

ORDINANCE No. 189413

* Transfer functions and staff from the Auditor Assessment, Finance, and Foreclosure Division to the Bureau of Revenue of Financial Services' Revenue Division and designate the Revenue Division as the recorder for purposes of the City lien docket and financing local improvements (Ordinance; amend various Code Sections and Administrative Rules)

The City of Portland ordains:

Section 1. The Council finds:

1. The mission of the Auditor's Office is to ensure open and accountable government. The Auditor's Office has a varied portfolio of responsibilities, including serving as Council Clerk, conducting audits, overseeing elections and lobbying registration, managing the City's records and archives, operating the City's Hearings Office, and investigating complaints to safeguard the rights of community members and promote a fair and just government.
2. The Auditor's Assessments, Finance, and Foreclosure Division helps finance infrastructure improvements and supports the regulatory efforts of City bureaus by assessing property for local improvements, system development charges, and code violations. The Assessments, Finance, and Foreclosure Division also maintains the City's lien docket, provides financing for improvement assessments, collects current and delinquent revenues owed to the City, and recommends properties for foreclosure.
3. The Revenue Division within the Bureau of Revenue of Financial Services provides database and collections support for various City agencies, including account maintenance, payment, and adjustment processing and targeted collections services for delinquent lien accounts pursuant to an agreement with the Auditor's Office.
4. A 2012 performance audit of the City's liens, collections, and foreclosure processes found that consolidating the City's fragmented collection activities into one bureau would improve efficiency, minimize duplication, and promote better communication with property owners.
5. The Auditor and the Bureau of Revenue of Financial Services Director have concluded that transferring the Assessments, Finance, and Foreclosure Division to the Revenue Division accomplishes these goals, and that the Revenue Division possesses the expertise needed to more effectively oversee and support the Assessments, Finance, and Foreclosure Division's complex financial functions.
6. City Charter Section 2-301 provides that City bureaus and their functions shall be fixed by the Council by ordinance, and Charter section 2-303 requires the

Council to prescribe the powers and duties of City officers and employees.

7. The Assessments, Finance, and Foreclosure Division's functions should be transferred from the Auditor's Office to the Revenue Division.
8. Chapter 9 of the City Charter requires the "City official designated by ordinance" to perform lien docket and bonded assessment functions, and ORS 223.001(12) permits local governments to designate an official or employee to act as recorder for purposes of financing local improvements.
9. The Director of the Revenue Division or the Director's designee should act as the recorder for purposes of the City's lien docket and financing local improvements.
10. Where the City Code requires the Auditor's Office to perform duties that are being transferred to the Revenue Division, the Code must be updated to reflect the changes in duties.
11. The Council adopted Local Improvement District Process Policy ENB 6.01 on November 12, 1987, through Resolution No. 34367, and adopted Local Improvement District Financing Policy ENB 6.02 on May 3, 1991, through Resolution No. 34847. Where these policies require the Auditor's Office to perform duties that are being transferred to the Revenue Division, the policies must be updated to reflect the changes in duties.
12. The Auditor's Office has the authority to rescind its administrative rules governing lien assessments, financing, collections, and foreclosures, ENB-12.01 – ENB-12.06, which will no longer apply to the Auditor's Office when the Assessments, Finance, and Foreclosure Division is transferred to the Revenue Division. Code Section 3.15.040.E.7 authorizes the Revenue Division to enact administrative rules to manage the regulatory programs assigned to the Division.

NOW, THEREFORE, the Council directs:

- a. The staff and responsibilities of the Assessment, Finance, and Foreclosure Division are transferred from the Auditor's Office to the Revenue Division.
- b. The Revenue Division is designated as the recorder for purposes of the City lien docket and financing local improvements.
- c. The City Code is hereby amended as shown in Exhibit A.
- d. BCP ENB 6.01 is hereby amended as shown in Exhibit B.
- e. BCP ENB 6.02 is hereby amended as shown in Exhibit C.

- f. The Revenue Division shall enact administrative rules, as needed, to manage the Division's lien assessment, financing, collection, and foreclosure duties.

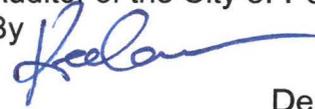
Section 2. The Council declares that an emergency exists so the transfer of the staff and responsibilities of the Assessment, Finance, and Foreclosure Division to the Revenue Division, the designation of the Revenue Division as recorder, and all necessary Code and administrative rule changes may be implemented without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAR 06 2019

City Auditor Mary Hull Caballero
Prepared by: Jennifer Amriott
Date Prepared: February 12, 2019

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 189413
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mary Hull Caballero</p> <p><i>Mary Hull Caballero</i></p> <p style="text-align: center;">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 - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Auditor's Office Approval: Mary Hull Caballero</p> <p>Prepared by: Jennifer Amriott Date Prepared: February 12, 2019</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>City Auditor Office Approval: required for Code Ordinances <i>Tom/WR</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Min/John</i></p> <p>Council Meeting Date February 20, 2019</p>	<p>CLERK USE: DATE FILED <u>FEB 12 2019</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 style="text-align: center;">FEB 20 2019 <i>Rescheduled to</i> MAR 06 2019 <i>Time Certain 10:45AM</i></p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: 10:40AM</p> <p>Total amount of time needed: 20 minutes (for presentation, testimony and discussion)</p>
<p>CONSENT <input 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. Hardesty	3. Hardesty —	
4. Eudaly	4. Eudaly ✓	
Wheeler	Wheeler ✓	