

Kattie Riggs

From: James Nicita <james.nicita@gmail.com>
Sent: Wednesday, June 17, 2020 1:17 PM
To: Rachel Lyles Smith; Rocky Smith, Jr.; Frank O'Donnell; Denyse McGriff
Cc: Tony Konkol; Laura Terway; Kattie Riggs; Bill Kabeiseman; Carrie Richter
Subject: Re: Consent Agenda Item #8g, proposed Res. 20-05 Modification of Planning Fee Schedule

Commissioners,

Should proposed Resolution 20-05 actually be discussed this evening, I am submitting these comments for consideration.

My concern has to do with the use of the consumer price index (CPI) to raise fees. Furthermore, I have a concern with the CPI being applied automatically on January 1 of each year, automatically, without a public hearing and without City Commission review and approval. How can the public and the Commission verify the accuracy of the fee increase?

To take the fee for an appeal from the Planning Commission to the City Commission as an example, last year the Commission set this fee at \$1,500. It appears that it was automatically raised to \$1,541 on January 1st, 2020, based on the CPI.

First: when the Commission set this fee at \$1,500 last year, did it make this fee subject to the automatic January 1 increase based on the CPI?

The Commission also set the appeal fee from the HRB to the City Commission at \$250 last year. However, the HRB fee appears not to have been increased from \$250 on January 1 based on the CPI. It is still \$250.

Why is that? Why the increase in the PC appeal fee based on the CPI, but not the HRB appeal fee?

Second, on the other fees increased on January 1, 2020 based on the CPI, where is the math?

What was the specific CPI figure used on January 1, 2020? Why can't this be provided to the Commission? It is not hidden; CPI info is easy to find:

<https://www.bls.gov/regions/west/data/xg-tables/ro9xg01.htm>

I hope the Commission will require that the fee increases will be substantiated, including what CPI figure was used as a multiplier, and how the calculated fee increases were arrived at based on that multiplier.

Second, I would ask that henceforth that no fees be increased automatically based on the CPI, without an agenda item where the Commission and the public, in a public hearing, actually gets to see the math on how precisely the CPI is being used to increase fees.

James Nicita
Oregon City

On Tue, Jun 16, 2020 at 10:25 PM James Nicita <james.nicita@gmail.com> wrote:

Commissioners,

I write in full recognition of the challenges the Commission and staff are experiencing both with the coronavirus pandemic and the widespread reactions to the comportment and behavior of the mayor. Needless to say, I can both sympathize and empathize with what you are being asked to do as public servants under stress, without any compensation or salary.

I do feel compelled however to submit these comments notwithstanding the heavy June 17, 2020 meeting agenda because the issue is something I have raised before, but apparently city processes have not changed.

Specifically, you may recall last July I appeared before the Commission during citizen comment to express concern that a land use resolution adopting new storm water & grading design standards had been placed on that meeting's agenda under the "consent agenda." I offered the opinion that land use matters require Goal 1 public process, and at a minimum a noticed and regular public hearing.

That proposed resolution was removed from that evening's agenda completely, and in time the matter returned as a proposed ordinance, with its own public hearing.

While I recognize the pressure of the times, I again regret to see a land use resolution, this time establishing a new planning fee and raising other planning fees, placed on the consent agenda. Even land use fees are land use matters, and require a separate, individual hearing, not just as a matter of law but as a matter of good public policy and fairness to those who will be required to pay the fees.

I respectfully request that this item be removed from the consent agenda and continued to a future meeting during which it will be properly noticed for its own public hearing.

I will refrain from making my substantive comments until that time, should the Commission act to continue the matter. Hopefully things will have settled down by then.

James Nicita
Oregon City