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## 1.02 AUDITOR'S OFFICE ADMINISTRATIVE RULE PROCESS

### Purpose

The purpose of this Administrative Rule is to set forth policies and procedures of Auditor's Office rulemaking. The goal of providing standard procedure and reasonable notice and comment period during rulemaking is to inform and involve the public, City officials, and other interested parties in creation and maintenance of the Auditor's Office rules. These procedures also set forth a mandate to ensure that all Auditor's Office employees have access to rules related to their employment through the Auditor's website. This document defines types of administrative rules and explains the standard process for rulemaking proposals.

The Auditor's Office may create a rule when it seeks to implement, interpret, or prescribe law or policy regarding any of its City Code or Charter duties. Though some variation may exist depending on the rule, all rulemaking in the Auditor's Office will go through the processes outlined in this document Unless the City Auditor finds it in the interest of the City to adopt an interim rule. All rules adopted outside of these procedures will be interim rules notified to the public and adopted for not more than 180 days, per City Charter Section 2-506(a).

### Definitions

A. **Administrative Rules in general:**

- Have broad application through the Auditor's Office;
- Help ensure compliance with applicable laws and regulations, clarify or interpret City Code, promote operational efficiencies, enhance the mission of the Auditor's Office or reduce institutional risks;
- Mandate or constrain action;
- Include subject matter that requires the City Auditor's review and approval for rule issuance and major changes.

B. **Internal Rulemaking** is the act of creating, amending, or rescinding rules that are applicable only to Auditor's Office employees. Internal rulemaking and internal rules may concern employee classification and compensation, types of appointments, and other human resources matters. Members of the public are not directly affected by internal rulemaking.

C. **General Rulemaking** pertains to creating, amending, or rescinding administrative rules other than internal rules. Guidance attached to Auditor's

Office administrative rules are not considered rules and are not subject to these General Rulemaking procedures.

### **Authority for Rulemaking**

The City Auditor is authorized to propose, adopt, amend, and rescind administrative rules necessary to carry out the duties of the Auditor, pursuant to Portland City Charter 2-506(a)-(d) and Portland City Code.<sup>1</sup>

### **Rulemaking Process for the Auditor's Office**

A. The process for all rulemaking is as follows:

Step 1: Notification

Step 2: Review and comment period

Step 3: Adoption

Step 4: Public posting

### **Notice Requirements and Public Involvement**

A. All proposed general rulemaking must provide notice to the public.

1. Public notice will be made via the Office's website and may be dispersed to community organizations, civic groups, other interested parties, and the Labor Relations division of the Bureau of Human Resources, as appropriate for internal rules.
2. Auditor's Office employees responsible for rulemaking will consider communities of interest with whom to directly share rulemaking notifications. Communities of interest may include parties who have demonstrated interest in the issue or rule, known industry stakeholders, any group disproportionately affected by a rule, historically underserved populations, and underrepresented groups.
3. The Auditor's Office may partner with any bureau or office to increase public awareness of the rulemaking process, including the City's Office of Neighborhood Involvement or the Office of Equity and Human Rights.

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<sup>1</sup> See Portland City Code Chapters and corresponding Auditor's Office programs or divisions: 2.12 (Regulation of Lobbying Entities), 2.14 (Reporting by Political Consultants), 3.02 (Council Clerk/Contracts), 3.76 (Archives and Records Management), 3.77 (Office of the Ombudsman), 3.21 (Independent Police Review), 5.30 (Assessments, Finance & Foreclosure), 22.03 (Hearings Office).

- B. All proposed internal rulemaking will provide notification and comment information to all affected employees, the Labor Relations division of the Bureau of Human Resources, and other groups as needed.
- C. Notification of all rulemaking will be made public on the Auditor's Office website and may be obtained in person for review or copy by any member of the public.
- D. Information Required

All proposed rulemaking notifications must include the following:

1. Purpose statement describing the rulemaking action and major subjects or issues involved;
2. Reference to the legal authority under which the rulemaking action is proposed;
3. Specific wording of rule or rule change in a format that makes deletions and additions clear;
4. Start and end date of comment period;
5. Information about how to provide comment, contact information for division or employee in-charge of rulemaking process;
  - a. For internal rulemaking only, Auditor's Office employees must be informed of how to submit comment anonymously;
6. Location of proposed rule's public posting and where a copy may be obtained in person;
7. Information about a public hearing or meeting regarding the rule(s), if applicable.

### **Comment and Review Period**

- A. Public comment will be accepted and reviewed for general rulemaking for no less than 30 days with the information outlined in the Notice Requirements and Public Involvement Section (D) above.
- B. Comment from affected employees will be accepted and reviewed for internal rulemaking for no less than 15 days on the City Auditor's website with the information provided in the Notice Requirements and Public Involvement Section (D) above.
- C. Comment on all rulemaking will be accepted in the form of written data, opinions, or arguments. The Office may or may not provide an opportunity for a public hearing where oral comment can be submitted.

### **Adoption, Final Authority and Interpretation**

- A. Following a comment period, the Auditor’s Office will consider all timely submitted comments and may adopt a rulemaking proposal.
- B. For internal rules, all employees, pertinent labor leaders through the Labor Relations division of the Bureau of Human Resources, and the Bureau of Human Resources must be notified when the final internal rules have been posted.
- C. The City Auditor may re-notice or change a general or internal rulemaking timeline following the comment period if any comments received in the rulemaking record contain persuasive, new, or significant information or questions. Parties requiring notification for internal rules listed in section B. above, must be re-noticed.
- D. The City Auditor will be the final authority on any rulemaking determination, including the interpretation and application of any rule.

### **Public Nature of Rulemaking Record, Adopted Rules**

- A. All rules must be forwarded to Management Services following City Auditor approval for adoption. All administrative rules must be posted on the Auditor’s Office website and in the City’s electronic public archives and records portal.
- B. If a rule is adopted as a Citywide rule appropriate for inclusion in the Portland Policy Documents, it will be posted in the repository following established procedures.
- C. All timely submitted public comments regarding any rulemaking are a part of the public rulemaking record and can be made available upon request.

### **Auditor’s Office Rules and Collective Bargaining Units**

- A. Auditor’s Office human resources rules govern all Auditor’s Office employees. If there is a conflict between an Auditor’s Office human resources rule and a collective bargaining agreement, the collective bargaining agreement prevails.

### **Employees and Union Representatives and the Rulemaking Process**

- A. In the interest of collaborative rulemaking, employees and pertinent labor leaders through the Labor Relations division of the Bureau of Human

Resources will be invited to participate in the development or review of human resources rules for the Auditor's Office. The Auditor values the input of employees and will consider suggestions for development or review of human resources rules for the Auditor's Office.

- B. In the event a rule may be subject to mandatory collective bargaining, the rule may be implemented but employees under collective bargaining agreements will not be subject to the rule until bargaining obligations, if any, are completed.

### **Review of Administrative Rules**

- A. Rules must be updated and maintained. It is the City Auditor's responsibility to follow the process for rulemaking adjustments and reviews.

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### **Administrative Rule Information and History**

Questions about the Auditor's Office rulemaking can be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adopted pursuant to authority granted in City Charter Section 2-506(a)-(d) and specific authority as outlined in City Code (see [above](#) footnote).