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191017

Emergency Ordinance

## **\*Authorize Bureau of Environmental Services to reimburse property owner at 8317 N Smith St for sewer user fees in the amount of \$8,263**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Mary Higley (the Owner) has been the ratepayer at the property located at 8317 N Smith Street (the Property) since August of 1993. 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 August of 1993, until May 12, 2022.
2. On or about August 9, 2022, 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 City plumbing records to confirm that the property is not connected to the City sanitary sewer system.
3. 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 to the Owner, for the most recent three years of billed sewer users fees, on August 9, 2022.
4. The Owner paid sewer user fees for the Property, to the City, in an amount estimated to be \$8,263 from August of 1993 to May 10, 2019. The Owner did not receive sanitary sewer service from the City for these user fees. Therefore, the remaining amount billed for services not provided is \$8,263, 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:

**Introduced by**

[Commissioner Mingus Mapps](#)

**Bureau**

[Environmental Services](#)

**Contact**

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Analyst II

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**Requested Agenda Type**

Consent

**Date and Time Information**

**Requested Council Date**

October 5, 2022

- A. The Bureau of Environmental Services to reimburse the Owner, Mary Higley, \$8,263 in sewer user fees collected in error by the City, from the Owner, from August of 1993 to May 10, 2019.

Section 2. The Council declares that an emergency exists in order to reimburse the Owner 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  
October 5, 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.

Mary Higley has paid sewer user fees for the property located at 8317 N Smith Street, for the discharge of wastewater into the city sanitary sewer system, since August of 1993. In August 2022, BES was notified by Mary Higley that the property is not, and has not been, connected to the City sanitary sewer system. BES has confirmed that Mary Higley 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 Mary Higley 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 Mary Higley in error between August of 1993 and May 10, 2019 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.

### **Agenda Items**

#### **827 Consent Agenda in October 5-6, 2022 Council Agenda**

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea