

# ORDINANCE No. 187926

Amend City Code to clarify sewer billing authority and criteria (Ordinance; amend Code Chapter 17.36)

The City of Portland ordains:

Section 1. The Council finds:

1. 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 waters and conducts activities that plan and promote healthy ecosystems in our watersheds.
2. The Portland City Code (PCC) authorizes BES to collect charges related to connection to and use of the public sewer and drainage system.
3. Funding for BES to provide stormwater management services partially derives from stormwater management charges included in sewer customers' quarterly sewer bills. More specifically, PCC 17.36.050 F currently provides that a customer's stormwater management charge is based on the user's proportionate share of City stormwater management services as estimated by the amount of impervious area on the user's property.
4. Existing PCC section 17.36.020 I, adopted via Ordinance No. 185870 (effective February 22, 2013) and amended by Ordinance No. 186902 (effective December 26, 2014), classifies certain types of surfaces as impervious for billing purposes and explicitly excludes other impervious areas from BES billing. The amendments in Exhibit A to this ordinance clarify that language and modify its location within the Code.
5. The Portland Water Bureau (PWB) collects BES sewer user charges billed to customers on behalf of BES.
6. Although PWB currently has explicit Code authority to "make adjustments, pay refunds or waive fees and charges where it is deemed necessary for the proper conduct of the business of the [Water] Bureau" (PCC 21.16.120), BES does not have similar authority. As a result, BES must at times rely on PWB Code authority to respond fairly and appropriately to its customers.
7. There are times when it would be fair, appropriate, and necessary for the proper conduct of the business of BES to make adjustments to the utility accounts of BES customers, and BES should have explicit Code authority to do so in such cases, regardless of whether doing so is also necessary for the proper conduct of the business of PWB.
8. This ordinance gives BES the Code authority to make adjustments that PWB already has.
9. This Ordinance will not require additional funds for implementation.

NOW, THEREFORE, the Council directs:

- a. That PCC Chapter 17.36 be amended as shown in the attached Exhibit A.

Passed by the Council,  
Commissioner Nick Fish

**AUG 03 2016**

Rachele Altman (RA)  
6/24/2016

**Mary Hull Caballero**  
Auditor of the City of Portland

By *Gayla Jennings*

Cost object – ESBS000007

Deputy

Agenda No.  
**ORDINANCE NO. 187926**  
 Title

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<p><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Fish</b></p> <p><b>COMMISSIONER APPROVAL</b></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> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services                  Bureau Head: Michael Jordan <i>[Signature]</i></p> <p>Prepared by: Rachele Altman                  Date Prepared: 6/24/2016</p> <p>Financial Impact &amp; Public Involvement Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>  <i>EM</i></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><input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b>                  required for Code Ordinances <i>Toni</i></p> <p><input checked="" type="checkbox"/> <b>City Attorney Approval:</b>                  required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date <b>7/27/16</b></p>	<p>CLERK USE: DATE FILED <u>JUL 19 2016</u></p> <p>Mary Hull Caballero                  Auditor of the City of Portland</p> <p>By: <i>[Signature]</i>                  Deputy</p> <p><b>ACTION TAKEN:</b>                  JUL 27 2016 PASSED TO SECOND READING AUG 03 2016 9:30 A.M.</p>
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**AGENDA**

**TIME CERTAIN**   
 Start time: \_\_\_\_\_

**Total amount of time needed:** \_\_\_\_\_  
 (for presentation, testimony and discussion)

**CONSENT**  *Pulled*

**REGULAR**   
 Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick →	✓	
Hales	_____	