

**Title 3**

**REVENUE AND FINANCE**

**Chapters:**

- 3.10 Assessment in Addition to Bail/Fine**
- 3.15 Recording Municipal Liens**
- 3.20 Public Contracting Procedures**
- 3.25 General Fund Fee**



**Chapter 3.10****ASSESSMENT IN ADDITION TO BAIL/FINE**

## Sections:

- 3.10.010 Assessment.
- 3.10.020 Assessment – Deposit with bail.
- 3.10.030 Assessment – Forfeiture.

**3.10.010 Assessment.**

Whenever the Philomath municipal court imposes a fine or orders a bail forfeiture, as a penalty for violating a Philomath ordinance relating to traffic or criminal offenses, except an ordinance relating to cars unlawfully left or parked, an assessment in addition to such fine or bail forfeiture, and in addition to any assessment that may be required under state law, shall be collected and credited to the land, building and equipment capital fund for the purchase of equipment for use by the police department. The amount of the assessment shall be as follows:

- A. When fine or forfeiture \$100.00 or less, \$10.00;
- B. When fine or forfeiture is over \$100.00, \$25.00. [Ord. 694, 2000; Ord. 498 § 1, 1983.]

**3.10.020 Assessment – Deposit with bail.**

When any deposit of bail is made for an offense to which this chapter applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in PMC 3.10.010. [Ord. 498 § 2, 1983.]

**3.10.030 Assessment – Forfeiture.**

If bail is forfeited, the assessment prescribed in this chapter shall be collected for credit to the land, building and equipment capital fund pursuant to this chapter. If bail is returned, the assessment made thereon shall also be returned. [Ord. 694, 2000; Ord. 498 § 3, 1983.]

**Chapter 3.15****RECORDING MUNICIPAL LIENS**

## Sections:

- 3.15.010 Purpose.
- 3.15.020 Definitions.
- 3.15.030 Recording of city lien docket in the county clerk lien record.

**3.15.010 Purpose.**

The purpose of this chapter is to accomplish the following regarding municipal liens: to comply with state law, to provide additional notice of the existence of municipal liens for potential purchasers of property within the city limits of Philomath, and to provide additional security for sums loaned, or advanced, or charges deferred, by the city of Philomath. [Ord. 703 § 1, 2002.]

**3.15.020 Definitions.**

For purposes of this chapter the following definitions apply:

A. **Municipal Lien.** Any lien granted by a borrower, program participant, person deferring charges, or incurred or imposed as the result of an assessment, whether or not related to the issuance of municipal bonds. A municipal lien may be voluntary or involuntary depending upon the program and the ordinance authorizing the lien. Municipal liens include liens for system development charge deferrals, rehabilitation loans, liens securing assessments related to the installation or repair of streets and/or sidewalks, and/or other public infrastructure, and liens imposed by order of the municipal court. Any lien imposed under the authority of a city ordinance is a municipal lien.

B. **Municipal Lien Docket.** For purposes of any city ordinance referring to a “municipal lien docket” or “city lien docket,” any entry in the financial records or books of the city which shows the initial amount owed to the city under any order, program, ordinance or resolution imposing a municipal lien, along with any records showing payments, credits, charges, and interest accrued as a result of the assessment loan or deferral which caused the lien, shall be considered the “municipal lien docket.”

C. **County Clerk Lien Record.** Those records authorized under ORS 205.130, as may be

amended from time to time, kept by the county clerk or county recorder. [Ord. 703 § 2, 2002.]

**3.15.030 Recording of city lien docket in the county clerk lien record.**

The city manager and/or the city manager's designee may record any municipal lien authorized by ordinance or resolution in the county clerk lien record.

A. The city manager and/or the city manager's designee may choose, taking into account the best interest of the city, to provide an on-line electronic lien record consistent with ORS 93.643(2)(c)(B) in lieu of recording municipal liens in the county clerk lien record.

B. Notwithstanding the requirements of any other ordinance, the city manager and/or the city manager's designee may make an entry in the city lien record indicating that all future entries or records related to that specific lien will only be maintained in the county clerk lien record or on the electronic medium accessible on-line. In such a case where any city ordinance refers to the municipal lien record or the municipal lien docket, the county clerk lien record shall be the lien docket required by that ordinance.

