



2003 OMBUDSMAN REPORT

AUDITOR'S OFFICE, CITY OF PORTLAND, OREGON

Issued: August, 2004



A Message from Michael Mills, Ombudsman

The Office of the Ombudsman has matured during the completion of its second full year. We have established productive working relationships with City Bureaus and have continued to build credibility among both individuals and businesses in the community. Housing the Office of the Ombudsman under the elected City Auditor, Gary Blackmer, has proven to be a success. We have been a partner in the monumental improvements realized at the Bureau of Development Services in the past year and are now seeing indications of similar improvements within the Water Bureau after considerable efforts addressing collections policies.

As a result of the success in the Bureau of Development Services, our office witnessed a significant decline in complaints concerning this agency. Complaints about BDS dropped from 7 per month to a little over one per month. There was only a slight increase to almost one per month at the Office of Neighborhood Involvement, which assumed some of the housing enforcement duties. While there were increases in complaints about other Bureaus, particularly the Water Bureau, the total number of complaints and information requests for the Fiscal Year dropped some 22% from FY 2002-03 to FY 2003-04 (est.). However, FY 2003-04 (est.) was 11% higher than FY 2001-02. While numbers are not the primary indicators of workload demands given the variation in types of complaints, they are none-the-less one of the few quantifiable measurements used to judge performance.

As a result of the City's strained FY 2004-2005 Budget, the Office of the Ombudsman has been required to reduce the number of positions from three to two. Peg Genné will stay in the Auditor's Office but move downstairs to help in the Council Clerk's Office that lost a position. We are very sorry to lose Peg and the expertise she brought to this office. We will particularly miss her ability to deal with the public in a fair and compassionate manner under any condition. We will make adjustments to minimize the impact on the public's ability to seek review of their complaints, though callers may encounter longer response times.

Unfinished among our priorities is the need to ensure awareness of our office by every portion of our community. Outreach efforts to under-represented communities must continue and become more diverse.

The Office of the Ombudsman continues to become more widely recognized, enabling us to provide a critical service to more people. As trust in government continues to decline, we have a growing obligation to reverse the trend through increased accountability and responsiveness. Providing independent and impartial reviews, and initiating positive reform of public policies, becomes an even more essential service in the coming year.

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The Ombudsman is like an "escape valve" for citizens stymied by bureau politics/inertia. Does a great job of listening dispassionately and then escalating issues to the proper individuals.

Comment from satisfaction survey

No such thing as a "Typical" Case

The Office of the Ombudsman investigates a wide variety of complaints. Listed below are examples of some of the cases we have worked on during the past year.

Cars blocking sidewalk cause problem - Person who uses a wheelchair complained about cars from an auto repair shop parked on sidewalk and street. This is a chronic problem. Parking enforcement and code enforcement collaborated, and mediation was attempted. The primary problem was resolved, though there are perennial problems with abandoned vehicles and illegal parking.

Expensive "Topped" Trees - Property owner let adjacent landowner "top" trees without getting a permit. Two liens were assessed at \$5,000 and grew to \$31,000 due to interest and fees and failure of property owner to respond. After review of situation it was decided to have property owner pay off one lien and the other was waived.

"Get Legal" Program Works - Work was done on a building without getting proper permits. Several owners later, Bureau of Development Services (BDS) levied fines. New owner quickly worked to resolve the problem by getting permits and having work approved.

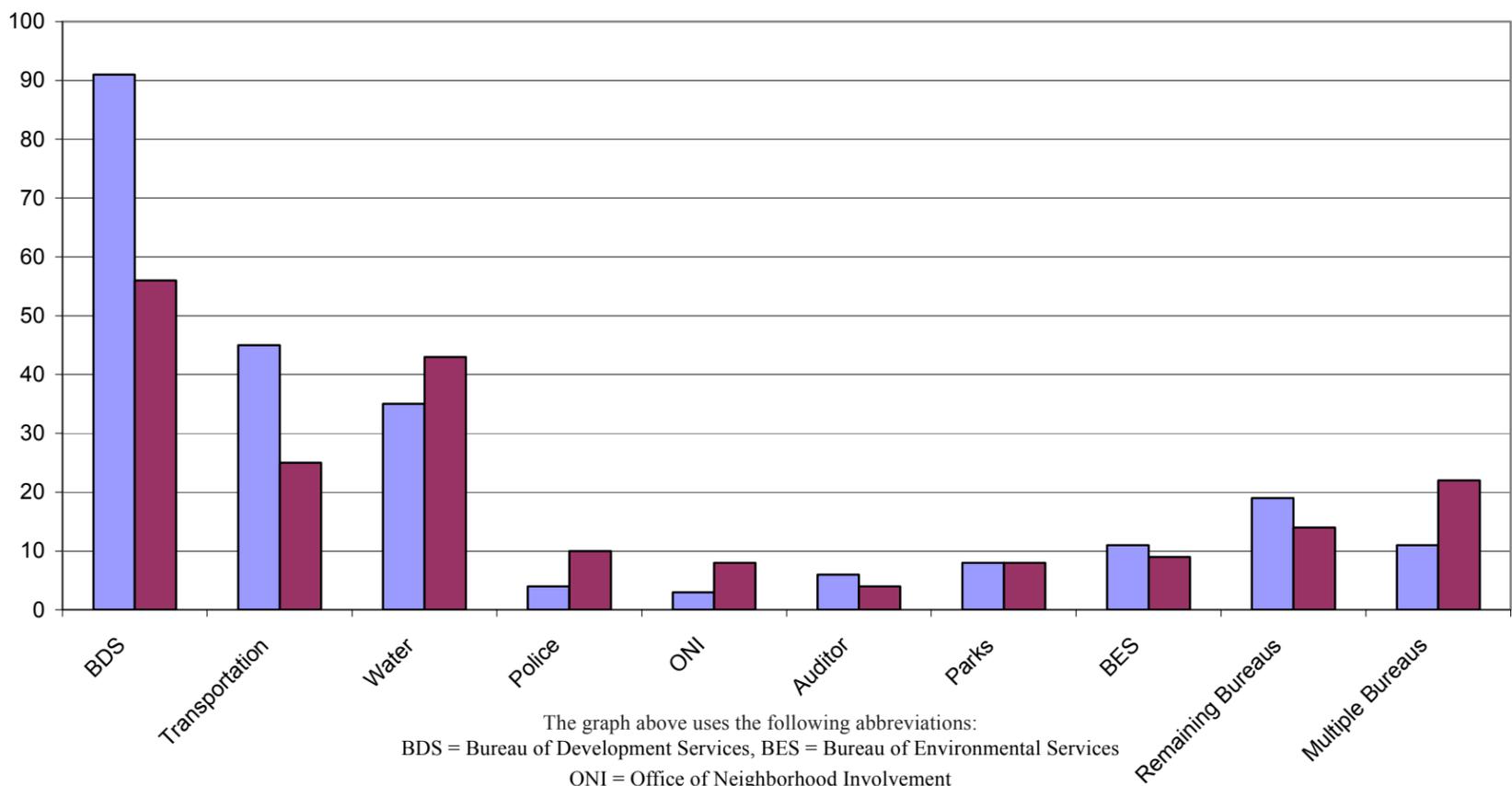
Based upon fact the prior work was approved without changes, BDS reduced the liens. Issues such as this inspired the new BDS Get Legal Program offering assistance to property owners in bringing properties with violations into compliance. *Continued on pg. 6*

Purpose of Report

The Office of the Ombudsman investigates complaints about City government, develops recommendations to improve public service and provides another voice for the public interest. As a result, City procedures become more transparent, the City is more accountable for its actions and responsive to potential improvements. We have an obligation to be accessible and to let the public know the types of issues we have addressed on their behalf. One way to accomplish these objectives is this Annual Report. The Annual Report is required (PCC 3.77.170) in order to advise the Auditor and City Council of the Office's activities and some of the concerns raised. It also serves as a management tool for improving public services and helps evaluate our performance.

Jurisdictional Complaints by Bureau

2002 2003



After dealing with other offices with the City on neighborhood issues, it's good to have the "sounding board" the ombudsman's staff supplies.

Comment from satisfaction survey

Special Thanks to our Interns

We owe a great debt of appreciation to the two interns who volunteered their time in 2003 to the Office of the Ombudsman. Diane Dulken and Rory Kaneshiro both helped by investigating particular cases and editing publications such as our Annual Reports. Having interns assisting our office has also made it possible for us to be successful in bringing several conferences to Portland. Their presence has been an asset to the City of Portland as well as providing them a valuable experience.

People interested in volunteer intern positions in the Office of the Ombudsman should contact us at:

E-mail: ombudsman@ci.portland.or.us

Phone: 503-823-0144

The Wandering Pre-Schooler

When a 3-1/2 year old boy started at a Parks and Recreation Bureau pre-school, his first day was more exciting than anticipated. It was during the first, hectic week of classes. The boy had missed the first few days of classes, which his parents had previously arranged with the teacher. However, no note had been made of this arrangement or the expected date of his return to class. The staff wasn't yet used to all the children and there was a problem with a mis-count of students. A parent-helper was running late, so the main door was slightly propped open for easier access. During the confusion the youngster went exploring. He got out of the building and into the surrounding park. After wandering around, he was spotted by someone who called the Police. They came and got him until they could figure out where he belonged. Meanwhile, back in the classroom, staff realized he was missing and started searching for him. Fortunately he was soon safely re-united with his parents.

In response to this serious situation, Parks and Recreation Bureau staff immediately implemented several safety measures to prevent this problem from re-occurring. Among other things; they hired additional staff to help with the children, arranged for more parent-helpers to assist in the classroom, required staff to always keep the doors shut,

placed bells on the doors, did more frequent head counts and had the staff make notes of information shared by parents (such as when children are expected to miss class). Later, they met with the parents of all the children attending the pre-school to explain what happened and the steps being taken to prevent it from recurring. They also spoke with the children to emphasize they should never leave the room without a parent or teacher.

The boy's parents asked the Office of the Ombudsman to review the situation and subsequent security measures to make sure the event was properly handled. The parents had concerns about delays in staff communication with them and other parents as well as the adequacy of increased security measures. We found that the Parks and Recreation staff had, after the initial problem, responded appropriately and had quickly implemented adequate additional safety measures. One of the main lessons learned was the need for clear communication and documentation among the staff and parents. This is helpful, both for parents to make teachers aware of parent's plans for their children, and for teachers to explain to parents what is going on at school. It also speeds the spread of accurate information to everyone involved, rather than having potentially inaccurate rumors running through a "grapevine".

Positive Results with Bureau of Development Services

Michael Mills, City Ombudsman, says, "It's no surprise that the bureaus with lots of public regulatory interaction end up with the most complaints. From our perspective, it's not necessarily the number of complaints that determines the quality of public service, it is the method in which they are handled by the bureau."

After working closely with the Bureau of Development Services (BDS) investigating individual complaints and systemic problems, we have witnessed significant improvements.

BDS has been evolving a new attitude toward customer service. Frontline staff has been more responsive to customer needs. The Bureau also established an administrative review team to provide more prompt, detailed reviews and responses to complaints. The new team has produced better responses to customer concerns and reduced conflicts by exercising judgement rather than attempting to use a "one-size-fits-all" response to the public. This indicates better service to the public.

The Mayor's regulatory reform initiatives, which have continued under Commissioner Randy Leonard, also provided a catalyst for BDS to consider alternative ways to work with the public. BDS implemented a "new owner grace period," which offers new property owners a more reasonable amount of time to correct past violations before new penalties are applied. BDS accepted

our recommendation not to limit the application of this grace period to only residential property. Results have proved to be very positive.

Another source of complaints involved owners of properties with unpermitted work, often work that had taken place prior to their purchase of the property. The Bureau's recent rollout of the "Get Legal" program provides a reasonable avenue to have property inspected and for necessary corrections to be made in a cooperative rather than enforcement environment.

Monthly code enforcement fees also proved to be a source of complaints investigated by the Ombudsman. "These fees do not lend themselves well to all situations and most often result in penalties that are disproportionately high compared to the violations," explained Mills. However, he found that some business owners saw the fees as a cost of doing business. They paid the fines but refused to correct the violations, making the penalties ineffective.

We have concluded the monthly fees should be replaced with one-time citations or similar processes used in the past. An alternative to the elimination of monthly fees would be to apply strict controls to these fees to prevent the unbridled buildup of penalties without interaction between enforcement staff and property owners. BDS is currently reviewing alternatives.

Ombudsman Web site

Want to know how to reach the Ombudsman? Need some ideas for how to be an effective problem solver? Curious about the types of complaints we investigate? Interested in knowing about the staff at the Office of the Ombudsman?

The Ombudsman's web site, at <http://www.portlandonline.com/auditor/ombudsman>, will answer all these questions and more. It describes how to contact the Office of the Ombudsman, as well as the scope of what we can and cannot do.

Other topics included are: tips for problem solving, copies of our investigative reports and Annual Reports, the City code which established the Office of the Ombudsman, our Policies and Procedures and links to other helpful sites.

If you do not have access to the Internet, please call or visit our office (see details in this report) and we'll provide this information to you.

Responsiveness to the Public

While it may seem to be a minor issue, lack of responsiveness to the public is a frequent complaint. People often say they have contacted an employee or a bureau and never received a response. Granted, there may be some who fail to mention that the employee in question did return a call and left a message when the person was unavailable. However, there is a tendency in the routine struggle to accomplish our work to forget to get back to a task that has been put aside. City guidelines generally encourage returning calls within 24 hours. As involved as citizens are in Portland, this can be a challenge at times. Yet, we accept being responsive as a critical part of public service.

With e-mail becoming an increasingly popular means of communicating with the public, we should apply similar guidelines for responding to ensure that we do so in a reasonable time. E-mail can actually be a more efficient means of responding since the sender can usually provide a complete response at any time, without having to worry about engaging in "phone-tag". E-mail provides a record when desirable and affords the opportunity to refer the person to other resources or documents.

We encourage bureaus to be conscientious about responding to the public, including providing periodic updates when an issue may take a long while to resolve, rather than remaining silent until the issue is fully resolved or answered.

If members of the public think they are not getting a timely response, they may contact the Office of the Ombudsman. We can often help improve communication and expedite problem solving.



2003 Ombudsman Staff - Peg Genne, Michael Mills and Becky Chiao.

The Value of an Apology

Often people who come to our Office with a complaint are upset by the fact that a City employee has not apologized for an action that caused some inconvenience or harm. There are three elements of an effective apology: 1) acknowledging the harm caused to the other person; 2) taking responsibility for one's role in causing the harm; 3) offering to take action to improve the situation and following through. Rather than being an effective apology, a defensive response tries to explain or justify why an unfortunate incident occurred. An explanation is valuable, but there are instances where accepting responsibility and offering an apology will help resolve the issue. An even worse response is to attempt to place blame on the person who suffered from the action.

There are also risks inherent with offering apologies in more complicated circumstances that may result in unintended adverse consequences. Employees should consult with the City Attorney's Office before making an apology in any "major" situation (media attention, physical injury, lots of money, etc.) and in any situation that is in litigation or that is likely to lead to litigation.

This Office would like to encourage more frequent use of apologies when City actions or mistakes affect individuals. In order to accomplish this, we will be working with the City Attorney's office to draft suggestions about the value and appropriate time for apologies that managers can share with City employees.

