged information and records so long as privilege is not waived to third parties.
5. To protect the City's legally privileged information and records from outside disclosure when they are obtained by the Auditor's accountability functions, the City successfully sought statutory protection through Senate Bill 890, which Governor Kate Brown signed into law on June 29, 2017.
6. The Auditor's Code-based accountability functions – Independent Police Review, Lobbyist Registration and Political Consultant programs – similarly require full access to City records and information to effectively perform investigations.
7. Resolution 37175 asked all City offices to assess whether gender-specific language in policies and procedures should be eliminated and replaced with gender-neutral language.

NOW, THEREFORE, the Council directs:

- a) Code Chapters 2.12 and 2.14 are amended as shown in Exhibit A.
- b) Code Section 3.05 is amended as shown in Exhibit B.
- c) Code Section 3.21 is amended as shown in Exhibit C.
- d) Code Section 3.77 is amended as shown in Exhibit D.

Section 2. Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance, or the code amendments it adopts, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of the remaining portions of the Portland City Code.

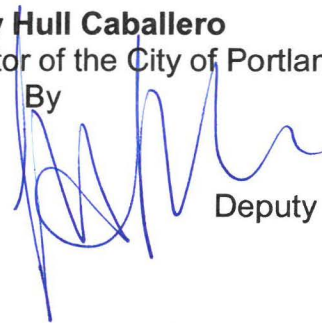
Passed by Council: FEB 28 2018

Auditor Mary Hull Caballero

Prepared by: Todd Albert
Date Prepared: February 13, 2018

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

ORDINANCE NO. 188842
Title

Update Auditor Code to conform to May 2017 Charter amendments that protect the Auditor's independence and add a duty; amend Auditor Code following passage of new state law that preserves City's privilege when information is disclosed to Auditor for the purposes of an audit or investigation (Ordinance; amend Code Chapters 2.12, 2.14, 3.05, 3.21 and 3.77)

<p>INTRODUCED BY Auditor Mary Hull Caballero <i>Mary Hull Caballero</i></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL</p> <p>Auditor's Office Auditor: <i>Mary Hull Caballero</i></p> <p>Prepared by: Todd Albert Date Prepared: 2/13/18</p> <p>Impact 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 type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>Toni</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date February 21, 2017</p>	<p>CLERK USE: DATE FILED <u>FEB 13 2018</u></p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p> <p>FEB 21 2018 PASSED TO SECOND READING FEB 28 2018 9:30 A.M.</p>
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AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: **10 minutes**
(for presentation, testimony and discussion)

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