



2006 OMBUDSMAN REPORT

AUDITOR'S OFFICE, CITY OF PORTLAND, OREGON

Issued: August 2007



Photo: Steve Bonini

The Office of the Ombudsman (the Office) continues to fulfill a critical role in responding to public concerns, encouraging improvements in the fairness and equity of government services and, in the process, helping to restore trust in City government. With public satisfaction of government at alarmingly low levels, improving accountability becomes even more important to how we provide services.

The Office continues to receive complaints and subsequently make recommendations concerning best ethical practices, whether it concerns the use of the City's resources or potential conflicts of interest. By bringing attention to these issues, and advocating for policy change or clarification, we are often able to raise the standards by which we all operate. It is not usually enough to operate within legal parameters in order to instill confidence within the public, the City must demonstrate that we are worthy stewards of their resources.

In 2006, the Office had the opportunity to address issues relating to some of the basics of good governance, such as customer service and ethical norms. I have been involved in a leadership capacity with the Customer Service Bureau Innovation Project (#7) and the implementation and oversight of the Customer Service Advisory Committee. I have found

an outstanding commitment on the part of the team and committee participants to bring about significant improvements in customer service. The challenge ahead will be to gain universal acceptance of the concepts and tools in order to influence the culture of City government.

While those in the ombudsman profession have different points of view on what kind of relationship they should have with the employees, and particularly the managers, I am of the belief that in order to be successful in resolving conflicts and achieving success in the implementation of recommendations, an ombudsman must establish a close working relationship with the work force based on respect and trust.

I must continue to work on our Office's outreach efforts in the community so that those who need us the most are aware of our existence and services. It is often difficult for those unfamiliar with government to know where to turn when they have a problem. It is these people who we need to try to reach and offer assistance. Those who do contact our Office are increasingly satisfied with the service we provide them, and I believe have a corresponding improved level of trust in City government.

Michael Mills, Ombudsman

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A Word from the Auditor

Gary Blackmer, Portland City Auditor



We want government to be responsive to the needs of the community and we expect those responses to be appropriate. That means government should serve the

public in a fair and impartial manner. This all sounds good and straightforward until government tries to make it really happen. The world is more complicated than any of the rules and guidelines anyone could set forth, and sometimes people need help to negotiate their way through those situations.

Michael Mills and Kristen Erbes help the public and help the City in many ways, as you'll read in this annual report. I am convinced that Portland government is comprised of many capable and dedicated professionals,

but everyone can benefit from an outside perspective, which is what Michael and Kristen are so good at.

I have found that improvement usually happens in increments. Each complaint holds the promise of solving many future problems. Satisfying a citizen about an issue may also mean that other citizens in similar circumstances will never encounter that problem in the future. We can't easily measure problems that are prevented, but we know we are succeeding because some kinds of complaints have gone away through collaborative efforts of the Ombudsman and the bureau.

Over the years, those improvements have given us all great satisfaction. I extend my appreciation to the many citizens of our community who have helped us hold City government accountable, to the bureaus who aspire to quality services, and to Michael and Kristen for their dedication and professionalism.

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.

This service helps cut through the red tape and improves chances of solving a problem.

~Comment from 2006 satisfaction survey

OMBUDSMAN HANDLES A VARIETY OF CASES IN 2006

Potential Conflict-of-Interest

A City of Portland manager contacted the Office of the Ombudsman to seek advice on sending members of his workgroup to a training conference co-sponsored by a manufacturer. The City had used the manufacturer's product and the manufacturer was offering to pay for the City staffs' travel, accommodation and registration. The value exceeded \$1,000 per employee.

The City's Ethics Code, Chapter 1.03.020 (B) says, "City officials promote public respect by avoiding even the appearance of impropriety." Additionally, the City Human Resources Administrative Rules (HRAR) are binding, even though they speak more about direct personal gain in determining whether something is a conflict of interest. HRAR 11.01 requires employees to conform to the ethical standards of the state code of ethics and conduct themselves in a manner that is consistent with the City's Code of Ethics. The HRAR states that employees should avoid even the appearance of impropriety. The issue raised in this case seemed more about lobbying or influencing decisions by providing travel, meals and registrations for the conference. The manufacturer has an obvious interest in doing business with the City which, at minimum, raises appearance issues.

Another concern that was raised was when project managers specify products, a manufacturer often has tight control over who they allow to install their products. Therefore fewer subcontractors can perform the work and it limits opportunities for minority/women/emerging small businesses (M/W/ESB).

The Ombudsman recommended City staff not attend the training/conference if it was paid for by the manufacturer. The Ombudsman suggested that the bureau should use its own resources to attend if they thought the conference was of benefit. The bureau manager was prudent in asking for advice about this issue before authorizing the travel. It is our understanding that as a result of reviewing the question, the proposed travel funded by the manufacturer was not authorized. One employee was reported to have attended at the City's expense.