Ombudsman Office Draws Two Conferences to Portland

The Office of the Ombudsman will be the host for the 25th Silver Anniversary Annual Conference of the United States Ombudsman Association, scheduled for October 19-22, 2004 at the Heathman Hotel. Becky Chiao, Deputy Ombudsman, has been on the conference planning committee and the USOA Board of Directors. Practitioners from around the globe will congregate in Portland for training and networking within the unique Ombudsman profession. The conference takes advantage of several local experts, including Charles Hinkle, who will present a keynote address on the Patriot Act and other governmental threats to individual privacy and civil rights, and Sam Imperati, who will conduct a pre-conference mediation seminar.

In addition, this May, the Association for Conflict Resolution's Environment and Public Policy Section held its 2004 Midyear

Conference in Portland. Michael Mills, Ombudsman, was part of the planning committee presenting the program "Leadership Forum 2004: Challenges and Strategies for Environmental and Public Policy Conflict Resolution." The Keynote address was presented by Former Gov. Kitzhaber, Co-Chair of the Board of Directors of the National Policy Consensus Center and the Policy Consensus Initiative at Portland State University. The conference was sponsored in partnership with the US Institute for Environmental Resolution, the Oregon Mediation Association and the Policy Consensus Initiative.

According to Portland Oregon Visitors Association the two conferences combined will have an economic impact on the city of over \$110,000. The Office of the Ombudsman proposed to convene both of these national conferences in Portland.

Recognition of Outstanding Service

The public is fortunate to be served by so many talented and dedicated individuals. Too often the public hears only of the negative exceptions to the standard of quality when staff fails to meet expectations. While we learn from these infrequent instances, we need to remind the public that integrity is the norm among City employees.

Amy Cammack moved from a position as a Crime Prevention Officer with the Office of Neighborhood Involvement (ONI) to the Housing and Nuisance Section of the Bureau of Development Services and then back to the ONI when the Residential Inspections program moved to its new Bureau. She rapidly got up to speed with all of the information about her new position and worked on drafting code changes to reflect the new organization. Amy has gone over and above simply responding to citizen concerns by proactively seeking out helpful and fair solutions for property owners.

Jan Campbell has been a friend and colleague of our Office since its inception. She has served with the City and the County as a tireless and dedicated advocate to improve access for all those living in our community. Jan's efforts have resulted in benefits for the disabled community and for public facilities. In conducting her work, she has addressed conflict resolution in a collaborative manner, working to meet the interests of all involved. She has earned the respect and gratitude of our Office and the community.

Marian Gaylord of the License Bureau has the unenviable task of overseeing private towing companies. Her efforts during this past year are particularly notable as she has brought forward code amendments that will reduce what many have labeled as "punitive" and "predatory" practices associated with private property vehicle tows. Those faced with the impoundment of their vehicle will receive much more equitable treatment as a result of her efforts.

Lisa Turpel, Recreation Manager at Portland Parks and Recreation, was a standout this year working with our Office on issues related to patrons of a community center. She showed excellent management skills, allowing the on-site staff to take primary responsibility, yet remaining involved and informed. Conflicts over shared public facilities are to be expected. Lisa showed wisdom and understanding in balancing individual special needs with making community resources available to all.

Did You Know ????

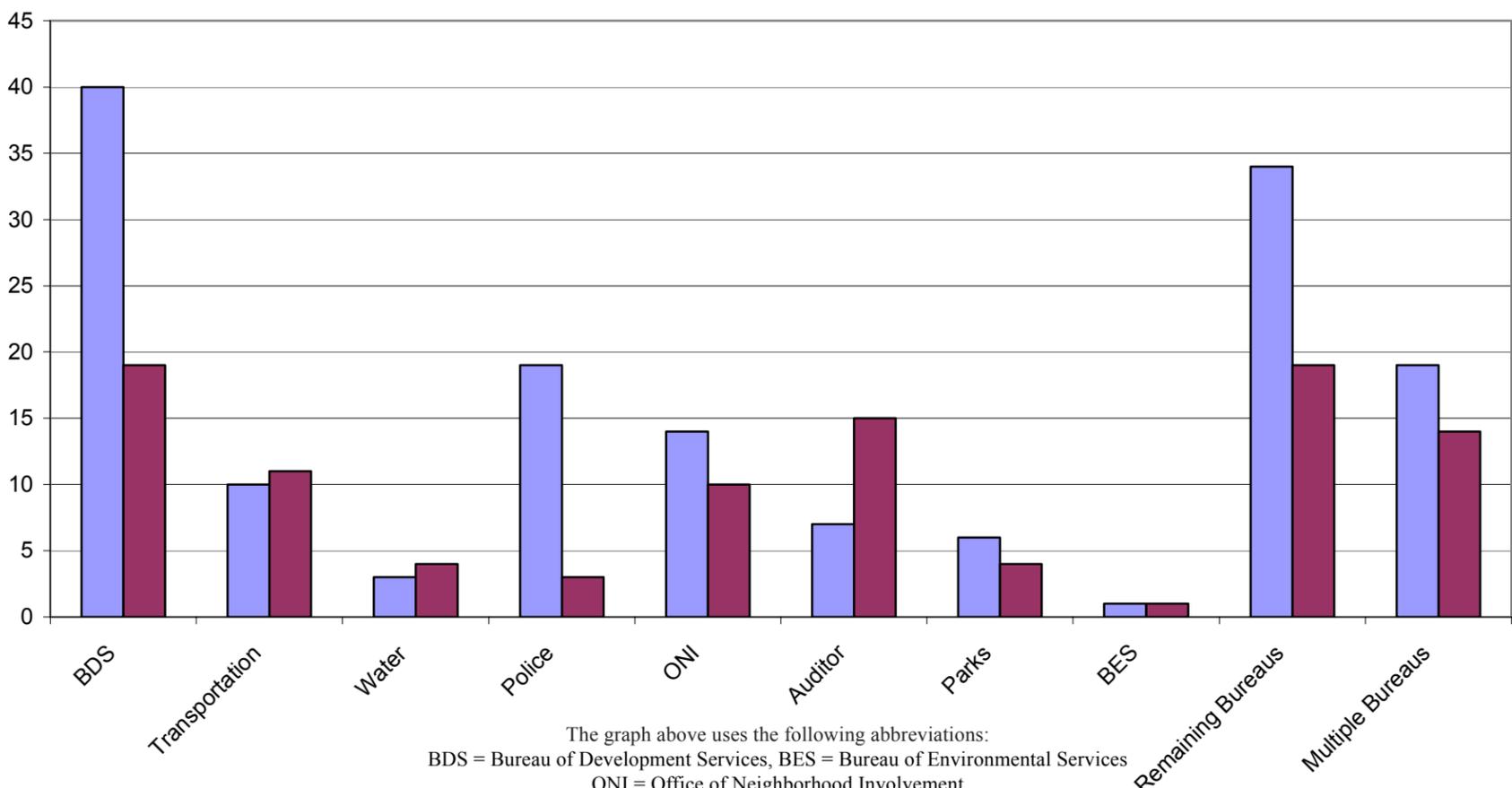
Most people know elected officials - the Mayor, City Commissioners and Auditor are located in City Hall.

Some people know the Office of the Ombudsman is in City Hall.

But did you know you can apply for U.S. Passports and purchase Tri-Met tickets at City Hall? If you need to apply for, or renew, a passport or buy transit tickets, proceed to the Treasury Office (Room 120).

Information Requests by Bureau

2002 2003



Satisfaction Survey Results

As we have done the last two years, the Office of the Ombudsman mailed surveys to people who had lodged complaints that were closed in 2003. The six-question survey asked for numerical scores as well as narrative comments. We sent out 168 surveys and received 47 replies. Last year we sent out 164 surveys and received 46 responses. The pie charts below summarize the survey results.

The survey responses to the six questions are fairly similar to last year's results. For three of the questions, the satisfaction rate increased slightly (Question 2 went from 69% to 70%, Question 4 went from 69% to 71% and Question 5 went from 64% to 72%). For two of the questions the satisfaction rate decreased slightly (Question 1 went from 82% to 78% and Question 3 went from 65% to 63%). Where the dissatisfaction increased (Questions 4, 5 & 6) the difference came from fewer people being neutral, rather than fewer people being satisfied.

The survey results presented an ambiguity based probably on the fact that our scale used 1 as the highest score and 6 as don't know, rather than having the lower number being the more dissatisfied side of the scale. Six responses were not included in the tabulation in order to correct for any possible confusion.

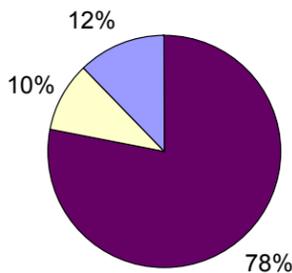
From the numerical scores and the written comments, we can see some areas for improvement. Four respondents commented that it

took too long for us to respond. We will certainly endeavor to maintain better contact with people from now on. However, while we can control the time it takes us to respond to complaints, we are often dependent on staff in other bureaus to work with us toward solutions. When issues seem to be urgent, we will work to obtain a swift reply. However, some complaints are about issues that do not seem to need immediate attention. In those cases, we try to provide the bureaus with adequate time to respond, given their other duties.

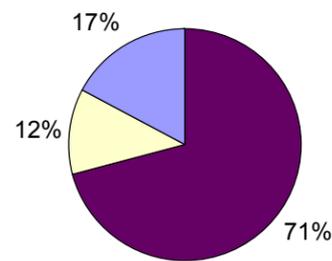
The issue of having more authority for the Office was raised by multiple comments, as it was last year. The suggestion that we do more community outreach, so that our office is more visible and easier to find was made this year again as well. The City created a traditional Ombudsman Office, a government official who investigates and makes recommendations. This Office would discourage any amendment to provide authority to issue mandates or directives. We have been trying to make the community more aware of our presence and need to continue those efforts, particularly to under-represented communities.

We thank all of those who took the time to return the Satisfaction Survey. We welcome constructive feedback on how we can improve our Office at any time throughout the year as well.

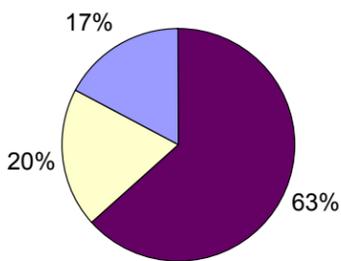
Question #1 - Did staff listen carefully to your complaint?



