

ORDINANCE No. 187035

Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to reimburse four property owners affected by the SW 86th Avenue Pump Station construction in the total amount of \$47,012. (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. On September 12, 2012 the Washington County Hearings Officer issued a conditional approval for the construction of the SW 86th Avenue Pump Station and Appurtenances ("the Project"), Washington County file no. 12-174-SU/D/FP.
2. One condition of the approval was that the City must "determine what additional measures are feasible to implement in order to reduce...impacts" to "any household [with] particular sensitivities to construction..."
3. The Bureau of Environmental Services ("BES") concluded that it would be feasible and reasonable to pay a portion of the costs to retrofit five property owner's residences at their properties, and to reimburse a portion of the purchase price of a new residential property of one property owner's choosing, in order to mitigate the impacts of the project on property owners or members of their households.
4. The City has notified the Internal Revenue Service ("the IRS") of the compensation payments and provided the property owners with Form 1099.
5. The City has decided it would be unreasonable to expect the property owners to set aside a portion of the compensation in order to pay taxes thereon. However, the City cannot commit public funds to reimburse the property owners' for their federal and state tax liability attributable to the compensation until the property owners demonstrate that the compensation is taxable as income.
6. The City is willing to reimburse the four property owners for their federal and state tax liability attributable to the compensation now that the City has received a letter from the IRS concluding that the increased income of the property owners is likely taxable.
7. The established cost is \$47,012. Funds are available in the Sewer System Operating Fund, FY 2014-15 Budget, Bureau of Environmental Services, Project Number E09051.EXP.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are hereby authorized to draw and deliver warrants in the amount of \$47,012 chargeable to the Sewer System Operating Fund, FY 2014-15 Budget, Bureau of Environmental Services, and Project Number E09051.EXP when demand is presented and approved by the proper authority.

Passed by the Council,
Commissioner Nick Fish
[Debbie Caselton]
[02/02/2015]
Cost object – ord

MAR 04 2015

Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

Agenda No.
ORDINANCE NO. 187035
Title

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<p>INTRODUCED BY Commissioner/Auditor: Fish</p> <hr/> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities – Fritz</p> <p>Position 2/Works - Fish <i>[Signature]</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <hr/> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: James Hagerman <i>[Signature]</i></p> <p>Prepared by: Debbie Caselton Date Prepared: 2/2/15</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date 2/25/15</p>	<p>CLERK USE: DATE FILED <u>FEB 20 2015</u></p> <p align="right">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: FEB 25 2015 PASSED TO SECOND READING MAR 04 2015 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	