

CHAPTER 1.07

DOCUMENTATION OF RULES AND POLICIES

(Added by Ordinance No. #####,
effective ____, 2001.)

Sections:

- 1.07.010 Purpose.
- 1.07.020 Definitions.
- 1.07.030 Creation of Portland Policy Documents.
- 1.07.040 Creation of Index.
- 1.07.050 Publication on the Internet.
- 1.07.060 Submission of PPD Documents to Auditor for Filing.
- 1.07.070 Format for PPD Documents.
- 1.07.080 Status of PPD Documents.
- 1.07.090 Other City Documents Not Affected.

1.07.010 Purpose.

The purpose of this Chapter is to establish a procedure by which formally adopted policies and administrative rules are collected and maintained in a format that provides easy access for the public. The repository created by this chapter supplements other resources that are maintained independently, such as the Portland City Code and the Portland Comprehensive Plan.

1.07.020 Definitions.

As used in this Chapter, the following definitions apply:

- A. "Binding City Policy" means ~~a-statement~~s of the City Council, expressed in a resolution or ordinance, and that have binding effect or serve as mandatory approval criteria for future decision-making. Such resolutions or ordinances, if adopted after [effective date of this ordinance], must state in ~~its~~-their text that ~~it is~~ a-they are "Binding City Policy." Examples include policies establishing requirements for City employees or other matters regulating the City's budget and internal management. This category of policies excludes Comprehensive Plan Policies, which are organized separately.
- B. "Non-binding City Policy" means a statement of a City Council's opinion that does not have binding effect or serve as mandatory approval criteria for future decision-making. Such resolutions or ordinances, if adopted after [effective date of this ordinance], must state in ~~its~~-their text that ~~it is a~~-they are "Non-Binding City Policy." Examples include statements urging support for charitable or political efforts and statements encouraging civic involvement.

- C. “Administrative rule” means binding requirements, regulations or procedures that are formally adopted by the City Council or a City official pursuant to rule-making authority expressly delegated by the Council. Administrative rule making authority must be adopted by Binding Resolution or Ordinance. An administrative rule adopted after [effective date of this ordinance] must state in its text that it is an “Administrative Rule.”
- D. “Bureau Policy” means a requirement or procedure adopted by a Bureau, Department or Office in the absence of formally delegated rule-making authority that ~~have~~ has binding effect on the Bureau, Department or Office. Examples include bureau-specific work rules and administrative procedures. Bureau policies are maintained and documented by the individual bureau, department or office.
- E. “Formally adopted” means adopted by City Council or by another City official pursuant to procedures contained in a delegation of authority from the City Council.
- F. “Comprehensive Plan Policy” means a policy that relates to the exercise of the City’s zoning and land use responsibilities. Comprehensive plan policies are organized and maintained within the framework of the City’s Comprehensive Plan.
- G. “Legislation” means a municipal law, enacted by ordinance. Legislation is codified and maintained separately in the Portland City Code.

1.07.030 Creation of Portland Policy Documents repository.

The Auditor shall retain a copy of all binding city policies, non-binding city policies, and administrative rules ~~and bureau policies~~. Those documents shall be placed in a repository to be known as the Portland Policy Documents (“PPD”). The PPD shall be available during normal working hours of the Auditor’s Office and via Internet. Costs for providing copies or other services shall be recovered according to the standard practice of the Auditor’s Office.

1.07.040 Creation of Index.

The Auditor shall create an index of documents in the PPD, organized by subject matter and by any additional methods deemed appropriate by the Auditor, to assist citizens with identifying and locating documents. The Auditor may also, at his or her discretion, provide automated tools for searching documents.

1.07.050 Publication to the Internet.

By January 1, 2002, the Auditor shall publish documents in the PPD to the Internet in the same manner as the Code. Documents published to the internet shall be kept current to the extent the Auditor has staff available for that purpose; however, documents published

to the internet are provided only as a resource and do not constitute the official repository required by this Chapter.

1.07.060 Submission of Documents to Auditor for Filing in the PPD.

- A. As of November 1, 2001, all bureaus that adopt or amend documents required to be retained in the PPD shall submit a copy of those newly adopted or amended documents to the Auditor for inclusion in the PPD. It shall be the responsibility of each City official adopting or amending such documents to furnish the Auditor with a copy of any new or amended documents, including information concerning any items that are repealed, within 2 weeks of such adoption, amendment or repeal.
- B. As of July 1, ~~2003~~2003, all documents in the categories listed in section 1.07.030 must be filed with the Auditor for inclusion in the PPD to be in effect.
- C. All documents submitted for inclusion in the PPD shall be submitted in both paper and electronic form, using the format specified by the Auditor.

1.07.070 Format for PPD.

Although retaining flexibility in the format of individual policy documents is preferred, the Auditor is authorized to establish a standard format for documents that are retained in the PPD, to facilitate compilation and use of those documents by the public. Bureaus are authorized to reformat documents to comply with the Auditor's requirements without engaging in rulemaking procedures, so long as the reformatting does not result in substantive changes.

