



Should it be easier to fight City Hall? Portland officials propose changes

Portland City Hall

Portland's City Auditor and Ombudsman are proposing sweeping changes to make it easier for residents to appeal city rulings. (*The Oregonian*)

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Portlanders can intersect with city government in hundreds of ways – unexpected fines, denied permits or surprise sewer-replacement bills.

But instead of a consistent system that clearly outlines how individuals may appeal any city administrative action, **Portland's City Auditor** and **Ombudsman** say residents face a hodgepodge system with no clear guidelines to notify people of their rights to appeal — or how much they could owe the city.

But when they go to respond or appeal, they face a hodgepodge system, Portland's Auditor Mary Hull Caballero and Ombudsman Margie Sollinger told the City Council on Wednesday. The city also has no clear guidelines on how to notify residents of their right to appeal or how much they could owe.

"There's a wide variety of practices," Sollinger said.

In some cases, the officials said, it costs more to appeal a city ruling than to pay the fine. Some appeals cost upward of \$1,300, they said.

So Caballero and Sollinger **introduced a proposal Wednesday** to try to rectify what they termed an "administrative justice" problem. The proposal would require city agencies to notify people in a "timely and adequate" manner when they have the right to appeal a city decision. They also suggested a "nominal" appeal fee, or none at all for low-income residents.

This is the right thing to do," Mayor Charlie Hales said in the council's first consideration of the proposal, but he added that it needs refining.

Because of institutional barriers, bureaucratic hurdles and a lack of a definitive policy, even the most connected Portlanders, such as former Metro Councilor Rex Burkholder, found they had little say in appealing city decisions.

Burkholder, a self-described "very sophisticated consumer of government services," said he battled a \$5,000 Bureau of Environmental Services order to replace a sewer line on his Southeast Portland street all the way to the sewer bureau director, to no avail.

"I was told time and time and time again, 'You have no right to petition on this one,'" he said. Burkholder said BES

was wrong, but he ultimately paid the fine. All he wanted was a chance to sit down and discuss the dispute, he said.

According to Sollinger, there are at least 200 examples of city decisions that offer some right to appeal. Seventy proceed through the auditor's Hearings Office.

City bureaus occasionally charge exorbitant fees because they're trying to recover costs charged to the agency by the hearings officer, Sollinger and Hull Caballero said.

Hull Caballero suggested that the city's general fund pick up the tab instead. She asked the City Council to approve \$56,000 for a pilot project in the 2015-16 fiscal year to pay for appeals.

As it is, she said, low-income residents are "effectively closed off" from fighting City Hall.

The City Council expressed support for the proposal but pushed a second consideration to May 20.

Commissioner Nick Fish, who oversees the water and sewer bureaus, said he wants to look at giving the hearings officer the discretion to impose interest and penalties to big companies that abuse the system or others who pursue frivolous appeals.

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