



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

August 16, 2019

To: Ted Wheeler, Mayor
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty

From: City Auditor Mary Hull Caballero

Re: Withdrawing consent to administratively support City's Hearings Office

I have made the difficult decision to withdraw my consent to continue supporting the Hearings Office within the Auditor's Office because it is understaffed and its caseload is increasing. The risks these conditions pose to the City did not persuade you to approve a modest funding request during the budget process, and I am unwilling to continue subsidizing its operations with staff and resources assigned to other divisions in the Auditor's Office.

This decision will become effective by the end of this fiscal year, so plans for the transition should begin soon. Please provide by Sept. 16 the name of the person who will manage the move on Council's behalf.

The City's Hearings Office acts on behalf of Council. It's where people go to get an impartial decision from an independent legal expert when they have a dispute with the City. The Auditor's Office has provided it an independent home and administrative support since 1991 through Charter Section 2-507(a)(6), which says that the Auditor may take on additional duties from Council with the Auditor's consent.

I firmly support the mission of the Hearings Office and am proud that it offers an affordable and accessible way for Portlanders to seek an impartial review of City decisions that materially affect them. What began as part of the Bureau of Buildings to hear property maintenance cases, the Hearings Office has grown into a full-fledged administrative tribunal that handles land use, Code enforcement, and an array of municipal matters for which Council has created appeal avenues. Within the last year, we hired Chief Hearings Officer William Guzman, who quickly showed himself to be a consummate professional, highly capable manager, and excellent hearings officer.



Unfortunately, despite my best efforts over many years to fix the flawed funding model for the Hearings Office, I have been unable to secure the resources necessary to make it self-sufficient and stable. In the absence of appropriate funding, I repeatedly must redirect resources from other divisions in my office to ensure that statutory deadlines and critical operations needs are met. This takes away from the important accountability and transparency work that forms the mission of the Auditor's Office and interferes with my ability to achieve the objectives I have set for it.

To give Council time to reassign responsibility for City Hearing's Office, I will continue providing support for it through June 30, 2020. I suggest finding a Bureau that can both provide support and mitigate the risk posed by its increasing caseload and understaffing, which I detailed in my requested budget presentation. The key ethical consideration for its location is a Bureau that does not provide for appeal rights in Code or otherwise send cases to be heard by the Hearings Office.

My staff and I are committed to a smooth transition and will do our best to prepare the new steward of the Hearings Office for success. We look forward to meeting with your project manager to start planning the move.