

ORDINANCE No. 185059

*Provide authority for adoption of rules, procedures and policies by Office for Community Technology for purposes of orderly administration (Ordinance; add Code Section 3.114.050)

The City of Portland ordains:

Section 1. The Council finds:

1. Under Code Chapter 3.114, the Office for Community Technology (“Office”) has jurisdiction over all City franchisees and utility licensees, including all public or private utilities or other entities seeking similar rights to use City rights-of-way.
2. To ensure orderly administration, the Office should be authorized to adopt rules, procedures, forms and written policies to carry out its responsibilities. Such rules should provide for an adoption policy consistent with policies of other City bureaus, including the provision of adequate notice and consideration of comments by the public and interested parties.

NOW, THEREFORE, the Council directs:

a. City Code Chapter 3.114 is amended by adding a new section as follows:

3.114.050 Administration.

A. In exercising the Office’s jurisdiction under Subsection 3.114.030.A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.

1. Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
2. At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office’s website and made available to the public upon request.
3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious

prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

Section 2. The Council declares that an emergency exists as the administrative authority of the Office should be implemented as soon as possible for the purposes of orderly facilitation of the current and ongoing work of the bureau. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 07 2011

Commissioner Dan Saltzman

Prepared by: David C. Olson

Date Prepared: November 18, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **ORDINANCE NO. 185059**

Title

*Provide authority for adoption of rules, procedures and policies by Office for Community Technology for purposes of orderly administration (Ordinance; amend Code Chapter 3.114.050) *Section*

<p>INTRODUCED BY Commissioner/Auditor: Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>DEC 02 2011</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OCT Bureau Head: David C Olson <i>[Signature]</i></p> <p>Prepared by: David C Olson/Cj Date Prepared: 11/22/11</p> <p>Financial Impact & Public Involvement 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>Council Meeting Date December 7, 2011</p> <p>City Attorney Approval: <i>Benjamin Walters</i></p>	
<p>ACTION TAKEN:</p>	

AGENDA

TIME CERTAIN
Start time: _____

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

CONSENT

REGULAR
Total amount of time needed: 5 mins
(for presentation, testimony and discussion)

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