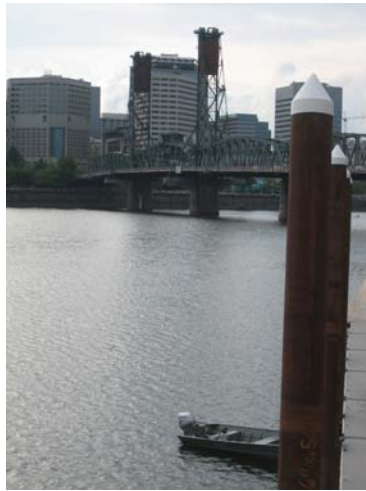
Access to Fishing

A disabled citizen who wanted improved access to fish for



"Herman the Sturgeon"
Photo: Betsy Ames

sturgeon on the Willamette River contacted the Office of the Ombudsman for assistance. The citizen asked about potential sites from where he could fish such as the Madison Street and Light Watercraft Floating docks, however, the Portland Development Commission (PDC) determined that fishing, swimming and diving are not allowed activities on these docks pursuant to the terms and conditions of the Public Facility Licenses issued to PDC by the State of Oregon,



Near OMSI with view of Hawthorne Bridge

Division of State Lands, in addition to their concerns about safety. Another area where the citizen was interested in fishing was the north end of the Oregon Museum of Science and Industry (OMSI). After extensive communication with the PDC and OMSI, it was determined that the area was owned by the PDC but leased by OMSI. Therefore, the citizen had to obtain OMSI's permission to use the site. OMSI provided the citizen with their written approval on January 24, 2006.

Another issue facing the citizen was where to park when he fished on the Willamette. A gravel lot near OMSI was conveniently located next to the desired fishing spot. However, it was deemed unsafe as it was not designed for parking and pedestrians would be going between buildings and the walk way. To remedy this issue, OMSI also gave the citizen written permission on January 24, 2006 to park in a paved lot. While this did not entirely meet the individual's desires, it provided a reasonable solution.

(Your office) was able to get results that no other city bureau was able to get.

~Comment from 2006 satisfaction survey

Sewer Backup Incident Proves Difficult to Resolve

A property owner became frustrated over the time it took to clean up a sewage back-up into her home as a result of work by a City of Portland contractor. The incident caused the property owner to cancel a family trip and attempt to clean up the damage caused by the sewage in her home. That was the beginning of what the owner described as a difficult two months of attempting to clean the home and resolve the claim she submitted for those expenses. The initial clean up efforts could have been initiated more promptly.

The owner believed her claim to be very conservative, but the settlement offer was for a slightly lesser amount. The owner expressed frustration over the partial settlement offer since she believed the claim was fair and reasonable and was not an attempt to take advantage of the City's actions. The owner reported additional damage that she did not add to the claim, such as wall paneling, because she did not replace it. The claim was eventually settled for \$2,589.54. The contractor paid the cost of the clean up which was \$1,133.51.

Missing Directions

When a large green traffic directional sign, with directions for I-5, Marine Drive East and Vancouver Way was removed and replaced with a sign for a gas station and convenience store, a business owner in North Portland called the Office of the Ombudsman looking for answers. The business owner complained that the sign removal was harming commerce by making it more difficult for customers and suppliers to locate businesses in the area. He asked for the sign to be replaced.

There was uncertainty as to whether the private commercial sign that was installed after the directional sign was removed was on private property or public Right-of-Way. It was ultimately determined that the new sign was on private property. After communications with City officials, it was also determined that the directional sign belonged to the Oregon Department of Transportation (ODOT).

After several months ODOT responded and explained the required standards for freeway signing. They looked at several options when proposing replacement signing for this intersection.

Their main objective was to provide clear, advance direction to the road user while conforming to current regulations and standards. This was difficult because of the complication of the road geometry at this location.



Replaced sign

They looked at combining 'Vancouver Way' with the proposed 'Marine Dr.' sign over the right lane. The design created for the combined locations hung too far down over the lane and would not have met the standards needed for vertical clearance for truck traffic traveling under the structure. Therefore the best alternative, which would be inclusive of all the destinations, was determined to be a ground mounted 'Vancouver Way' sign.

While finding the time required for replacement of the directional sign lengthy, the area businesses were pleased that they finally received a solution to the directional sign issue.

Working to Resolve Code Violations

The Office of the Ombudsman received a telephone call from a property owner regarding his efforts to resolve violations on his home and property. He had a list of violations which he believed had been completed, then had new violations added. The property owner had added a second kitchen and kitchen sink in a single family home. There was no record of any approval or paying of permit

(continued on page 3)

(continued from page 2)

fees for a new 200 Amp service panel in a breezeway. He wanted to resolve the matter to avoid any further charges for the violations.

After working with the Bureau of Development Services (BDS) it was confirmed that the property owner needed an electrical permit as well as a Second Sink Covenant agreement filled out. He was required to record the agreement with Multnomah County, and needed to provide a copy of the recorded document to BDS. The Second Sink Covenant was required in order to legalize the second kitchen and kitchen sink on the property because the legal occupancy was only a single family house, not a duplex. In order to help the property owner meet his compliance obligations, a BDS Customer Assistance Team met with the property owner to help him understand what was required to close his case and provided him with clear direction. The Customer Assistance Team worked collaboratively rather than punitively with the property owner to bring the property into compliance.

City Hall Evacuation Plan for Disabled Persons Reviewed

This incident provided the opportunity to successfully review and improve the Fire Life & Safety Plan to help insure the safety of all individuals.

In last year's annual report, the Office of the Ombudsman (Ombudsman) described a case in which the Bureau of General Services added signage at each elevator in City Hall to designate an area of refuge adjacent to the stairs for anyone unable to use the stairs in an emergency evacuation. This was a result of a complaint filed with the Ombudsman. The following year, the need for further review of City Hall's Fire Life & Safety Plan to evacuate disabled persons during emergencies was discovered.

On a July 2006 afternoon, the fire alarm sounded in City Hall. It was not a drill. It was later reported to be from welding activities on the outside of the building. A disabled employee and another disabled visitor, who are both wheelchair users, were near the elevators on the second floor which had been shut down. The two individuals had no idea of what to do and were unable to obtain instructions dur-

ing the evacuation. They did not know whether to seek shelter in a room or by the stairs.

Several other employees remained and offered assistance, but there was no one with knowledge available to initiate a plan for their safe removal from the building. Ombudsman staff remained with them until the alarm stopped and the building was cleared for employees to return. Had this emergency evacuation been more serious or life threatening, their safety may have been in jeopardy. This emergency evacuation demonstrated the need for additional training to address the plan for disabled employees and visitors to prevent a situation like this in future evacuations.

Floor wardens did not know on a consistent basis whether or not their responsibilities for ensuring safe evacuation extended beyond their immediate work area to other areas such as meeting rooms, bathrooms, or common areas of the building, including "area of refuge". There was a lack of knowledge as to whether reporting should take place for people in these areas and whether persons should be assigned to remain with disabled persons until emergency personnel arrived to assist in evacuation.

As a result of further review of this issue, the "Fire & Life Safety Emergency Operations Plan" for City Hall was revised effective August 1, 2006, and additional training was initiated. The revised plan addresses how to assist persons who are unable to exit on their own and provides responsibilities for checking in meeting rooms and other common areas for individuals in need of assistance due to disabilities. As part of the plan, all assistant wardens will accompany their physically disabled companions to a Safe Area and remain together until any danger is passed. The floor wardens are trained with the plan which is consistent with the Fire Life & Safety Plan documents put out by the Portland Fire Bureau. It suggests finding "an enclosed room with a door, window and, preferably, a telephone." The plan also calls for the assistant warden to assist the individual to the stairs if the area has been designated as a safe area of refuge. The floor wardens are trained that both locations are available as needed. Future training will address areas of refuge further. In either case, the location is communicated by the floor warden to the director so that the first arriving companies will respond to that area first, and retrieve the person and their assistant warden.

Volunteer Issues Citation

The Office of the Ombudsman (Ombudsman) received a complaint from a citizen regarding a citation issued to him for parking in a "Disabled Parking" space on the private property of the Cedar Mill Restaurant on Capitol Highway. Although the man did have some form of Disabled Parking Permit issued by the State of Oregon, his complaint concerned the actions of a Disabled Parking Enforcement program volunteer who issued him the citation. The citizen was concerned about how the volunteer drove behind him in order to block his vehicle from moving, the volunteer's approach in taking property belonging to the man, and the lack of identification provided by the Disabled Parking Enforcement program volunteer.



Standard sign designating disabled parking

Due to policy, the Ombudsman does not have jurisdiction to investigate Portland Police Bureau (PPB) complaints, and the Independent Police Review does not have jurisdiction over a PPB volunteer. The Mayor is the commissioner-in-charge of the PPB, therefore this issue fell under the Mayor's oversight. The Ombudsman requested the Mayor's office review and monitor this case. There was action taken with the specific enforcement officer to address the problem.

The Ombudsman emphasized the importance of reviewing the training and oversight of the Disabled Parking Enforcement program volunteers to avoid conflicts, or even contact, during the issuing of these citations by City volunteers. The Ombudsman further recommended there should be a more defined process for reviewing complaints when received and determining whether or not a review of a specific volunteer is required after repeated complaints.



We Have Moved!

The Office of the Ombudsman moved from the third floor of City Hall to the first floor within the Auditor's Office.

We are now easier than ever to find and happy to have you stop in.

Graffiti-Removal Contract Raises Questions

A commercial property owner called the Office of the Ombudsman (Ombudsman) with questions regarding the City of Portland's Graffiti Ordinance. His building was tagged with graffiti and after it had been removed and validated as cleaned, it was tagged again less than a week later. The second time his building was vandalized, it was reported to the City by a City contractor who receives compensation for cleaning up graffiti. Additionally, the City contractor contacted the property owner to offer an annual private contract to clean any new graffiti.

The property owner questioned whether a conflict of interest existed because of the relationship between reporting the graffiti and receiving compensation for cleaning the graffiti. The property owner also wanted to know whether the City could grant more

than 10 days to clean the graffiti, which would give property owners more time to get bids and hire contractors. Moreover, the property owner wondered why he was not eligible to receive free services from the City's contract with a non-profit graffiti removal provider instead of the City contractor. Finally, the property owner asked why there were no other companies on the referral list of graffiti removal contractors.

The City's Graffiti Abatement Coordinator met with the Ombudsman to discuss the issues. The Coordinator explained that if the property owner is not being asked to pay for the removal, she did not believe there would be a problem with the contractor reporting the graffiti. The fact that the contractor does not receive "by the job" payments does not change the fact that they're removing graffiti that, often times, they have also reported.

Additionally, the Coordinator explained that City Code 14B.80.040 requires properties to remove graffiti within 10 days of receiving notification. Appeals can be made to the Code Hearings Officer.

The Coordinator also reported the Graffiti Abatement Program (GAP) was committed to continuing free removal services for owner-occupied residential property and non-profit organizations. The Coordinator explained the GAP may assist with costs of removal when provided by a city-grantee vendor on private property which has been vandalized above the first floor with graffiti, or on porous substrates, on a one-time basis, for properties which are larger than those described as 'small businesses'.

The GAP will continue to provide information about target-hardening for chronically tagged properties and the GAP has the Q-Star flash camera that they will place temporarily on properties, if the properties are suitable locations for usage.

