

# ORDINANCE NO. 864

## AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE TITLE 12 – PUBLIC WORKS.

### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City of Troutdale has a responsibility to ensure that utility rates are established such that the users pay the true cost of the service provided.
2. The Council has previously established rates for utilities that accurately reflect the cost to provide the service.
3. There are disabled residents of the City of Troutdale who live on limited incomes that are below the median family income levels for the number of residents in the household and are served by City of Troutdale utilities.
4. Disabled individuals are uniquely inhibited from pursuing either increased or new sources of income due to the physical or mental effects of their disability.
5. Ordinary and necessary annual utility rate increases put financial pressure on disabled persons in low income households.

### NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

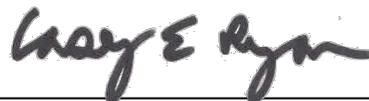
Section 1. Title 12 shall be amended as set forth in Attachment A. The amendment adds a new section, 12.14, to Title 12.

Section 2. This ordinance shall go into effect on December 1, 2020.

**YEAS: 6**

**NAYS: 0**

**ABSTAINED: 0**



Casey Ryan, Mayor

Date: October 29, 2020



Sarah Skroch, City Recorder

Adopted: October 27, 2020

CHAPTER 12.14 DISABLED UTILITY CUSTOMERS

12.14.010 APPLICATION—ELIGIBILITY

A. To the extent that City funds are available, and the requirements of this chapter are met, a residential utility customer of the City who is receiving benefits from the federal government under the Social Security disability program may make application to obtain reduced monthly charges for use of Troutdale’s sewer service. Approved customers shall pay fifty percent (50%) of the residential ERU charge.

B. To be eligible for a rate reduction:

1. The property involved must be occupied and used by the applicant as his or her principal residence during the period of the rate reduction.

2. No City sewer and other City assessments may be in arrears on the property (if owned by applicant or relative).

3. The applicant must be determined to be disabled by the Social Security Administration and receiving Social Security Disability benefits

4. The household income of the family residing at the property, of which the applicant is a member, shall not exceed eighty percent (80%) of the Multnomah County Median income for the size of the household requesting the assistance.

5. “Family” means one (1) person or two (2) or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five (5) persons, all or part of whom are not related by blood, marriage, legal adoption, or guardianship, living together as a simple housekeeping and economic unit in the dwelling occupying the property for which the reduced rate is applied for.

6. The applicant shall file an application to obtain reduced sewer rates with the City Finance Director prior to qualifying for reduced sewer rates. The applicant must truthfully answer all questions put to them regarding eligibility, and attach all required documents for all income earners in the household. If approved, the applicant shall re-apply annually.

12.14.020 FINANCING OF PROGRAM

Annually an amount equal to the total amount of rate discounts provided to qualified customers shall be transferred from the City General Fund to the Sanitary Sewer Utility Fund so as to not place the cost burden of the subsidy on the remaining utility customers.

12.14.030 ADMINISTRATION

The City Finance Director shall be responsible for the administration of this chapter, and may:

- A. Adopt reasonable rules and regulations relating to any matter pertaining to the administration of this chapter;
- B. Prepare and make available all necessary forms;
- C. As frequently as appears appropriate, make such investigation, including a review of all available records relating to household income of applicants for which a rate reduction has been allowed, to ascertain that the applicant continues to meet the eligibility requirements.
- D. Take any all other actions as necessary and appropriate to effectively administer the intent and requirements of this chapter, in compliance with the other chapters of the Troutdale Municipal Code, and the State of Oregon Local Budget Law, Oregon Revised Statutes Chapter 294 Sections 305 to 565.

#### 12.14.040 CONTRACT

The application required under Section 12.13.010 shall be in a form satisfactory to the City Attorney and shall contain a signed statement of agreement by the customer to abide by all terms of this chapter and such subsequent rules and regulations as may be adopted.

#### 12.14.050 MINIMUM INCOME LEVELS

Minimum income levels, below which a utility customer qualifies for a rate reduction, shall be eighty percent of the Median Family Income levels, for the number of family members, as established annually by the U.S. Government's Department of Housing and Urban Development for Multnomah County, or other appropriate measure as determined by the City.

#### 12.14.060 TERMINATION OF RATE REDUCTION

Reduced sewer rates for customers shall be terminated in the event of the occurrence of any of the following circumstances:

- A. Minimum income levels are exceeded or no longer considered disabled by the Social Security Administration;
- B. Applicant defaults in the performance of the terms and provisions of his or her contract with the City (including delinquency on sewer or other assessments);
- C. Applicant moves from the dwelling;
- D. Applicant (if an owner) sells, trades, or otherwise relinquishes ownership of the dwelling;
- E. Applicant fails to comply with any rule or regulation adopted under this chapter; refuses to provide information to or hinders any investigation by the City Finance Director into the continued eligibility of the applicant for reduced rates; willfully makes any false or misleading statement in

order to obtain or retain a rate reduction; or receives benefits under this chapter with knowledge that he or she does not qualify for such benefits.

F. An approved reduction in said sewer rate shall only apply to the City's fiscal year for the year in which it is applied for and will expire on June 30<sup>th</sup> of each year. Renewals must be applied for each year. Any rate discount provided shall commence at the beginning of the next billing cycle after the completed new or renewal application has been properly approved.

#### 12.14.070 CONFIDENTIALITY

To the maximum extent possible under the law, the applications, records, and other information relating to rate reduction requests shall be kept confidential by the City.

#### 12.14.080 APPEALS

Any person aggrieved by a decision of the City Finance Director under this chapter may appeal such decision to the City Manager by serving, within ten (10) days after receipt of the decision of the City Finance Director, a written notice of appeal specifying the grounds for objection to the decision. The City Manager shall consider the matter and may sustain, modify, or reverse the decision of the City Finance Director. The City Manager's decision is final.

#### 12.14.090 VIOLATION—PENALTY

A. A violation of this chapter shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

B. Each violation of a separate provision of this chapter shall constitute a separate offense and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate offense.

C. The conviction of any person for violation of this chapter shall not act to relieve such person from the requirement to pay the full regular sewer rates for the entire period he or she was unqualified for reduced rates. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City under other sections of this chapter.