



## NOTICE OF PROPOSED ADMINISTRATIVE RULEMAKING

Finance Division  
City Department

103-001  
Administrative Rule Chapter

Contact Person: Anthony Turley; 555 Liberty Street SE, Room 230, Salem, Oregon 97301; 503-588-6187

### ADMINISTRATIVE RULE SUMMARY

Salem Revised Code (SRC) 20J.140 authorizes the imposition of a civil penalty when a person has violated a provision of the SRC that specifically provides for a civil penalty as a sanction. SRC 20J.150 sets forth five (5) general criteria upon which a civil penalty shall be based. The general nature of these criteria as set forth in the SRC could result in the imposition of civil penalties that are not consistent.

The proposed administrative rules attached to this Notice will establish a matrix and instructions for its use to guide the City of Salem's Finance Officer in determining the correct amount of any civil penalty to be imposed. The matrix is based on a combination of the scoring for Intent, Cooperation, and Mitigation criteria. This score between 0 and 3 will then be used to determine which matrix is applicable. Once the correct matrix is determined the match between the prior violations of the applicable SRC, and the value of the taxes or fees owed the City will determine the amount of civil penalty to apply. The amount of the civil penalty is subject to the review and approval of the Finance Officer to ensure that the matrix has been applied correctly. Unless otherwise specifically provided in the SRC, a civil penalty shall not exceed \$2,000.00 per day. The civil penalty matrix will assure that any civil penalties imposed by the City are consistent and that the City's citizens are treated fairly, equally and uniformly. Administrative Rule 103-001 shall become effective on November 30, 2018.

### AUTHORITY

The authority to promulgate this administrative rule is set forth in SRC 37.025 and SRC 20J.030.

### DOCUMENTS, REPORTS AND STUDIES

The City relied upon some of the definitions found in Oregon Revised Statutes in preparing this proposed administrative rule. A copy of the Oregon Revised Statutes can be found online at <http://www.leg.state.or.us/ors/> and in the Salem Public Library located at 555 Liberty Street, SE, Salem, Oregon.

**PUBLIC COMMENT**

Any interested person may submit data or written comments on these proposed administrative rules. Data and written comments shall be submitted to **Anthony Turley, Financial Reporting Manager, at 555 Liberty Street SE, Room 230, Salem, Oregon 97301, or via email to [aturley@cityofsalem.net](mailto:aturley@cityofsalem.net). ALL DATA AND WRITTEN COMMENTS MUST BE RECEIVED BY 5:00 PM ON November 6, 2018, TO BE CONSIDERED.**

  
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Kacey Duncan, Deputy City Manager

  
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