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190902

Emergency Ordinance

***Authorize the Bureau of Environmental Services to reimburse the property ratepayer at 1001 NE Madrona St for sewer user fees in the amount of \$4,216**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Dave Nordine (the ratepayer) was the occupant of the property located at 1001 NE Madrona Street (the Property) from November 6, 2002, to November 19, 2021. 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 ratepayer was billed sewer user fees for the Property from November 6, 2002, until November 19, 2021.
2. On or about January 31, 2022, the ratepayer 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 City plumbing records to confirm that the property is not connected to the City sanitary sewer system.
3. The ratepayer paid sewer user fees for the Property, to the City, in an amount estimated to be \$4,766 from November 6, 2002, to November 19, 2021. The ratepayer 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 from when the Bureau is notified of a billing error. The Bureau of Environmental Services issued a reimbursement of \$550 to the ratepayer, for the three years of billed sewer users fees collected prior to notification of the error, on February 25, 2022.
5. The remaining amount due is \$4,216, with the refund occurring within the water/sewer billing system (Cayenta). Environmental Services will see a reduction in the usual daily revenue and cash for this transaction, with no budgetary expense occurring in BES' cost elements.

NOW, THEREFORE, the Council directs:

- A. The Bureau of Environmental Services to reimburse the ratepayer, Dave Nordine, \$4,216 in sewer user fees collected in error by the

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Consent

City, from the ratepayer, from November 6, 2002 to November 19, 2018.

Section 2. The Council declares that an emergency exists in order to reimburse the ratepayer for funds that were collected in error; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 29, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

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.

Dave Nordine has paid sewer user fees for the property located at 1001 NE Madrona Street, for the discharge of wastewater into the city sanitary sewer system, since November 6, 2002. In January 2022, BES was notified by Mr. Nordine's representative that the property is not, and has not been, connected to the City sanitary sewer system. BES has confirmed that Dave Nordine 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 Dave Nordine a credit for the most recent three years of sewer user fees which were 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 Dave Nordine in error between November 6, 2002, and November 19, 2018, and to refund those fees to the ratepayer.

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.

Budget Office Financial Impact Analysis

This legislation authorizes BES to reimburse a ratepayer \$4,216 in sewer user fees collected in error by the City.

Agenda Items

587 Consent Agenda in [June 29-30, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea