

ORDINANCE NO. 184670

*Certify and transfer delinquent sewer system user fees to the Multnomah County Assessor for collection pursuant to ORS Section 454.225 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. City Code Section 17.36 authorizes the collection of sewer user service charges.
2. Oregon Revised Statutes Section 454.225 authorizes the City to transfer delinquent sewer system user fees to the Multnomah County Assessor to be billed and collected with property taxes.
3. The authority to make such transfers is limited to circumstances where the City is prevented from using water shut-off as a means of prompting payment of delinquent sewer system user fees.
4. The City provides sanitary sewer and stormwater management service to more than 5,000 customers who receive water service from independent water providers, and is therefore prevented from using water shut-off to force payment of delinquent sewer system user fees.
5. On March 3, 2011, the City identified delinquent "sewer only" accounts that owed the City for unpaid sewer system user fees.
6. The Portland Water Bureau mailed notices to delinquent ratepayers in March and May 2011, establishing a collection deadline of May 31, 2011, and setting forth conditions for ratepayers to meet to avoid the transfer of delinquent sewer system user fees to the Multnomah County Assessor.
7. On June 1, 2011, the Portland Water Bureau compiled a preliminary special assessment roll (Exhibit A) consisting of 178 accounts with delinquent and eligible sewer system user fees totaling \$271,957.05.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge and Auditor are authorized to execute on behalf of the City and pursuant to ORS 454.225, the certification and transfer of delinquent sewer system user fees to the Multnomah County Assessor not to exceed the amounts identified in Exhibit A.
- b. Pursuant to City Code Section 17.36, the Administrator is authorized to prepare all necessary forms and reports required by the Multnomah County Tax Assessor, based on the listing of utility accounts and delinquent sewer system user fees identified in Exhibit A.
- c. The Administrator is authorized to make subsequent adjustments to the City's certification as needed to assure the timely and accurate recording of the delinquent sewer system user fees.

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Section 2. The Council declares that an emergency exists because ORS 454.225 requires the timely and accurate filing of delinquent utility charges prior to July 15, 2011, and the Portland Water Bureau requires sufficient time to prepare and file the required assessment forms. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

[Faint handwritten notes and signatures in blue ink]

Passed by the Council, JUN 15 2011

Commissioner Leonard
John M. Popenuk
June 2, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings* Deputy

Agenda No. **184670**
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>JUN 10 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy ACTION TAKEN:
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard <i>[Signature]</i>	
BUREAU APPROVAL	
Bureau: Portland Water Bureau Bureau Head: David G. Shaff <i>[Signature]</i>	
Prepared by: John M Popenuk Date Prepared: June 2, 2011	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date June 15, 2011	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	