C. Notwithstanding any other provisions in any city ordinance or resolution, the cost of recording a municipal lien in the county court lien record shall be included as part of the amount required to satisfy the lien. [Ord. 703 § 3, 2002.]

**Chapter 3.20**

**PUBLIC CONTRACTING PROCEDURES**

Sections:

- 3.20.010 Contract review board.
- 3.20.020 Definitions.
- 3.20.030 Public contracts for goods and services.
- 3.20.040 Public improvement contracts.
- 3.20.050 Offeror disqualification.
- 3.20.060 Personal services contracts.
- 3.20.070 Disposition of personal property.
- 3.20.075 Disposition of real property.
- 3.20.080 Adoption of code and rules.

**3.20.010 Contract review board.**

The city council is designated as the local contract review board of the city and shall have all of the rights, powers and authority to carry out the provisions of ORS Chapters 279A, 279B, and 279C (the "Public Contracting Code"). Except as otherwise provided in this chapter, the city manager, or the designated purchasing agent, is designated as the city's contracting agency for purposes of contracting powers and duties assigned to the city as a contracting agency under the Public Contracting Code. [Ord. 730 § 1, 2005.]

**3.20.020 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings. All words or phrases not defined in this section shall have the meanings ascribed to them in the Public Contracting Code or the Model Rules or Oregon Administrative Rules adopted by the Oregon Attorney General thereunder ("Model Rules"):

"City" means the city of Philomath, the city manager or the designated purchasing agent acting on behalf of the city of Philomath, as the context requires.

"Competitive sealed bid" means the process to solicit and award a public contract (or multiple public contracts) for goods or services through a formal process which includes providing public notice of the invitation to bid, opening bids publicly at the time, date and place designated, and considering bid security requirements. The price of the good or service is the primary consideration for award of a contract under this process, as specified

quality and suitability for the particular purpose should be set out in the invitation. Criteria that will affect the bid price and will be considered in the evaluation of bids, such as, but not limited to, discounts, transportation costs and total cost of ownership or operation of a product over its life must be objectively measurable.

“Competitive sealed proposal” means the process to solicit and award a public contract (or multiple public contracts) for goods or services through a formal process which includes providing public notice of the request for proposals, considering proposal security requirements, evaluation of proposals, discussions with proposing vendors or multistep approaches to obtain a best offer or best and final offer that is in the best interest of the public.

“Informal quote” means the procedure through which the city shall seek at least three informally solicited competitive proposals from prospective contractors. The quote process does not allow negotiation over price after a quote is received. The city shall keep a written record of the sources of the quotes or proposals received. If three quotes are not reasonably available, fewer will suffice provided the contracting agency makes a written record of the effort to obtain quotes.

“Personal services contract” means a contract to retain the services of an independent contractor whose services require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; surveyors; attorneys; accountants; auditors; insurance agents; risk managers; investment advisor; computer programmers; artists; designers; performers; and consultants. The contracting agency shall have the authority to determine whether a particular service is a “personal service” under this definition.

“Written quote” means the procedure through which written offers are solicited by advertising, electronic posting, or verbal inquiry, stating the quantity and quality of goods or services to be acquired, and through which written offers are received by the city on or before a stated date. The quote process does not allow negotiation over price

after a quote has been received. In soliciting written quotes, the city shall seek a sufficiently large number of potential offerors to insure sufficient competition to meet the best interests of the city. An award based on less than three written quotes may be made provided the contracting agency makes a written record of the effort to obtain quotes.

If a contract is awarded it shall be awarded to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110. [Ord. 813 § 1, 2016; Ord. 785 § 1, 2013; Ord. 730 § 2, 2005.]

### **3.20.030 Public contracts for goods and services.**

This section applies to public contracts that are not contracts for public improvements or contracts for personal services. A public contract shall not be artificially divided or fragmented to qualify for a different award procedure than that provided by this section.

A. The following classes of public contracts and respective award procedures are created:

1. The contracting agency may award a contract for procurement of goods or services that does not exceed \$10,000 in any manner the contracting agency deems practical or convenient, including by direct selection or award.

2. The contracting agency may award a contract for procurement of goods or services that exceeds \$10,000 but does not exceed \$30,000 based on informal quotes.

