

Authorize the Bureau of Environmental Services to reimburse the property owner at 5609 N Vancouver Ave for sewer user fees paid to the City, in the amount of \$4,322

If you wish to speak to Council, please print your name, address and email

Name (PRINT)	Address and Zip Code (Optional)	Email (Optional)
✓ CHARLOTTE RUTHERFORD	5609 N. VANCOUVER 97217	

Good afternoon Mr. Mayor and Commissioners, my name is Charlotte Rutherford.

Thank you for allowing me time on your agenda. I am here to request that you waive system development charges with regard to my recent sewer connection. All things considered, I think waiver of that fee would be a fair and equitable solution to my situation. Let me explain.

I moved into my house on Vancouver Avenue in Albina in the fall of 1972. After graduating from Portland State University and working as a civil rights investigator and compliance officer for BOLI, I moved to Washington, DC to go to law school at Howard University School of Law in 1980. I stayed east for a decade while getting an advanced law degree from Georgetown University Law Center, passing the DC Bar, and working for the NAACP Legal Defense and Educational Fund in New York City. I maintained ownership of the house and leased it through the Housing Authority of Portland while I was gone. I returned to Portland at the end of 1992 to assist my aging parents.

My house was built in 1919. In October 2017 I had sewage in my basement. The repairman told me that City records showed I had a cesspool in my driveway but that the house had been put on the city's sewer system in 1921. I thought my problem was resolved until January 2018 when I had sewage in my basement again. At that time, I found out that I was host to a party-line with my neighbor for both the cesspool and the sewer line. The city would not allow me to repair my sewer line until my neighbor/party got off the party-line.

After much discussion, the city allowed me to fix the pipe break from my house to the cesspool on a temporary basis because it is illegal to use a cesspool. This temporary repair cost me \$3,500. I could never understand how the cesspool and sewer were connected and explanations by city employees did not help. Throughout this time, I was being charged sewer rates.

I contacted the city ombudsman during the process and as a result, I received an administrative ruling that granted me one quarter's sewer refund and contended that my problem was fixed. I appealed, contending that nothing was fixed and that I was still paying sewer fees that I wanted refunded. My appeal was denied because I was considered a "user" and "ratepayer" who was "connected" to the sewer system.

My neighbor used his two 180-day periods before he made the repairs and got off my sewer line at the end of December 2018, a full year after this headache started. It took me until July 2019 to get the work done on my sewer line. Once my driveway was opened, it was clear that I had never been connected to the sewer line. I paid almost \$9,000 to decommission my cesspool and complete the work that was evidently started in 1921.

I requested of Commissioner Fish a refund of sewer fees paid since 1972 and reimbursement of the \$3,500 temporary repair to the cesspool that had nothing to do with the sewer repair that I needed to make. I received a partial refund of \$1,519 for the sewer rates I have paid in the last three years. I understand you are to vote on the balance of my refund of \$4300, which is what I have paid since 1992. I really appreciate that. However, I have had the house since 1972 and I note that my refund does not include any interest on the money that is being refunded.

I am being charged \$6,446 for the sewer connection. I contend whatever fees that were required, were paid at the time of initial hook-up and that I should not be required to pay again.

I am a second generation native Portlander, retired from public employment as a State of Oregon administrative law judge and live on a fixed income. I would appreciate any assistance that you can give me to make this an equitable situation for us both.

If there are any questions, I would be pleased to respond.