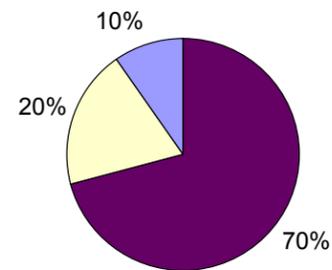
Question #2 - Did staff evaluate your complaint fairly?



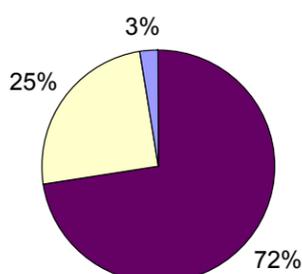
Question #3 - Did staff provide useful assistance?



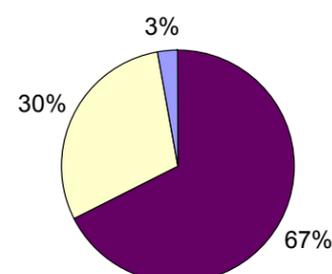
Question #4 - Did staff display suitable knowledge of issues?



Question #5 - Did staff respond in a timely manner?



Question #6 - How would you rate the service you received?



■ Satisfied ■ Dissatisfied ■ Neutral/Don't Know

Water Bureau Issues

During the past year, the Office of the Ombudsman experienced a significant increase in the number of complaints about the Portland Water Bureau. The complaints were generally connected to the Customer Service Section and their policies and practices relating to collections for water and sewer service. Most of the concerns were either directly or indirectly related to the Bureau's billing system failures.

In January 2003, the Water Bureau instituted its "Customer Equity Program," a debt collection plan to recover the outstanding delinquent account balances due since the Open Vision switchover and a two-year debt collection moratorium. In other words, there were no consequences for not paying a water and sewer bill in the years 2000-2002. Both the Water Bureau and the Bureau of Environmental Services had an urgent need to reduce the balance on outstanding accounts. The billing system interruption created an extremely difficult situation for the customer service personnel, as well as for many customers.

The Customer Service supervisors of the Water Bureau communicated with our Office regularly to keep us informed about their work and to respond to our specific complaints. They amended some policies and practices in response to our comments and recommendations. However, there were three significant outstanding issues related to debt-collection where the Bureau had not accepted all our recommendations. As a result, the Office of the Ombudsman issued a public report outlining the issues which were unresolved.

1. the policy of assigning owners of rental property responsibility to pay for service provided to tenants;
2. the amount of flexibility in the payment plan policy; and
3. the Bureau's interpretation of a pre-shut off hearing

We struggled with the Bureau over the practice of holding property owners (landlords) responsible for water and sewer service used by tenants when assignment to the owner was without consent or notification. In cases where the owners provided evidence of tenancy, such as a lease, and the tenants were located, the Bureau would try to recover past debts from tenants. However, even with evidence of

tenancy, if the tenants were not able to be located, the Bureau pursued debt collection against the property owner. Based on our recommendations the Bureau continues to work on code revisions to correct such problems in the future. Until such time, current cases are still dealt with uncertainty.

We urged the Bureau to allow their customer service representatives more flexibility in resolving past due accounts in order to create more opportunities for water and sewer service to remain on while account balances were being reduced. It appeared counter-productive to discontinue service when significant payments could still be received.

We criticized the policy of demanding payment of balances in full and refusing to accept partial payments on accounts with multiple defaults in certain cases. The Bureau is working on new customer service strategies to improve this situation.

City Code 21.16.040 requires a hearing before service is shut off. It states, "Before water service is shut off the Bureau shall give notice to the water user...informing the customer of his or her right to request a hearing, and the procedure for requesting the hearing, to challenge the shut off."

We disagreed with the Bureau that a telephonic hearing by a customer service representative or supervisor met the hearing requirement. Customers should be offered an opportunity to question whether policies conflict with City Code, are failing to achieve their intended purposes, or creating unintended consequences. They should be able to present a case for why it would be unreasonable to shut off their water service. Recognizing the large number of shut offs being ordered we recommended that the Bureau establish a formal administrative review policy. An administrative review process prior to service shut-off could greatly reduce cases where service is shut off, only to be quickly restored. It could handle less complex cases so that very few would require a hearing. The Bureau is considering these recommendations

We recognize the difficult task that the Bureau has in balancing the need to be fiscally responsible and the responsibility to be fair to the public who depend on the essential services they provide. It is our hope that the objective reviews provided by the Office of the Ombudsman will continue to assist the Bureau in improving services.



No such thing as a "Typical" Case *continued from pg. 1*

Relief for Water Leak - The owner of a restaurant had excessive water bills due to a leak and his failure to pay attention to the bills. The Leak Review Board gave some reduction on the bill. As to the balance, the Water Bureau ultimately agreed to let the owner pay on an installment plan.

