

ORDINANCE No. 186898

*Delegate rulemaking authority to the Director of the Office of Equity and Human Rights and add administrative rulemaking procedures (Ordinance; amend Code Section 3.128.030 and add Code Section 3.128.040)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 186746, passed by the Council on August 6, 2014, authorized implementation of the recommendations of Moss Adams LLP review of the Office of Management and Finance (OMF). One of the recommended changes was to move the Civil Rights Title VI Program and the ADA Title II Program from OMF to the Office of Equity and Human Rights (OEHR).
2. The City Council FY 2014/15 budget authorized transferring the Civil Rights Title VI Program and ADA Title II Program to OEHR from OMF.
3. City Code Chapter 3.128 outlines the authority of OEHR and its director. Specifically, City Code 3.128.030 B. Director's Powers and Duties delegated the Director authority to implement the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office;
4. It is necessary that the Director of OEHR be authorized to develop and adopt administrative rules, adopt procedures and forms to administer the programs assigned to OEHR. City Code should be amended to reflect this clarification of delegation of authority.
5. Further, in undertaking its rulemaking authority, OEHR shall do so in accordance with a consistent process which shall be a new code section to PCC Chapter 3.128.

NOW, THEREFORE, the Council directs:

- a. Code Subsection 3.128.030 B. is amended as follows:

B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;

- b. Code Section 3.128.040 is added as follows::

3.128.040 Administrative Rulemaking Procedures.

A. Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section

3.128.030. Administrative rules shall be adopted according to the procedures in this Section.

B. Adopting Rules.

1. Prior to the adoption or amendment of a permanent rule, the Director shall:
 - a. Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
 - b. During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.
 - c. If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
 - d. Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.
 - e. Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
2. All administrative rules shall be posted on the Bureau's website.
3. The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

Section 2. The Council declares an emergency exists because delay in authorization would interrupt OEHR and city bureau work towards Civil Rights Title VI and ADA Title II Compliance; therefore, this ordinance shall be in full force and effect from the date of its passage by Council.

Passed by the Council: NOV 19 2014

Mayor Hales

Prepared by: Danielle Brooks

Date Prepared: November 6, 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

By

A handwritten signature in blue ink that reads "Susan Parsons". The signature is written in a cursive style with a large, flowing "S" and "P".

Deputy

Agenda No. **186898**
ORDINANCE NO.
 Title

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Code =

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL Bureau: Office of Equity and Human Rights Bureau Head: Dante James <i>[Signature]</i></p> <p>Prepared by: Danielle Brooks Date Prepared: November 6, 2014</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 type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances <i>[Signature]</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date <i>Nov. 19, 2014</i></p>	<p>CLERK USE: DATE FILED <u>NOV 14 2014</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA

TIME CERTAIN
 Start time: _____

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

CONSENT *Pulled*

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	