



Request for City Council Committee Action From the Department of Public Works

Date: July 27, 2010

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Subject: **Administrative Hearing Process for Sidewalk Snow & Ice and Sidewalk Repair Assessments**

Recommendation:

Authorize the proper City officials to proceed with implementation of the Administrative Hearing process as an intermediate step regarding disputes related to Sidewalk assessments prior to a public hearing before the Transportation & Public Works Committee

Previous Directives:

None

Prepared by: Scott Wellan, Management Analyst, Public Works Management Services & Budget Division
Michael D. Kennedy, P.E., Director, Transportation Maintenance & Repair

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Michael D. Kennedy, Director, Transportation Maintenance & Repair Division

Reviews

Permanent Review Committee (PRC): Approval _NA_ Date _____

Civil Rights Approval Approval _NA_ Date _____

Policy Review Group (PRG): Approval _NA_ Date _____

Financial Impact

Action is within the current budget.

Community Impact

City Goals: A City That Works

Background/Supporting Information

Background

The Public Works Sidewalks Inspections Office of the Transportation Maintenance & Repair Division utilized the Business Process Improvement program with the goal of improving business processes for Sidewalk Inspections operations. One of the recommendations was to

modify the assessment hearing processes for Sidewalk Repair Assessments and Sidewalk Snow Enforcement Assessments. Public Works Sidewalk Inspections oversees and manages the sidewalk repair program, as well as enforcing the winter snow and ice control for all public sidewalks in the City. Property owners are assessed these costs if they choose not to pay the bill they are sent. Currently, property owners wishing to dispute these costs would appear before the Transportation and Public Works Committee, or send a letter to the Committee to appeal the pending assessment.

Proposed New Process

This recommendation is to create an administrative step in the hearing process that would allow for the resolution and settlement of disputes prior to the formal public hearing process. For those choosing not to pay the bill, a letter is sent instructing the property owner to contact Public Works Sidewalk Inspections in writing if they wish to contest the assessment. Public Works Sidewalk Inspections would then have an opportunity to contact the property owner to discuss their concerns regarding the pending assessment. It is anticipated that this will allow Public Works Sidewalk Inspections and the property owner to agree upon a resolution in many of the cases, resolving the need to proceed further with the hearing process.

In the event an agreement cannot be reached, and the facts of the case indicate that a resolution at this step is not possible, or the property owner is not satisfied, an appointment may be made with an independent Administrative Hearing Officer from a list of hearing officers approved by the City Council, who will hear the matter and will determine whether the assessment is appropriate. If the property owner is not satisfied with the Hearing Officer's determination, the property owner still has the option of appealing their case to the Transportation & Public Works Committee at a formal public hearing.

Benefits

By using the Sidewalk Administrative Hearing process, both the property owner and the City should realize a number of improvements. Inserting an administrative step into the current process actually allows for a more customer friendly experience, as well as a more efficient, thorough and complete process for decision making, yet still allows the public to be heard before the Council if they so chose. The new process:

- Enables Public Works Sidewalk Inspections to work directly with property owner, possibly avoiding the need for an appeal, as it allows for researching and discussing the matter before it goes to a hearing.
- Allows for the ability to work with the property owner to set a hearing date and time with the Administrative Hearing Officer that fits the property owner's schedule, rather than a one-time-specific public hearing date.
- The new process eliminates time wasted at the public hearing searching for documentation/photos, and results in all facts fully researched and readily available for the Committee Members prior to the formal scheduled public hearing.
- It allows the Transportation & Public Works Committee time to review photos, work orders, and documentation prior to the formal scheduled public hearing.
- Simple cases such as directing seniors to the Seniors Ombudsman's Office for assistance regarding deferments, etc., need not take up time at the formal scheduled public hearing.

For all these reasons, Public Works anticipates fewer appeals to Transportation & Public Works Committee at the formal scheduled public hearing, and a much more efficient use of time and a complete, coherent decision making process for those that do come forward.

The attached flow charts illustrate the differences between the current process, and this proposal.

The charges for Administrative Hearings are \$250.00 per hearing, with a \$25.00 charge per judgment to be covered in Fund 04100/6070100/513000. Any administrative work by staff can be accommodated in the Operating Budget, and no additional appropriation is required. Public Works has worked with the City Attorney's Office to research the legal issues related to implementation of this process.

Therefore, it is recommended that the City Council approve of Public Works moving forward with implementing the Administrative Hearing Process for Sidewalk assessments.

Attachments: Sidewalk 'As Is' and 'To Be' Hearing Process Flow Charts

Cc: Dana Banwer, Assistant City Attorney