Boat Trailer Tango - Originally cited in 1997 for his boat parked on gravel in front of his house, the complainant obtained a permit and paved an area of his yard for about \$2,400. In November 2002, he was cited again because his boat and motorhome were parked on the paved area which extended past the front of his house. He moved his motorhome off the property and parked his boat and car on the paved area. In January 2003, he was cited for a new violation: the trailer for his boat was over 16 feet long. If he had known his boat trailer violated the City Code, he may not have paved his yard to park his boat. To comply with the City Code, the complainant ended up sawing down his trailer to 16 feet, but leaving his 33-foot boat perched on it. We referred the issue to the regulatory improvement group to consider a code change.

How do you measure a slope? - Concern about construction on an adjacent lot in terms of height restrictions, especially since complainant had raised issue of height concerns while building was still being framed. The City reached resolution with the builder through grading and other measures, but not to the satisfaction of the complain-

ant. Height calculations and subsequent grade corrections are a systemic problem in need of attention in code revisions.

Costly Mis-Communication - New owners were renovating a 4-plex. There were two issues—stopping the housing enforcement fees and resolving the issue of the ex-laundry room in the basement without extra costs. Due to a series of mis-communications with BDS, it took a long time for the owners to figure out what had to be done to bring the building up to code, get the necessary permits and get the work approved. While this was going on, housing enforcement fees were accruing. Ultimately, BDS reduced most of the charges based upon "new owner" and "renovation" exemptions.

Liquor Licensing - Concerns about neighborhood convenience/liquor store and notice to neighbors about the review process. Ombudsman investigated and found that Office of Neighborhood Involvement (ONI) provided proper notice to the police and apologized for delayed notice to the neighbors.

Stuck in City Hall - A complaint was received about the electronic lock on City Hall main doors not allowing people to exit after hours unless security guard was present to release the lock. The concern was that persons would be trapped in building during an emergency. The problem was corrected.

Continued on pg. 7

Public Bodies and the Citizen - The Ombudsman's Guide to Standards of Best Practice for Public Servants

Public bodies should strive for the highest standards of administration in their dealings with people. And public servants should ensure that people are dealt with properly, fairly, openly and impartially. The following checklist, although not exhaustive, is a guide to standards of best practice for public servants. We hope that public bodies will find it useful in their efforts to provide a better service to their clients.

Dealing "properly" with people means dealing with them -

- promptly, without undue delay and in accordance with published time limits;
- correctly, in accordance with the law or other rules governing their entitlements and published quality standards;
- sensitively and by giving reasonable assistance, having regard to their age, to their capacity to understand often complex rules, to any disability they may have and to their feelings, privacy and convenience;
- helpfully, by simplifying procedures, forms and information on entitlements and services, maintaining proper records, and providing clear and precise details on time limits or conditions which might result in disqualification;
- carefully, where more than one public body is concerned, by ensuring proper communications between the bodies to prevent a person's needs being overlooked;
- courteously, including facilitating communication in languages other than English where it is clear a person wishes to do so;
- responsibly, by not adopting an adversarial approach as a matter of course where there may be a fear of litigation and by being prepared to explain why an adverse decision has been given.

Dealing "fairly" with people means -

- treating people in similar circumstances in like manner;
- accepting that rules and regulations, while important in ensuring fairness, should not be applied so rigidly or inflexibly as to create inequity;
- avoiding penalties which are out of proportion to what is necessary to ensure compliance with the rules;
- being prepared to review rules and procedures and change them if necessary;
- giving adequate notice before changing rules in a way which adversely affects a person's entitlements;
- having an internal review system so that adverse decisions can be looked at again and reviewed by someone not involved in the first decision;

[NOTE: This was adapted from an article written by Kevin Murphy, former Ombudsman for Ireland, in the Annual Report of the Ombudsman for 2002 (Ireland) which can be found at their website at www.ombudsman.ie Reprinted with permission.]

- informing people of how they can appeal, co-operating fully in any such appeal and being open to proposals for redress including apologies, explanations and payment of appropriate compensation;
- making appropriate redress which puts the person back into the position he/she would have been in if the public body had acted properly in the first place;
- adopting a policy for dealing with the small number of people who act in a vexatious manner or in bad faith, which strikes a balance between the interests of the public body, its staff and the person concerned.

Dealing "openly" with people means -

- putting people in contact with the officials of the public body with responsibility for dealing with them and, if appropriate, referring them to alternative sources of assistance;
- making available and keeping up to date, comprehensive information on the rules and practices which govern public schemes and programmes;
- giving people full information on the reasons for a decision which adversely affects them including details of any findings of fact made in the course of the decision;
- ensuring people know what information is available, where to get it and know of their right to access it in accordance with Freedom of Information legislation and otherwise;
- assisting people, where necessary, to prepare their requests for access to information;
- providing accessible public offices and using information and communications technologies to ensure maximum access and choice in service delivery.

Finally, dealing "impartially" with people means -

- making decisions based on what is relevant in the rules and law and ignoring what is irrelevant;
- avoiding bias because of a person's gender, marital status, family status, sexual orientation, religious belief, age, disability, race, membership of the Travelling Community, language, attitude or reputation or because of who they are or who they know;
- ensuring, where a service is based on a scheme of priorities, that the scheme is open and transparent; being careful that one's prejudices are not factors in a decision;
- declining any involvement with a decision where one has a conflict of interest, a potential conflict of interest, or where there may be a perceived conflict of interest.

