

**FINANCIAL IMPACT STATEMENT
For Council Action Items**

184288

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Kevin Veaudry Casaus		2. Telephone No. 503.823.5545	3. Bureau/Office/Dept. Bureau of Planning and Sustainability
4a. To be filed (date) 11/22/2010	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst: 11/18/2010

1) Legislation Title:

Allow Bureau of Planning and Sustainability to charge a fee to any party that, with standing under PCC Chapter 17.102, appeals BPS decision regarding solid waste or recycling to the Code Hearings Officer. (Ordinance; amend Code Section 17.102)

2) Purpose of the Proposed Legislation:

Amend City Code Chapter 17.102 to allow Bureau of Planning and Sustainability to charge fees to recover costs incurred from initiating an appeal of a BPS decision before the Code Hearings Officer.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

The City Auditor's Office charges BPS a fee for every appeal hearing conducted at our request. This Ordinance will allow the Bureau of Planning and Sustainability to charge a fee to parties who request an appeal to the Code Hearings Office and recoup a portion of the costs paid by BPS for the appeal hearing. The fees are expected to collect less than \$5,000 per year.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense?

It is reasonable to expect that BPS will be charged approximately \$13,000 for Code Hearings in the first year these rules are enacted and will recover \$4,000 via the appeal fee. The amount should decrease in subsequent years.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?

No positions will be created, eliminated or re-classified.

6) Will positions be created or eliminated in *future years* as a result of this legislation?

No.

Complete the following section only if an amendment to the budget is proposed.

7) Change in Appropriations

None at this time.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Susan Anderson/Michael Armstrong 

APPROPRIATION UNIT HEAD (Typed name and signature)



City of Portland
Bureau of

Planning and Sustainability

Sam Adams, Mayor
Susan Anderson, Director

Planning

1900 S.W. 4th Ave., Ste. 7100
Portland, OR 97201-5350

Phone 503-823-7700
FAX 503-823-7800
TTY 503-823-6868

Sustainability

721 N.W. 9th Ave., Ste. 195
Portland, OR 97209-3447

Phone 503-823-7222
FAX 503-823-5311
TTY 503-823-6868

www.portlandonline.com/bps

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1. **Ordinance Title:** Allow Bureau of Planning and Sustainability to charge a fee to any party that, with standing under PCC Chapter 17.102, appeals BPS decision regarding solid waste or recycling to the Code Hearings Officer. (Ordinance; amend Code Section 17.102)
2. **Contact Name, Department, & Phone Number:** Kevin Veaudry Casaus, Bureau of Planning and Sustainability, Solid Waste & Recycling, 503-823-5545
3. **Requested Council Date:** 12/1/10

Consent Agenda Item: or **Regular Agenda Item:**

Explain why this DOES or does not require a presentation or Council discussion:

Emergency Item (answer below): or **Non- Emergency Item:**

If emergency, why does this need to take effect immediately:

4. **History of Agenda Item/Background:**
City Code Chapter 17.102 directs the Bureau of Planning and Sustainability (BPS) to allow parties with standing to appeal certain decisions to the Code Hearings Office regarding Solid Waste & Recycling decisions (e.g. assessments, application for exemption from Containers in the Right of Way restrictions, etc.).

The City Auditor's Office charges BPS a fee for every appeal hearing conducted at our request.
5. **Purpose of Agenda Item:**
This Ordinance will allow the Bureau of Planning and Sustainability to charge a fee to parties who request an appeal to the Code Hearings Office. The fee will recoup a portion of the costs paid by BPS for the appeal hearing.

Requests for a hearing are uncommon (two in the last 8 years). However, the number may increase as the Containers in the Right of Way economic hardship exemption process is expected to be enacted in early 2011.
6. **Legal Issues:**
None
7. **What individuals or groups are or would be opposed to this ordinance? Supportive?**
Opposed: Parties who are negatively affected by a BPS decision (e.g. waste hauler who is assessed a fine or business owner who is denied an economic hardship exemption) may be opposed to having to pay a fee to seek redress of their

concerns. This should be mitigated by the fact that the fee is refunded if the Code Hearings Officer rules in their favor.

Supportive: Support would be related to the Bureau's efforts to control costs and use Solid Waste Management Fund money for other purposes that have a more direct and immediate benefit to the public.

8 How Does This Relate to Current City Policies?

Consistent with existing City policies.

9. Community Participation:

N/A

10. Other Government Participation:

None

11. Financial Impact:

The cost of a Code Hearing is currently \$1,215 for a case that requires the Code Hearings Officer to spend a minimal amount of time reviewing the facts of the case and issuing a decision. The two hearings we have had in the last year were both of this type.

However, it is expected that the majority of future appeals will be regarding a BPS denial of an economic hardship exemption from the CROW rules. This type of hearing will be more complicated and possibly may be billed to BPS by the Auditor's Office at a higher fee.

It is reasonable to expect that BPS will be charged approximately \$13,000 for Code Hearings in the first year these rules are enacted and will recover \$4,000 via the appeal fee. The amount should decrease in subsequent years.