The Coordinator committed to considering the other issues when working on the new Request for Proposals to solicit new graffiti removal contractors. She explained that it was the program's intent to create a pre-approved

list of qualified providers. ONI evaluated the possibility and determined it was not feasible to offer more than one private contractor for graffiti removal when it is partially or fully subsidized by the City. However, ONI provides a list that contains contact information for 5 commercial removal companies for private property owners to contact to obtain bids for graffiti removal at their own expense. This list is located online at: <http://www.portlandonline.com/oni/index.cfm?c=44744>. They hope to expand the list to include glass repair companies for graffiti vandalism to windows but have not established a process yet.



Photo of graffiti clean-up courtesy of Office of Neighborhood Involvement's Graffiti Abatement Program.

In cases where the graffiti site is not one that the City will pay for the removal outright, the Coordinator is willing to offer a list of possible removal-providers to a property owner so that the owner has the opportunity to select whomever they please. In such situations, she explained this will eliminate the possibility of the City sharing the cost with a property owner.

The Coordinator also reported that the Graffiti Task Force, in consultation with the City Attorney, agreed on a definition of a small business. This definition would be used for purposes of offering and providing free graffiti removal. The new definition is "A commercial business of two or less locations within the City of Portland; having less than 15 employees; with square footage at any particular location of less than 2000 square feet."

The Coordinator has committed to working on the recommendations from this Office to create a policy that makes clear the criteria for a) when the City will direct its non-profit contractor to clean up graffiti without a charge to the property owner; b) when the City will contribute a portion of the cost for graffiti removal (example 20%) through a contract with a private company; and c) when the City will make no contribution and will require the property owner to bear the entire cost of graffiti removal.

Online Access Question Leads to Policy Review

In late January, the Office of the Ombudsman (Ombudsman) received a complaint regarding accessibility of public records on PortlandMaps.com. The complaint centered on the fact that property owner information (the property owner's name and address) is not made available to the general public on the City's Internet website; however, City employees have access to these records from within the City network. The complainant's belief was that these public records, once within our technology systems, should be made available to the public on the Internet if it has been made available to City employees from within the City network. The complainant noted that on an inconsistent basis, he is able to obtain undisclosed information over the telephone depending on which City employee responds.

HR Administrative Rule 1.03, Public Records Information, Access and Retention

PURPOSE: ORS Chapter 192 provides that "every person has the right to inspect any public record of a public body in this state."

The Ombudsman's initial reaction in addressing the concern with the Bureau of Technology Services (BTS) was to question why the property ownership information was not being made available on the Internet as well as from within the City network. The response received was that there were privacy concerns, but more importantly, that the custodians of the records, the three counties whose County Assessors provide the City with property records (Multnomah, Clackamas and Washington), had asked the City not to display names on the Internet. It remains the City's position that since the data was supplied by the three counties, the City would need their permission to display names on the Internet. (The counties had been comfortable making it available to city employees as they have a wide variety of legitimate needs.) If the counties give the City permission to make it publicly available, then it is anticipated that the City would allow it. The change is easy to make, unless complex conditions are imposed by the counties. BTS would seek concurrence of the City Council before making the change.

This Office concurred that all public records are not required to be made available on the Internet; however, we recommended that the property ownership public records, including names and addresses, should be made accessible on the Internet since these public records are already within the system and easy to make available.

As a result of these recommendations, further policy discussions occurred, including involvement with the three counties as the custodians of these records. Multnomah County examined the issue and has considered making the information available through a property search only. In other words, one could initiate an Internet search on Portlandmaps.com with a property address and obtain the owners name and address; however, one could not search based on the owner's name to find the address of their property. This proposal offers a higher level of privacy to individuals who own property, yet still allows access to property owners' names and addresses based on geographic location.

This Office encouraged the City and the counties to continue these discussions in order to adopt policies that will allow the disclosure of the property owners' names in a reasonable manner, such as proposed by Multnomah County. Such measures appear to be more consistent with state public records laws, including those related to disclosure exceptions.

This office also recommended that the City adopt administrative rules to govern City employees' use of public records that they may have access to yet have been withheld from disclosure on the Internet. Such rules, for example, would govern the official use of information obtained by City subscribers to Multnomah County's property records system, or other similar subscriber database systems. The recommendations to amend the Human Resources Administrative Rules have not yet been adopted.

OMBUDSMAN AIDS IN CUSTOMER SERVICE IMPROVEMENTS

As we reported last year, Ombudsman Michael Mills was asked along with City employees Bonnie Morris and Carol Stahlke to co-chair one of the Mayor's Bureau Innovations Projects, BIP #7 which aimed at improving customer service policies and procedures. For over a year, the team of City, labor and community stakeholders worked to develop a plan to, "direct all City bureaus to work collaboratively with their employees and with each other to develop improved customer service policies and procedures."

City Council approved the BIP #7 recommendations to improve service to the City's internal and external customers; and, established a Customer Service Advisory Committee to help guide bureaus in implementing customer service improvement plans. The Council's approval included adoption of "Customer Service Expectations for Customers of the City of Portland" and "City of Portland Staff Workplace Aspirations Needed To Achieve Customer Service Excellence" as guidelines for improving internal and external customer service.

The Customer Service Advisory Committee is now in the process of preparing a template for bureaus to follow in creating their individual customer service plans, as well as tools to help insure the successful implementation of their plans. Building a culture of customer service will ensure that the City government is seen, both internally and externally, as a reliable partner and steward in running the City.

City Council endorsed an ongoing process of customer service improvement, beginning with clearly defining the expectations, ensuring employees can meet those expectations and surveying customers to assess the effectiveness of improvement efforts. The process is ongoing, with information gathered through surveying relayed back to further clarify expectations or improve tools for employees. The Ombudsman provided an important perspective in developing customer service improvement plans that recognized constituent's needs.

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.

2006 SURVEY CARDS SHOW BEST RESULTS YET!

This year, the Office of the Ombudsman sent out survey cards to complainants. Complainants can complete the short survey and choose to remain anonymous when they return the postage paid response card. This year we had a 41% return rate.

We were pleased that again this year we had a very good response. In all questions, response rates increased compared to last year, with the exception of Question 3 "Did the Ombudsman's staff provide helpful assistance." That question saw a one percentage drop from 83% to 82% who were satisfied or very satisfied. In fact this year all questions received ratings of over 80% satisfied or very satisfied. These are clearly our best results yet!

Question 4 "Did the Ombudsman's staff display suitable knowledge of issues" received 81% of respondents reporting they were satisfied or very satisfied. This is the first year this question has received over 80% satisfaction rate.

We realize that we are never going to achieve a 100% satisfaction rate for all questions or for all complainants. While some people may contact our office because they think we will be an advocate on their behalf, we strive to remain impartial. When a bureau has not violated policy or procedure, we explain that to the complainant. Sometimes that results in the complainant thinking we are automatically taking the bureau's side or defending the City.

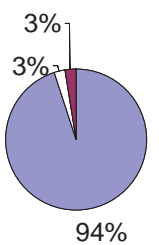
It is important that we consider the individual case issue as well as the overall policy and its impact on the public as a whole. When a City action seems not to make good public policy sense, we recommend that the bureau revisit their decision as well as the policy that supported that action. Although it may not result in a different outcome for the individual who raised the issue, it may mean a change in future bureau policy.

While we are happy with the results this year, we will continue to try and improve. This year we are trying business reply mail instead of pre-stamping each response card. While we pay a slightly higher rate for the postage through business reply mail, we only pay for the cards that are sent back so there is no lost postage. However we do not know whether people will see it as less personal. We will keep a close eye on our response rate to see if it makes a difference. We also try to send the surveys out shortly after a case closes to ensure the case and interaction with our office is fresh in the complainant's mind.

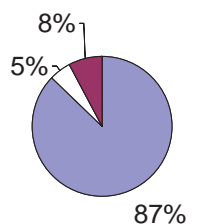
We are always open to feedback and constructive criticism. If you have ideas on how we can improve our services please contact us!

■ Satisfied □ Neither ■ Dissatisfied

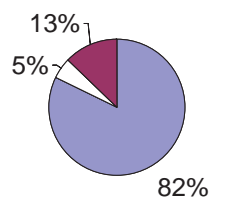
Did staff listen carefully to your complaint?



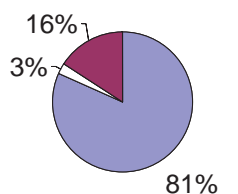
Did staff evaluate your complaint fairly?



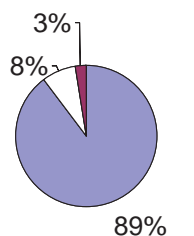
Did staff provide helpful assistance?



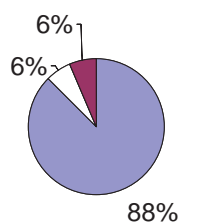
Did staff display suitable knowledge of issues?



Did staff respond in a timely manner?



How would you rate the service you received?



■ Satisfied □ Neither ■ Dissatisfied

Again, I appreciate the professionalism you have exercised and instilled in your staff. My only wish is other entities within the City would follow your office's example of customer service and accountability.

~Comment from 2006 complainant

CITY OMBUDSMAN FROM CAPE TOWN AND PORTLAND MEET

On June 30, 2006, I had the pleasure of meeting with Mr. Mbulelo Baba, the City of Cape Town Ombudsman, during a visit to South Africa. While we had met briefly in Quebec City at the International Ombudsman Institute Conference, the meeting in Cape Town with several of his staff provided the opportunity to discuss issues facing local Ombudsman offices. Local ombudsman offices are still few in numbers, so being able to meet with a counterpart is very rewarding. We were able to find similarities in the types of issues that we deal with and some surprising differences. I have found a continuing need to work on our outreach efforts to help make our services more available to under representative communities; whereas, the Cape Town office seems to be much better known to communities in need.

We found commonalities among concerns over utility billings for example. Mr. Baba has what he calls a "Hybrid" Office, one that has adapted to the political structure and culture of Cape Town. The reality is that many local ombudsman offices are tailored to fit their jurisdiction and the people they serve. This can

be done while preserving the independence and integrity of the office. In Portland for example, given our Commission form of government that blends executive and legislative powers, independence was attained by locating the ombudsman under the elected auditor.

I was pleased to hear that the ombudsman concept is being adopted by more local governments in Africa, a trend that has not, with a few exceptions, developed significantly in North America. While we have model acts, standards, and best practices for national and provincial or state ombudsman offices, we as a profession lack guidance in the development of local government ombudsman offices. Being able to guarantee complainants confidentiality remains a challenge for many local ombudsman offices since those protections must be passed at higher levels of government. There continues to be great value in local government ombudsman offices which are readily accessible to the public they serve. Maintaining connections among offices, such as the one made between Cape Town and Portland, will support the development of new local government offices.

RECOGNIZING OUTSTANDING SERVICE

City employees are generally dedicated to the public service they provide and deservingly proud of what they accomplish; however, they often have to overcome the public's distrust in government and receive little recognition. We thank all those workers, and wish to provide a special "thank you" to a handful of City employees who have provided exceptional help in assisting the Ombudsman Office in resolving complaints. This year we would like to acknowledge and thank the following people.

