

IMPACT STATEMENT

Legislation title: Amend Sidewalk Repair Program to update the appeals and hearing process (Ordinance; amend Code Section 17.04.010 and Chapter 17.28)

Contact name: Chon Wong

Contact phone: 3-7050

Presenter name: Chon Wong, Lee Munson

Purpose of proposed legislation and background information:

- These changes to Title 17 ensure all appeals for sidewalk repair assessments are heard by the Code Hearings Officer. Current practice is for these appeals to be heard at City Council. Testifying before the Hearings Officer will be less onerous for citizens as the Hearings Officer is better equipped to hear these appeals.
- Property owners may appeal their assessments per Portland City Code *Chapter 22.10 Appeals to the Code Hearings Officer*.
- Changes to specific code sections are as follows:
 - **17.04.010 Definitions.** Added “appropriate designees” to the definition for “City Engineer”.
 - **17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.** Added clarification that repairs will be assessed as a lien upon the property.
 - **17.28.150 Billing for Charges.** Updated the appeals process language to clarify and establish that the Hearings Office will receive all appeals. Council will now only be required to approve an ordinance for the sidewalk assessment.
 - **17.28.160 Assessment of Charges.** Establishes that the Code Hearings Officer, not City Council, will hear all appeals. City Council will no longer make a determination on the proposed assessments. These processes will be governed as per Portland City Code Chapter 22.10.

Financial and budgetary impacts:

- There are no financial or budgetary impacts as a result of this code change.

Community impacts and community involvement:

- A 30-day public outreach period was conducted following notification to community stakeholders via posting on the PBOT website, and public notice in the Daily Journal of Commerce.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

KK 1-7-20



P O R T L A N D
CITY AUDITOR
Mary Hull Caballero

MEMORANDUM

TO: Portland City Council
Portland Bureau of Transportation

FROM: Mary Hull Caballero, Portland City Auditor *MHC*

DATE: January 17, 2020

RE: Support for Proposed Revisions to Code Subsection 17.28.160 A. - Sidewalk Assessment Appeal Hearings

The Portland Bureau of Transportation has proposed changing to the Sidewalk Repair Program to require the Code Hearings Officer, within the Auditor's Office, to hear sidewalk repair assessment appeals.

I support this change. The Hearings Office handles appeals of other City bureau decisions and determinations, in accordance with City Code Chapter 22.10, and is equipped to hear these types of appeals.

At this time, the Auditor's Office can fund these appeals through the general fund. The Auditor's Office and the Bureau of Transportation have agreed to explore a funding arrangement in the future if there are more sidewalk assessment appeals than anticipated.

I'd like to thank the Bureau of Transportation for their efforts to bring the sidewalk assessment appeal process in line with the City's overall appeals processes, and to make sidewalk assessment appeals less onerous for community members.