3. The contracting agency may award a contract for procurement of goods or services that exceeds \$30,000 but does not exceed \$150,000 based on written quotes.

4. A public contract for an amount which is valued at more than \$150,000 shall be awarded by the city council based on competitive sealed bids or competitive sealed proposals.

5. The contracting agency may award a special contract for the purpose of entering into a series of contracts over time for a single project or a series of contracts over time for multiple projects. The contracting agency shall award the contract to

the offeror the contracting agency determines to be the most advantageous to the contracting agency. Contracts with an annual cost of less than \$30,000 will be awarded by the contract agency based on written quotes. Contracts with an annual cost of \$30,000 or more will be awarded by the city council.

B. Amendments. Amendments to public contracts for goods or services may not cause the contract price to exceed an amount that is 25 percent over the original contract price.

C. Exemptions.

1. The requirements of subsection (A) of this section do not apply to the following classes of public contracts:

- a. Equipment repair and overhaul;
- b. Purchases through federal, state, or other cooperative purchase programs.

2. For public contracts predominantly for services, one extension not exceeding the original term of the contract or annual renewals, if provided in the contract, is permitted without going through competitive procurement requirements.

3. Amendments to contracts exceeding the limits in subsection (A) of this section shall be exempt if the city council determines that it is not reasonably feasible to require additional competitive procurement to complete the purpose of the contract; otherwise the amendment shall comply with subsection (B) of this section or the city council shall direct additional competitive procurement and the competitive procurement procedure required for the amendment.

4. By resolution, the city council may exempt other public contracts or classes of public contracts from the requirements of subsection (A) of this section pursuant to ORS 279B.085.

D. Notice of solicitation documents may be published electronically, in lieu of publication in a newspaper of general circulation, if it results in a sufficiently large number of potential offerors to insure sufficient competition to meet the best interests of the city. [Ord. 813 § 2, 2016; Ord. 785 § 2, 2013; Ord. 730 § 3, 2005.]

### **3.20.040 Public improvement contracts.**

A. Legislative Findings. The city of Philomath has evaluated the administrative cost and expense to the public in requiring formal bids for all public improvement contracts with a value of \$5,000 or

more. The city council, as the contract review board, makes the following findings:

1. An exemption from the formal bid process for contracts from \$5,000 to \$40,000 will not encourage favoritism or diminish competition, so long as the contract agency require at least three written quotes prior to awarding public improvement contracts in this price range;

2. The awarding of public improvement contracts between \$5,000 and \$40,000 through soliciting three written quotes rather than a formal bid process will save the city substantial costs in administration, staff time and unneeded delays;

3. The written quote process is an alternative contracting method that the city has used successfully for smaller contracts, saving time and money.

B. Description. A public improvement contract is defined pursuant to the Public Contracting Code and does not include a public contract for emergency work, minor alterations, ordinary repair and maintenance necessary to preserve public improvements, contracts for projects for which no funds of the city are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection, and does not include any other construction contract that is not defined as a public improvement under the Public Contracting Code. A public improvement contract shall not be artificially divided to qualify for a different award procedure than that provided by this section.

1. The following classes of public improvement contracts and respective award procedures are created:

a. The contracting agency may award a public improvement contract valued at less than \$5,000 in any manner the contracting agency deems practical or convenient, including by direct selection or award.

b. Public improvement contracts valued at \$5,000 or more, but no more than \$40,000, shall be awarded by the contract agency based on written quotes.

c. All public improvement contracts over \$40,000 shall be awarded by the city council based on competitive sealed bids pursuant to the Public Contracting Code, except as stated hereinafter.

2. Exemptions. The requirements of subsection (A) of this section, and the procedures applicable to the award of those contracts, do not apply to

the following classes of public improvement contracts:

a. Emergency public improvement contracts may be exempted from competitive bidding if the contracting agency determines that an emergency exists and that conditions require the prompt execution of a contract. Emergency public improvement contracts shall be awarded in accordance with the Public Contracting Code. The contracting agency shall provide the city council with a written statement indicating the nature of the emergency and stating with particularity the emergency conditions and why they pose an imminent threat to the public health, safety or welfare. The contracting agency shall not declare the same emergency more than two times in any 90-day period.

b. By resolution, the city council may exempt from competitive bidding a public improvement contract or class of public improvement contracts not otherwise exempt under this section pursuant to ORS 279C.335.

c. When an exemption allows for award of the contract through competitive proposals, the provisions of ORS 279C.400 through 279C.410 shall apply.

