

ORDINANCE No. 189750

Amend Public Improvements Code to make requesting and participating in Bureau of Environmental Services administrative reviews more customer-friendly (Ordinance; amend Code Chapters 17.32 through 17.39)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) manages Portland's wastewater and stormwater infrastructure to protect public health and the environment.
2. Portland City Code (PCC) and administrative rules administered by BES provide an avenue for affected ratepayers and customers to pursue reconsideration by BES employees of many types of BES decisions through a bureau process known as administrative review.
3. Portland City Code and administrative rules administered by BES provide an avenue for affected ratepayers and customers to pursue appeal to the City's Code Hearings Office (CHO) of many types of BES decisions after completing the BES administrative review process.
4. In an effort to make sure BES provides clear and consistent information to its customers, BES reviewed language in City Code and its administrative rules and identified sections to be updated to ensure that requesting and participating in the BES administrative review process and the City appeal process is predictable, consistent, and user-friendly for its customers.
5. Earlier this year, BES completed a public rulemaking process to update BES administrative rules to meet the goals described in paragraph 4 above.
6. The proposed revisions to PCC Title 17 contained in Exhibit A complement those adopted rule changes. The proposed changes include removing language regarding which decisions are or are not subject to administrative review and appeal so that there is not inconsistent language in Code and rule and so that this information can be conveniently found in one place. The proposed changes also include deleting language regarding appeals to the CHO and associated fees paid to BES where the language is not consistent with language in PCC Title 22 that specifies that requests for appeals to the CHO and appropriate fee(s) must be paid directly to the CHO. In addition, the proposed code changes make certain existing BES authority explicit and therefore more transparent (e.g., the bureau's authority to limit administrative review and appeal, which it only exercises in limited circumstances, as specified explicitly in its administrative rules). In addition, the proposed Code changes improve readability, fix grammatical errors and typos, and revise language to make Code language gender neutral. Explanations are provided in Exhibit B.
7. Although BES was not required to do so, BES put the proposed code changes out for 30 days of public comment in May and June of 2019 concurrent with the required public comment period for the since-adopted changes to BES administrative rules. No public comments on the proposed code or rule changes were submitted.

NOW, THEREFORE, the Council directs:

- a. That PCC Chapters 17.32, 17.33, 17.34, 17.35, 17.36, 17.37, 17.38, and 17.39 be amended as shown in the attached Exhibit A.

Passed by the Council: **OCT 30 2019**
Commissioner Nick Fish

Prepared by: Alice Brawley-Chesworth
Date prepared: 8/12/2019

Mary Hull Caballero
Auditor of the City of Portland

By 

Cost object - ESDR000007

Deputy

Agenda No.
ORDINANCE NO. 189750
Title

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INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>OCT 08 2019</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
Mayor—Finance and Administration - Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish <i>Some</i>	
Position 3/Affairs - Hardesty	ACTION TAKEN: OCT 16 2019 Rescheduled to October 23, 2019 at 9:30 AM OCT 23 2019 PASSED TO SECOND READING OCT 30 2019 9:30 A.M.
Position 4/Safety - Eudaly	
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Michael Jordan <i>Michael Jordan</i>	
Prepared by: Alice Brawley-Chesworth Date Prepared: 8/28/2019	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances <i>TPK/PL</i>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>FVB</i>	
Council Meeting Date 10/16/2019	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	_____	