Jeff Baer, Director of the Bureau of Purchases, has on numerous occasions assisted our Office in responding to questions and complaints concerning City contracts or purchases. He and his Office respond in a prompt and complete fashion allowing us to provide the public with the best possible information.

Nickole Cheron, the Office of Neighborhood Involvement Disability Program Coordinator, has consistently provided our office insight and assistance in how the City serves the disabled community. For example, Nickole's assistance in addressing the deficiencies in our practices related to the emergency evacuation of disabled persons from public buildings was invaluable.

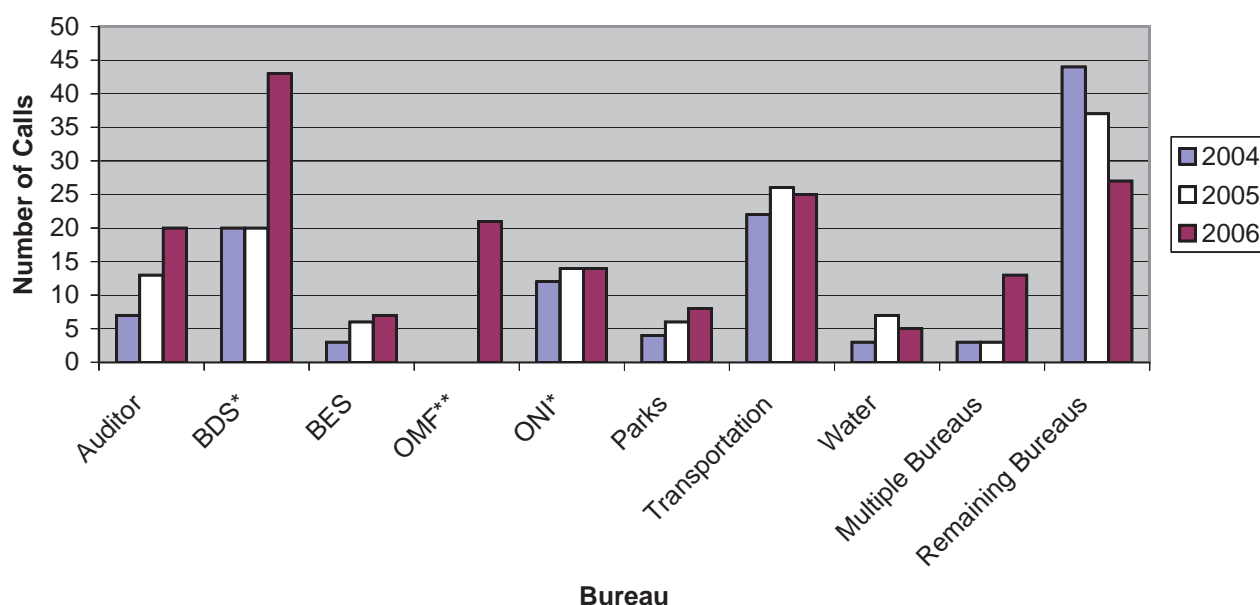
Crystle Cowen, Program Specialist with the Bureau of Development Services Neighborhood Inspections Program, assisted the Office of the Ombudsman in resolving numerous neighborhood nuisance cases in a manner that minimized financial penalties, yet accomplished the necessary compliance. She served as a key member of the Bureau's Customer Service Team.

Both Dan Vizzini, Business Services Division, and Bob Cynkar, Senior Community Outreach and Information Representative, with the Bureau of Environmental Services provided direct assistance to property owners with issues related to Sanitary Sewer Line, Branch and System Development Charges, including the Steele Sewer Project. They went to extra lengths to explain the basis for the costs and the options for paying and financing sewer connection charges.



Portland Ombudsman Michael Mills meets with City of Cape Town Ombudsman Mbulelo Baba and staff of the Cape Town Ombudsman Office. Left to right: Ashley Searle, Mbulelo Baba, Michael Mills, and Lorika Elliott.

Information Requests 2004-2006



* In 2006 the Neighborhood Inspections Program was moved out of the Office of Neighborhood Involvement (ONI) back to the Bureau of Development Services (BDS) where it was previously located. This Chart reflects that new organizational structure.

