

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 530

An Ordinance amending Multnomah County Code Chapter 8.70 and rescinding the Sewer Systems Development Charge.

Multnomah County ordains as follows:

SECTION 1. DEFINITIONS

E.Q.C.: The Environmental Quality Commission, a 5-member committee appointed by the Governor responsible for environmental protection in the state of Oregon.

S.D.C.: Sewer Systems Development Charge

Board: Board of County Commissioners, the governing body of Multnomah County, Oregon.

Consortium: East Multnomah County Sanitary Sewer Consortium, whose members are the Cities of Gresham Portland, and Troutdale, Central County Service District, and Multnomah County.

SECTION 2. FINDINGS

- A. Multnomah County Ordinance No. 320, adopted by the Board in July, 1982, established a S.D.C. in unincorporated urban Multnomah County east of the Willamette River and west of the Sandy River. This charge was imposed in compliance with state E.Q.C. Administrative Rule 340-71-335 enacted in April 1982.
- B. The charge was implemented as an alternative to the E.Q.C. proposed Rule requiring the installation of septic tanks in front of new cesspools. The alternative was adopted pending future E.Q.C. action taken as the County began to meet sewer implementation requirements of the E.Q.C.
- C. Multnomah County, as a member of the Consortium began negotiations with the Cities of Gresham and Portland for provision of sanitary sewer service to the Mid-County area. In response to E.Q.C. directives to develop plans for sewer implementation, in June, 1984, the Consortium submitted Threat to Drinking Water Findings and Providing Sewer Service to Mid-Multnomah County: Framework Plan, to the E.Q.C., in accordance with the requirements of ORS 454.275.
- D. Following review and evaluation of the reports in December, 1984, the E.Q.C. concluded that additional information was needed before findings and recommendations could be adopted. A further directive was issued by the E.Q.C. in December, 1984, requiring the Consortium to develop revised plans, specific schedules, and implementation programs.

- E. In September, 1985, the Consortium submitted the Mid-Multnomah County Sewer Implementation Plan (Volumes I and II) to the E.Q.C. for review. The financing plan did not include the collection of a S.D.C.
- F. At the E.Q.C. hearing on April 25, 1986, the E.Q.C. adopted Findings and Order which directed the cities of Gresham and Portland to proceed to implement the plan for providing sewer service to Mid-Multnomah County.
- G. At the E.Q.C. hearing of Sept. 12, 1986, the E.Q.C. adopted Findings and Order rescinding the requirement for an S.D.C. in Multnomah County.

SECTION 3. AMENDMENT

In consideration of the Finding and Order of the E.Q.C. for the rescinding of the rule requiring an S.D.C. MCC 8.70 is hereby amended and section .440, the S.D.C. is hereby repealed.

SECTION 4 CANCELLATION OF OUTSTANDING ACCOUNTS

All balances remaining unpaid in accounts established for time payments or deferred payments of SDC's are hereby cancelled.

SECTION 5. DISBURSEMENT OF FUNDS

Monies currently within the respective sub funds of the S.D.C. shall be refunded to the owner of record of the property for which the charge was collected, except that any S.D.C.'s funded by City, County, State or Federal funds are to be refunded to the funding agency less the 3% handling fee previously deducted and paid to the County General Fund pursuant to subsection B. of Section 5 of Ordinance No. 320, and less 2% per year administrative fee on accounts which elected to pay the charge in installments, and less any unpaid balance for each respective account. Earnings in the account shall be credited on a proportional basis to each account, to be calculated as follows:

1. The weighted average annual yield of Multnomah County for the respective year's earnings shall be used to calculate interest. Interest will be computed on a 30-day month, 360-day year basis with interest compounded annually on the County's fiscal year end.
2. The earnings shall be distributed to each account on a pro-rated basis by applying the average interest to the amount of each payment from the date of payment to the date of distribution.
3. Any residual balance remaining after the refund of all accounts shall be retained by Multnomah County and used to fund the administrative costs of the disbursement.

SECTION 6. SAVINGS CLAUSE

If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this Chapter shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the Chapter, but shall be confined to the article, section, subsection, subdivision, clause, phrase, sentence or word so held invalid or unconstitutional.

Adopted this 25th day of September, 1986.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Presiding Officer

Authenticated this 26th day of September, 1986.

(SEAL)


Dennis Buchanan, County Executive

APPROVED AS TO FORM

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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