1.07.080 Status of PPD.

Documents kept in the PPD are not legislation. Rules and policies establishing requirements for City employees or other matters regulating the City's budget and internal management are binding on City bureaus and employees. Administrative rules are binding pursuant to the delegation of authority under which the rules were adopted. Documents in the repository are not land use decisions and do not in any manner constitute criteria for future decisions in the land use context. After July 1, 2003, ~~P~~olicies and administrative rules defined in 1.07.020 (A), (B), (C) ~~and that were~~ previously adopted by the City Council or other City official but not ~~included~~ filed in the PPD ~~after July 1, 2003~~ will be ~~declared~~ null and void.

1.07.090 Other City Documents Not Affected.

Documents required to be filed in the PPD represent a small percentage of the documents used in the performance of the City's business. Nothing in this Chapter is intended or shall be construed as limiting the availability or effect of documents that are not required to be filed in the PPD.

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- C. "Administrative rule" means binding requirements, regulations or procedures that are formally adopted by the City Council or a City official pursuant to rule-making authority expressly delegated by the Council. Administrative rule making

authority must be adopted by Binding Resolution or Ordinance. An administrative rule must state in its text that it is an “Administrative Rule.”

- D. “Bureau Policy” means a requirement or procedure adopted by a Bureau, Department or Office in the absence of formally delegated rule-making authority that have binding effect on the Bureau, Department or Office. Examples include bureau-specific work rules and administrative procedures. Bureau policies are maintained and documented by the individual bureau, department or office.
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ORDINANCE No. 175959

Establish a procedure for documenting City rules and policies. (Ordinance; add new Code Chapter 1.07)

The City of Portland ordains:

Section 1. The Council finds:

1. As required by the Charter, City of Portland policies that have the force of law are legislation and are enacted by ordinance. Legally binding policies are usually contained in documents such as the City Code and the Comprehensive Plan. These legislatively enacted policies are relatively easy to identify and access.
2. From time to time the Council and bureaus adopt statements of policy that do not have the force of law. Those statements of policy are adopted by resolution and are not currently maintained in a format that provides easy access.
3. Additionally the City Council adopts administrative rules. Various City officials have also been granted authority to adopt administrative rules. These administrative rules are maintained by individual bureaus and are not currently compiled in a central location.
4. Policies adopted by the Council and bureaus, and administrative rules adopted by the City Council or bureaus, should be readily available to the public. Creation of a centralized Portland Policy Documents repository for the policies and administrative rules would allow the City and its citizens to more easily locate the policies that inform the Council's agenda and the practices employed by bureaus to implement City programs.

NOW, THEREFORE, the Council directs:

- a. City Code Title 1, **General Provisions**, is amended by adding Chapter 1.07, Documentation of Rules and Policies, to read as set forth in Exhibit A attached hereto and incorporated herein by this reference.

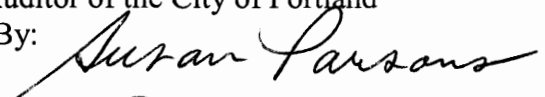
Section 2. This ordinance shall take effect 30 days after passage.

Passed by the Council: SEP 26 2001

Mayor Vera Katz
PKasting:pak/tps
9/5/2001

Gary Blackmer
Auditor of the City of Portland

By:


Deputy

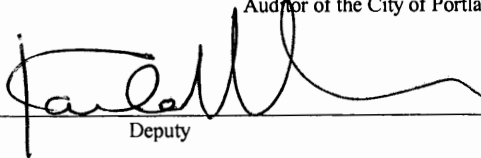
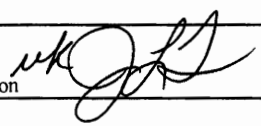
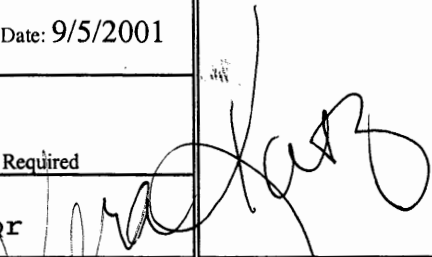
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Agenda No.

ORDINANCE NO. 175959

Title

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INTRODUCED BY	DATE FILED: SEP 07 2001
Mayor Vera Katz	Gary Blackmer Auditor of the City of Portland
NOTED BY COMMISSIONER	By:  Deputy
Affairs	For Meeting of: _____
Finance and Administration 	ACTION TAKEN: SEP 12 2001 PASSED TO SECOND READING SEP 26 2001 9:30 A.M. As Amended
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau: Mayor's Office	
Prepared by PKasting/tps Date: 9/5/2001	
Budget Impact Review:	
Completed <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>	
Bureau Head: Vera Katz, Mayor 	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
Consent Regular <input checked="" type="checkbox"/>	Francesconi	<input checked="" type="checkbox"/>	
NOTED BY	Hales	<input checked="" type="checkbox"/>	
City Attorney 	Saltzman	<input checked="" type="checkbox"/>	
City Auditor	Sten	<input checked="" type="checkbox"/>	
City Engineer	Katz	<input checked="" type="checkbox"/>	