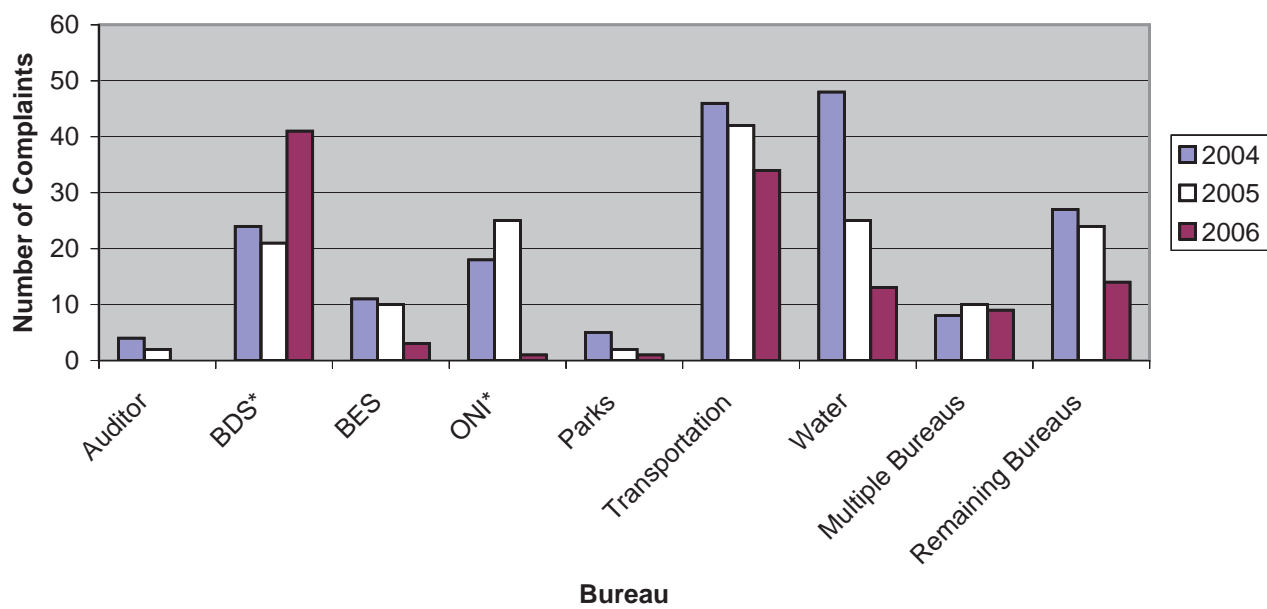
** 2006 marks the first year we have included information requests regarding the Office of Management and Finance (OMF). OMF includes Business Operations, Financial Services, Human Resources, Purchases, Revenue, and Technology Services.

Acronym: Bureau of Environmental Services (BES)

INFORMATION REQUESTS

Questions that are not jurisdictional complaints are logged as Information Requests. Office of the Ombudsman staff work to provide thorough responses to information requests. These are not simply referrals. However, when referrals are warranted, staff refers the person to the proper source.

Jurisdictional Complaints 2004-2006



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Acronym: Bureau of Environmental Services (BES)

JURISDICTIONAL COMPLAINTS

A complaint is classified as “Jurisdictional” if it falls within the definitions of the Office of the Ombudsman’s jurisdiction. Portland City Code authorizes the Office of the Ombudsman to investigate the “administrative acts” of City “agencies.” An administrative act is defined as “an action, failure to act, omission, decision, recommendation, practice, policy or procedure.” An agent or agency is defined as “any bureau, office, institution, corporation, authority, board, commission, committee of the city and any officer, employee, or member of the forgoing entities acting or purporting to act in the exercise of their official duties, EXCEPTING: elected officials and their personal staff.” PCC 3.77.020.

A jurisdictional complaint can be handled in one of several ways depending upon the amount of investigation done, resolution obtained or whether a finding of fault/no fault can be made. A complaint can be referred, declined, assistance can be provided, and it can be discontinued or investigated.

SPECIAL THANKS TO OUR INTERNS

Throughout the year we were joined by interns working on their graduate degrees. Three of the interns, Brian O’Connell, Marcela O’Brien and Jason Coulthurst were all students in the Conflict Resolution Graduate Program at Portland State University (PSU). Drew Strayer was completing his Master of Arts degree in Organizational Leadership and Conflict Transformation at the Center for Justice and Peacebuilding at Eastern Mennonite University in Harrisonburg, Virginia.

Brian, Drew and Jason all assisted with responding to complaints from the public. They followed up with the various bureaus and reported their findings to the complainants. Marcela primarily worked on two important projects. She assisted in revising our Spanish language brochure and after completing research on other jurisdictions, she assisted with drafting an initial report on developing a Human Relations Committee. That draft was used by the Mayor’s Office in creating their proposal for re-establishing a Human Relations Commission.

The assistance interns provide is invaluable to our Office since we have limited staff resources. We hope it provides graduate students experience and knowledge of what an ombudsman does. Drew Strayer has graduated and is currently serving as a certified ombudsman specialist for the State of Ohio Long Term Care Ombudsman Program. Jason Coulthurst graduated and is working for Northwest Pilot Project, a Portland nonprofit agency assisting seniors with housing issues. Marcela O’Brien also graduated and is a family therapist for teenage sexual offenders at Morrison Child and Family Services, a local nonprofit. Brian is still working on his graduate degree while continuing to work full time for the Office of International Admission at PSU.

We wish all of our former interns the best as they continue their careers!

THE OMBUDSMAN OFFICE PRESENTS AT NATIONAL AND REGIONAL CONFERENCES

Ombudsman Michael Mills organized a panel of specialists from the ombudsman community to present a session panel at the Association of Conflict Resolution (ACR) Conference in Philadelphia on October 26, 2006. The session was titled, “Ombudsman Models and Applications.” ACR is a professional organization dedicated to enhancing the practice and public understanding of conflict resolution with over 5,000 members. John Barkat, Ombudsman of Pace University, and Howard Gadlin, Ombudsman for the National Institute of Health, were also panelists.

The purpose of the conference session was to identify best practices within several different ombudsman models to assist those within the ombudsman profession as well as inform those within the greater dispute resolution community, particularly the mediation field. As conflict resolution systems and related laws are developed, it is beneficial to have the policy developers be familiar with ombudsman best practices.

The session discussion revealed that while the ombudsman shares many of the same principals and objectives, how we operate varies depending on our organizational structure and culture. We must confront legal parameters, such as confidentiality, based on our own particular legal framework.

Michael Mills completed his term as co-chair of the Ombuds/Ombudsman Section of ACR with John Barkat, but maintains a professional connection with ACR.