No such thing as a "Typical" Case *continued from pg. 6*

Fair and Moral Claim - City's water main break caused a leak in the basement and water damage. Under the City Charter, the City is immune from damages of this sort, but sections of the City Code allow the City to pay for damages as "Fair and Moral Claims". This was pointed out and a settlement was offered and accepted.

Mysterious Parking Ticket - A Portland man received a mysterious parking citation in the mail. He said his car was nowhere near the location on the citation nor had he ever met the parking officer. We contacted Parking Enforcement Division Supervisor, whose investigation revealed the Circuit Court of Multnomah County, which adjudicates all citations issued by the City of Portland, made a data entry error. The citation was cleared from the complainant's record and issued to the correct person.

Overloaded pipes cause back-up - Sewer back-up into a home due to construction related to the CSO line. After initial confusion as to cause of problem, and refusal to accept any responsibility, the City did accept responsibility and assisted with cleanup. The Fire Bureau was commended for their prompt efforts to assist with initial, emergency cleanup efforts.

Eastbank Esplanade - Complaint about wheelchair elevator from Burnside Bridge to Eastbank Esplanade being inoperable for more than a year. After numerous efforts and delays, the Bureau of Parks and Recreation caused the contractor to make the necessary repairs.

\$10,000 Blackberry Bushes - A southwest Portland brother and sister incurred over \$10,000 in expenses after they violated the City Code by cutting down blackberry bushes in an environmental zone on their adjoining properties without City approval. The BDS customer service team refunded all \$4,300 in code-enforcement penalties. The property owners did have to pay land-use review fees and re-vegetate the property at their own expense as required by the City Code.

New Owner Grace Period and Renovation Waiver - An individual bought a property with housing liens against it and then made repairs in order to rent it. During this time, the on-going, revolving liens were accruing. Complainant asked for reduction of liens. Based on New Owner Grace Period and Renovation Waiver, fees were reduced.

A Word From The Auditor

Gary Blackmer,
Portland City Auditor

We strive for equity and fairness in our public services, but they can sometimes be elusive goals in this varied world. A unique situation will make even the best-crafted rules and procedures inappropriate or irrelevant. We also face the possibilities that an employee may misapply a complex rule, or that desirable but contradictory goals may produce conflicting demands on the public.

The Office of the Ombudsman is a means of addressing situations that, in the eyes of involved citizens, may produce adverse consequences for them. After understanding the situation, we may advocate a better solution on their behalf, or we may disagree with them, and take the time to explain the reasoning behind the City's action.

The Ombudsman is another way to hold Portland government accountable. An office that reviews complaints in an objective manner can improve public satisfaction with City services, and make recommendations to prevent similar complaints in the future. Historically, the independently elected auditor has been the watchdog over City money but with the addition of the Office of the Ombudsman, we are also helping ensure that the City treats people fairly.

We seek improvements in services and we are pleased to find many willing partners in that endeavor among all the bureaus of the City. We appreciate their willingness to re-evaluate their procedures, to consider alternatives and to develop solutions that bring us closer to these elusive goals.

When and How To File A Complaint

The Office of the Ombudsman receives complaints by mail, telephone, fax, e-mail and in person. Our staff is available from 8:00 a.m. to 5:00 p.m., Monday through Friday. Making an appointment is helpful, as the Ombudsman might be otherwise occupied, but not required. If you have not yet tried to deal with the relevant bureau, we recommend you first seek help from the bureau staff. Most often, the bureau will be able to help more directly than the Office of the Ombudsman. If you are not sure which bureau to call, you can call us or the Information and Referral Line, (503) 823-4000. If you cannot resolve the issue with the bureau, you may contact the Office of the Ombudsman.

When you contact the Office of the Ombudsman, you will work with a designated staff member who will follow through with the case by gathering information and discussing the situation with you. The staff member may ask questions to clarify exactly what happened. It is helpful if you provide as many details as possible, such as the names of any staff you have contacted, dates of the events in question, options already tried and copies of any documents or correspondence.

If you wish, you may specifically request your identity be kept confidential. We will explain the extent to which we can protect confidentiality under the law.

The staff member will conduct additional research, and speak with the City officials and employees involved, to get a more complete overview of the situation, as well as solutions that might be available. When the staff member has gathered all the relevant information, and has a complete understanding of the situation, the staff member will contact you to explain their findings and possible resolutions. When warranted, the Office of the Ombudsman will make a recommendation to a bureau. It is up to the bureau itself to make a final decision. If a bureau declines to accept a recommendation, the Office of the Ombudsman may issue a public report.

Mission Statement

To receive complaints, conduct independent, impartial investigations of the administrative acts of City agencies and recommend appropriate changes to safeguard the rights of persons and promote higher standards of competency, efficiency and justice in the provision of City services.



All photographs in this report were taken by David Kling, our 2004 Intern.

How To Contact Us:

Ombudsman: Michael Mills
Phone: (503) 823-0144
Fax: (503) 823-3530
E-mail: ombudsman@ci.portland.or.us
Website: <http://www.portlandonline.com/auditor/ombudsman>
Address: 1221 SW 4th Avenue, Room 320
Portland, OR. 97204-1900

Our office is located on the third floor of City Hall, which is downtown between SW 4th and SW 5th Avenues and SW Madison and SW Jefferson Streets.