

Explanatory Statement

Portland's elected City Auditor is responsible for ensuring an open and accountable City government. This measure would amend the City's Charter to increase the independence of the Auditor from the City agencies the Auditor is responsible for auditing and investigating.

Background

The Auditor's responsibilities have expanded over the last several decades to include more oversight functions, such as performance audits, investigations of the public's complaints against City agencies, and enforcement of the City's lobbyist registration program. Charter provisions related to the City Auditor were last updated in 1994.

Currently, the City Auditor relies on and sometimes must seek permission from City agencies subject to the Auditor's oversight for legal, personnel, procurement, and budget services. This arrangement may lead to the perception that there is a conflict of interest and that the City Auditor's audits and investigations are not completely objective or independent.

The City Auditor proposed this measure after researching other jurisdictions and collecting information from a variety of sources. The City Council unanimously voted to refer the measure to the ballot.

What does the measure do?

The measure increases the Auditor's independence from City agencies it is responsible for auditing and investigating by:

- Allowing the Auditor to seek advice from independent legal counsel;
- Giving the Auditor more autonomy over staffing decisions, such as hiring, compensation and assignment of work (subject to collective bargaining obligations);
- Designating the Auditor's Office as a contracting agency so that it may conduct procurements without going through a City agency; and
- Authorizing the Auditor to submit budget requests directly to the City Council.

The measure contains checks on the Auditor's increased independence by:

- Requiring periodic external reviews of the Auditor's Office, the results of which will be made public;
- Requiring the Auditor to notify the public and provide an opportunity to comment before adopting or changing any administrative rules;

- Requiring the Auditor to adopt policies and rules consistent with the City’s workplace and procurement policies, except where the City’s policies impair the Auditor’s independence; and
- Continuing the City Council’s role of monitoring and setting the Auditor’s budget.

The measure also adds the Auditor’s ombudsman function to the list of the Auditor’s duties under Charter. The ombudsman has been in the Auditor’s Office since 2001 and is responsible for conducting impartial investigations into the public’s complaints against City agencies. Currently, the ombudsman operates under authority granted in code.

The measure establishes the ombudsman function in Charter by:

- Providing in Charter the basic duties and powers of the ombudsman to investigate City agencies, including the power to access any information and records required to investigate a complaint; and
- Requiring a vote of the people to remove the ombudsman function, rather than a vote of the City Council.

Submitted by:

Auditor Mary Hull Caballero
City of Portland