Deputy Ombudsman Kristen Erbes joined a panel of other practicing ombudsman at the Northwest Dispute Resolution Conference hosted by the University of Washington School of Law in Seattle. Other panelists included Dennis Lazzar, Ombudsman for the Environmental Protection Agency, Robin Low, consultant and former Regional Long Term Care Ombudsman for King County, Mary Meinig, Director of the Office of the Family and Children’s Ombudsman (WA), and Susan Neff, Assistant Ombudsman at the University of Washington.

Panelists presented the similarities and differences between their roles, responsibilities and offices. Panel members also discussed where the ombudsman model fits within the alternative dispute resolution continuum, what distinguishes an ombudsman from other dispute resolution professionals and how much each practice utilizes mediation. The session highlighted the variety of ombudsman models and emphasized how much the organization, setting and ethical codes frame the ombudsman’s work.

Kristen Erbes was also re-elected to her second term as a board member of the United States Ombudsman Association (USOA). USOA is the national organization for public sector ombudsman professionals. Founded in 1977, USOA is North America’s oldest national ombudsman association with members from ombudsman offices in local, state and federal governments and affiliated ombudsman offices.

I doubt I would have gotten the response from the bureaus without the ombudsman being involved.

~Comment from 2006 satisfaction survey

OMBUDSMAN INVESTIGATES CONFLICT OF INTEREST COMPLAINT

The Office of the Ombudsman (Ombudsman) received a complaint regarding the Unwire Portland Request for Proposals (RFP) Process. The complaint alleged that a private company with a potential interest in the outcome was involved in creating the RFP which posed the potential to favor one company's interests or a particular architectural solution; and, that disclosure of outside involvement was not adequate. The complainant also stated that the time to respond to the RFP, given the complexity of the subject matter, was too limited.

The deadline for proposals in this process was October 31, 2005. The Ombudsman generally declines to investigate complaints when there are other established rights of

appeal. However, the Ombudsman proceeded with an investigation after learning that the complainant did not complete a bid and therefore would not have appeal rights to the Purchasing Board of Appeals.

Portland Development Commission (PDC) hired Intel as a consultant to work on the RFP. From reviewing the contract's Scope of Work, and from interviews with project staff, Intel staff contributed substantially to the project. The project steering committee members were listed in the RFP. However, Intel's services were not disclosed in the RFP. Bureau of Purchases (BOP) staff reported that Intel's involvement was mentioned verbally at the mandatory pre-proposal conference. The Ombudsman could not find anything in writing disclosing Intel's

involvement in the project's public documents. Based on the information available, the Ombudsman concluded the disclosure of Intel's involvement was not formally made in writing. Because of the lack of this disclosure, and a belief that this relationship could favor some applicants, questions were raised in the vending community.

The complainant explained he was concerned about Intel's involvement because it gave an unfair advantage to companies with whom Intel has partnered or has financial investments. Both BOP and PDC also believed that the RFP did not restrict proposals to a particular architectural solution. BOP staff felt that if the RFP did restrict proposals to a particular architectural solution, then the vending community would have protested. BOP did not receive protests of this nature.

The Ombudsman recognized that Intel's involvement was crucial to the success of the Unwire Portland project moving forward and the issuance of the RFP. There was nothing found to suggest that any companies, Intel related or not, had any of the RFP information in advance. However, the contract that was in place may have not adequately protected the City's interests with regard to the non-disclosure agreement and Oregon Public Records Act, ORS 192.

The complainant felt that the amount of time given to respond to the RFP was not sufficient given the complexity of the RFP. The BOP believed that the amount of time given

was sufficient. Further, the RFP makes it clear that it is the proposer's responsibility to, "ask questions, request changes or clarifications, or otherwise advise the City of Portland, Bureau of Purchases if any language, specifications or requirements of an RFP appear to be ambiguous, contradictory, or appear to inadvertently restrict or limit the requirements stated in the RFP to a single source." Because there was not evidence that more members of the vending community felt strongly that more time was needed, the Ombudsman found this portion of the complaint not justified.

In the course of investigating this complaint, the Ombudsman learned that the technical advisor (Intel employee) was present at finalist interviews although the technical advisor was not part of the evaluation committee and did not score the proposals. Yet, their presence was not disclosed to finalists prior to arriving at the interview. The Ombudsman recommended when technical advisors are present for evaluation committee interviews, proposers should be notified prior to the interview they will be present. Both technical advisers and finalists should be asked to disclose any actual or potential conflicts of interest.

While the Ombudsman did not find any evidence that any companies had any of the RFP information in advance or that the RFP limited the technological solutions, the Ombudsman felt the recommendations regarding disclosure and contracting would improve future RFP processes.

To read the full report and recommendations, including the responses from BOP and PDC, go to

<http://www.portlandonline.com/shared/cfm/image.cfm?id=114924>



Photo: Unwire Portland Antenna
Unwire Portland FAQs
www.portlandonline.com/unwire

WHEN AND HOW TO FILE A COMPLAINT

The Office of the Ombudsman (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, 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 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 Ombudsman.

When you contact 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 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 Ombudsman may issue a public report.

How To Contact Us

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Kristen Erbes, Deputy Ombudsman
Phone: 503-823-0144
Fax: 503-823-4571
E-mail: ombudsman@ci.portland.or.us
Website:
www.portlandonline.com/auditor/ombudsman

Address: 1221 SW 4th Ave., Room 140
Portland, OR 97204-1900



Photo: Steve Bonini

Ombudsman Michael Mills & Deputy Ombudsman Kristen Erbes outside City Hall.

