

ORDINANCE No.

* Authorize the Bureau of Environmental Services to reimburse the property owner at 7017 SE Mitchell Ct for sewer user fees paid to the City, in the amount of \$2,290 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Marguerite Congoran (the Owner) has been the ratepayer at the property located at 7017 SE Mitchell Court (the Property) since December 15, 2004. Since July 1, 1993, sewer user fees have been billed to Portland ratepayers who cause or permit the discharge of sanitary sewage from a property in their possession into sewer facilities owned or maintained by the City. The Owner was billed sewer user fees for the Property from December 15, 2004 until April 19, 2019.
2. In May 2019 the Owner discovered, through an inspection of the sanitary system on their property which was performed by a private contractor, that the property is not connected to the City sanitary sewer system. The Bureau of Environmental Services reviewed documentation provided by the Owner and reviewed City plumbing records to confirm that the property is not connected to the City sanitary sewer system.
3. The Owner paid sewer user fees for the Property, to the City, in an amount estimated to be \$2,910.00 from December 15, 2004 to April 19, 2019. The Owner did not receive sanitary sewer service from the City for these user fees.
4. City Code section 17.36.090.A. allows the Director of the Bureau of Environmental Services to authorize sewer adjustments for billing errors, limited to the most recent three years of billing. The Bureau of Environmental Services issued a reimbursement of \$620.00 to the Owner, for the most recent three years of sewer users fees collected from the Owner, on May 30, 2019.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Environmental Services to reimburse the Owner, Marguerite Congoran, \$2,290.00 in sewer user fees collected in error by the City, from the Owner, from December 15, 2004 to January 25, 2016.

Section 2. The Council declares that an emergency exists in order to reimburse the Owner as expeditiously as possible. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:
Commissioner Nick Fish

Prepared by: Eli Rosborough
Date prepared: May 31, 2019

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

IMPACT STATEMENT

Legislation title: * Authorize the Bureau of Environmental Services to reimburse the property owner at 7017 SE Mitchell Court for sewer user fees, paid to the City, in the amount of \$2,290.00 (Ordinance)

Contact name: Sherri Peterson

Contact phone: 503-823-5310

Presenter name: B. Jonas Biery

Purpose of proposed legislation and background information:

The Bureau of Environmental Services (BES) protects public health, water quality and the environment. It provides sewer and stormwater collection and treatment services to accommodate Portland's current and future needs. BES protects the quality of surface and ground water and conducts activities that protect and restore our watersheds. The services provided by BES are paid by our ratepayers through user fees approved annually by Council.

In August 2016, via Ordinance No. 187926, City Council authorized changes to PCC 17.36 to more clearly allow the BES Bureau Director to authorize reimbursement payments to customers for billing errors. Assuming certain conditions are met, the Bureau Director is authorized to reimburse for up to three years of billing errors. Requests for reimbursement beyond that period may be put forth to City Council for authorization.

Marguerite Congoran has paid sewer user fees for the property located at 7017 SE Mitchell Court, for the discharge of wastewater in to the city sanitary sewer system, since December 15, 2004. In May of 2019, BES was notified by Marguerite Congoran that the property is not, and has not been, connected to the City sanitary sewer system. BES has confirmed that Marguerite Congoran was the ratepayer, the property is not connected to the city sanitary system, and sewer user fees were billed and collected in error. Under the authority of City Code section 17.36.090.A., BES has provided Marguerite Congoran a credit for the most recent three years of sewer user fees billed in error. However, PCC 17.36.090.A. does not allow the Bureau to grant adjustments, waive fees, or pay refunds prior to the most recent three years.

This ordinance facilitates fair and equitable BES sewer billing by ensuring the ratepayer is not charged for services that the City has not provided. This ordinance authorizes the Bureau to estimate sewer user fees which were billed to and paid by Marguerite Congoran in error between December 15, 2004 and January 25, 2016 and to refund those fees to the ratepayer.

The ordinance is requested on an emergency basis so that funds that were charged and collected in error can be provided to the ratepayer in a timely manner.

Financial and budgetary impacts:

No budget changes or additional costs are expected to result from this Ordinance.

Community impacts and community involvement:

The proposed ordinance will benefit BES ratepayers by ensuring equitable, accurate and appropriate sewer user billing.

100% Renewable Goal:

This action has no positive or negative impact on the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount