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191086

Emergency Ordinance

***Authorize Bureau of Environmental Services to reimburse property owner at 6600 SE 92nd Ave for sewer user fees in the amount of \$1,475**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Virginia Luka (the Owner) has been the ratepayer at the property located at 6600 SE 92nd Avenue (the Property) since September 6, 2016. 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 September 6, 2016 to July 29, 2022.
2. On or about September 6, 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 the error. The Bureau of Environmental Services issued a reimbursement to the Owner for the most recent three years of billed sewer users fees on October 19, 2022.
4. The Owner paid sewer user fees for the Property, to the City, in an amount estimated to be \$1,475 from September 6, 2016, to July 29, 2019. The Owner did not receive sanitary sewer service from the City for these user fees. However, City Code 17.36.090A. does not grant the Bureau authority to refund charges for this period.
5. The remaining amount billed for services not provided is \$1,475. A refund for this amount will occur 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

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

December 7, 2022

NOW, THEREFORE, the Council directs:

- A. The Bureau of Environmental Services to reimburse the Owner \$1,475 in sewer user fees collected by the City in error for the period from September 6, 2016 to July 29, 2019.
- B. The Mayor and City Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the Owner must be reimbursed as quickly as possible the 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
December 7, 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.

Virginia Luka has paid sewer user fees for the property located at 6600 SE 92nd Avenue, for the discharge of wastewater into the City sanitary sewer system, since September 6, 2016. In September 2022, BES was notified by Virginia Luka that the property is not, and has not been, connected to the City sanitary sewer system. BES has confirmed that Virginia Luka 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 Virginia Luka 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 Virginia Luka in error between September 6, 2016 and July 29, 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

1010 Consent Agenda in [December 7, 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