

Office of the City Auditor

CBO has posted the online, interactive version of the bureau's performance dashboard here: <http://www.portlandoregon.gov/cbo/article/523281>

The following questions were asked during the bureau's budget work session. Responses are included in the attached packet.

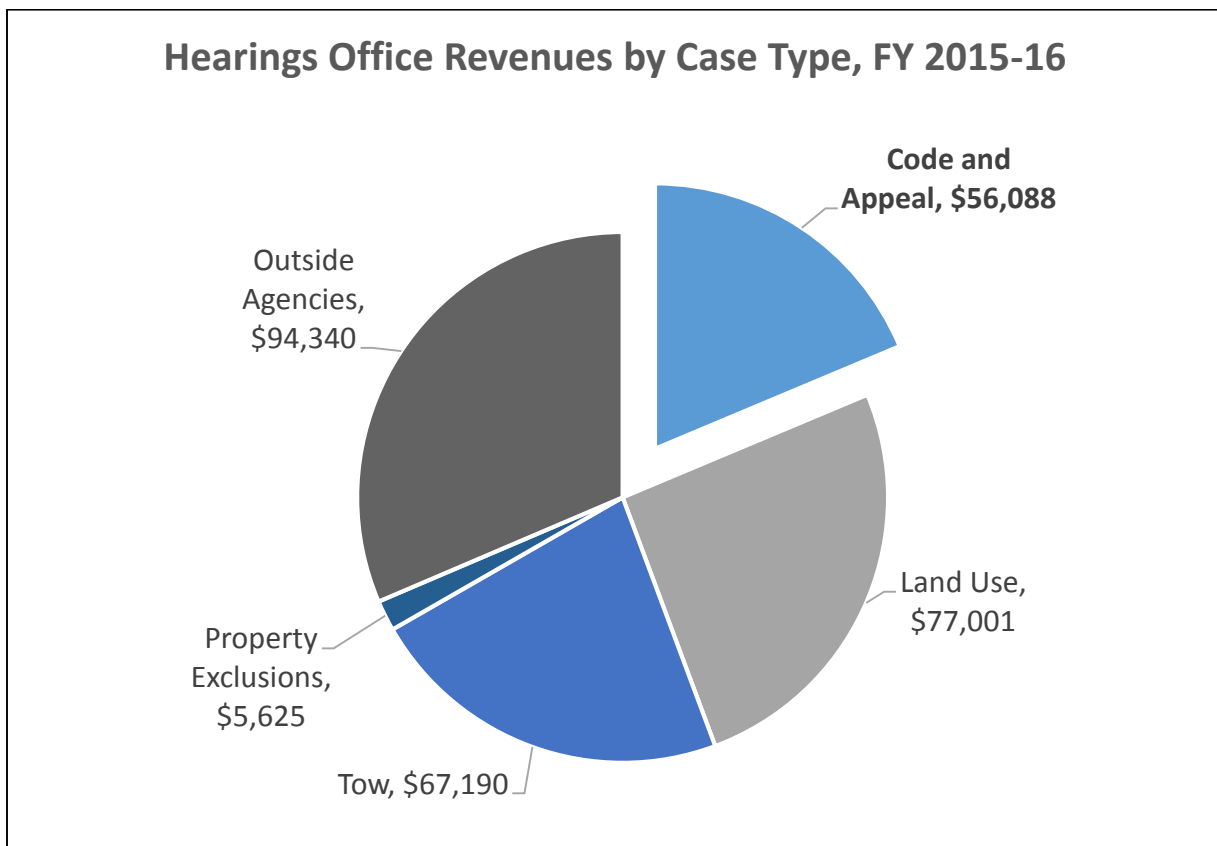
1. Please provide details on the kinds of appeals heard by the hearings officer and the fee structure (both current fees and proposed structure).

Auditor's Office Response to Budget Hearing Questions

1. What types of cases are covered by the proposal?

There are several types of cases that come to the Hearings Office, including tow, property exclusion, certain types of land use appeals, code enforcement and code appeal, and cases heard on behalf of other jurisdictions. The chart below shows the Auditor's Office breakdown of budgeted cases by type for FY 2015-16. Although Hearings Office caseload and revenue are difficult to forecast, the Auditor's Office coordinates with bureaus to determine possible changes in practice, policy, or other factors that may affect appeals and enforcement trends. Bureaus make a final decision on the number of appeals to budget.

The budget proposal is targeted at the code enforcement and appeal cases, which represent \$56,088 of forecasted Hearings Office Revenues in FY 2015-16. The proposal does not target property exclusions or tow cases because the City currently does not charge the public any fee to initiate an exclusion or tow appeal.



2. Which bureaus have decisions that are appealed to the Hearings Office?

There are roughly 70 places in City Code that authorize appeals to the Hearings Office. These authorizations represent allowable appeals; however, actual appeals tend to be concentrated into 10 or so common appeal types.

Bureaus with recent or current interagency agreements with the Hearings Office for code appeal cases are listed below. The Hearings Office charges the bureaus \$1,368 (amount as of FY 2015-16) for each appeal hearing, representing the estimated cost of holding the hearing. Some bureaus then pass along those costs to public in the form of a fee to initiate the appeal. Amounts currently charged by each bureau to the public range from \$0 to \$1,368, with the upper range representing full cost-recovery:

Bureau	Charge to Public	Appeal Examples
BDS	\$1,368	Charges related to debris clean up, sign code violations, or other residential/commercial building rules or code issues
BES	\$1,368	Non-Conforming Sewer Connections (e.g. charges resulting from connection to city sewer)
Water	\$1,368	Billing and account issues (e.g. any charge or service decision made by the Water Bureau)
ONI	\$0-\$500 depending on appeal type	Noise Control (e.g. rules and code regulations related to noise on commercial/residential properties)
BPS	\$0-\$500 depending on appeal type	Solid waste disposal, recycling, and yard debris (e.g. operating waste disposal vehicle with unapproved gasoline)
Parks	\$1,368	Tree code*(e.g. removing a street tree without a permit)
PBOT	\$0-\$250 depending on appeal type	Limited passenger transportation (e.g. lack of required taxicab or limousine permit)
Revenue	\$0	Social gaming (e.g. lack of permit for operating poker or similar games)

Police

\$0

Gang affiliation (appeal of person designated as gang affiliate by Portland Police)

3. What would happen under this proposal with these types of cases?

Under the budget request, the Auditor’s Office would no longer set up interagency agreements between the Hearings Office and bureaus for the cost of the code enforcement and appeal cases (see proposed fee schedule for FY 2015-16 below). The Hearings Office would supplant interagency revenue with general fund backing for the cost of code enforcement and appeal cases.

Under the proposed legislation, to be heard April 22, the Hearings Office would charge no more than a nominal fee (e.g. \$25.00) to the public to initiate a code appeal and there would be a waiver option for income-qualified persons. Bureaus would also be able to initiate code enforcement proceedings without incurring a separate charge from the Hearings Office.

Tow, exclusion and land use practices would not change.

4. What is the fee schedule?

The FY 2014-15 and FY 2015-16 Fee Schedule for the Hearings Office shows current and proposed charges by the Auditor’s Office. The charges represent 75% cost recovery of Auditor’s Office expenses to operate the office and conduct hearings. Costs included are fixed and variable internal and external materials as well personnel costs for the average length of time for a particular type of case.

Hearings Office Fee Schedule for FY 2015 - FY 2016 (with decision package)

Case Type	FY 14-15 Fee	FY 15-16 Fee (with DP)	FY 15-16 (w/o DP)	Bureau/ Outside Agency
Tow (heard)	\$329.00	\$342.00	\$342.00	PPB, PBOT
Tow (rejected)	\$66.00	\$69.00	\$69.00	PPB, PBOT
Code/Appeal	\$1,318.00	\$0	\$1,368.00	Various City Bureaus
Exclusion (City)	\$361.00	\$375.00	\$375.00	PBOT, Parks, PPB
Exclusion (External)	\$343.00	\$356.00	\$356.00	TriMet

Land Use* Type II	\$159.00	\$159.00	\$159.00	BDS
Land Use* Type III	\$1,679.00	\$1,679.00	\$1,679.00	BDS

*Fee paid at the time of permit application