3. Amendments to public improvement contracts may not cause the contract price to exceed an amount that is 25 percent over the original contract price.

4. The performance and payment bonds requirements and exceptions of the Public Contracting Code shall apply to all public improvement contracts.

5. Notice of solicitation documents may be published electronically, in lieu of publication in a newspaper of general circulation, if it results in a sufficiently large number of potential offerors to ensure sufficient competition to meet the best interests of the city.

6. The city may undertake to construct a public improvement using its own equipment and personnel if doing so will result in the least cost to the city or public, in accordance with ORS 279C.305.

7. If all responsive offers on a public improvement contract exceed the budget for the project, the contracting agency may, prior to contract award, negotiate for a price within the budget under the following procedures:

a. Negotiations shall start with the lowest responsive, responsible offeror. If negotiations are not successful, then the contracting agency may negotiate with the second lowest responsive, responsible offeror, and so on.

b. Negotiations may include value engineering and other options to attempt to bring the project cost within the budgeted amount.

c. A contract may not be awarded under this section if the scope of the project is significantly changed from the description in the original solicitation documents.

d. The records of an offeror used in contract negotiations under this section are not subject to public inspection until after the negotiated contract has been awarded or the negotiation process has been terminated.

8. The use of brand name, mark or manufacturer specifications in public improvement contracts shall be made in accordance with ORS 279B.125. [Ord. 813 § 3, 2016; Ord. 730 § 4, 2005.]

### **3.20.050 Offeror disqualification.**

A. The city council or contracting agency, whoever is awarding a public contract, may disqualify any person as an offeror on a contract if:

1. The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

2. The person does not have available equipment to perform the contract;

3. The person does not have key personnel of sufficient experience to perform the contract;

4. The person has breached previous contractual obligations with the city of Philomath;

5. The person has been debarred or disqualified by any state agency or by the city of Philomath under ORS 279B.130 or 279C.440; or

6. The person is on the list created by the Oregon Construction Contractors Board under ORS 701.227, if the advertised contract is a public improvement contract.

B. The provisions of the Public Contracting Code regarding disqualification of persons shall apply in addition to this section with respect to public improvement contracts.

C. A person who has been disqualified as an offeror may appeal the disqualification to the city council in accordance with the procedures in Chapter 279C of the Public Contracting Code. [Ord. 813 § 4, 2016; Ord. 730 § 5, 2005.]

### **3.20.060 Personal services contracts.**

A. The following procedures shall apply to the award of personal services contracts:

1. Personal services contracts involving an anticipated annual fee of \$5,000 or more, but less than \$25,000, shall be awarded by the contracting agency following solicitation of offers for personal services by written invitation, advertisement, or electronic publication. The contracting agency shall determine the selection criteria to be included in the solicitation and shall have authority to negotiate and enter into the contract.

2. Personal services contracts having an anticipated annual fee of \$25,000 or more shall be awarded by the city council following solicitation of offers based on the procedure and selection criteria adopted by the city council before offers are solicited.

3. Except as otherwise provided in the Public Contracting Code, for all other personal services contracts, including amendments to and annual renewals or extensions of existing contracts and emergencies, the city may enter into the contract without a solicitation of offers. A personal services contract shall not be artificially divided or fragmented to qualify for the award procedures provided by this subsection.

B. The following criteria shall be considered in the evaluation and selection of a personal services contractor. The criteria are not listed in order of preference or importance. This section does not preclude the use of other additional criteria:

1. Timeliness of delivery of services;
2. Expertise of the contractor in the area of specialty called for;
3. References from successfully completed projects managed by the contractor;
4. Utilization of locally procured goods, services, or personnel;
5. Other services provided by the contractor not specifically listed in the request for proposal;
6. Total cost to the agency for delivery of services; and

7. Other criteria specially listed in the solicitation document on a case by case basis. [Ord. 813 § 5, 2016; Ord. 730 § 6, 2005.]

### **3.20.070 Disposition of personal property.**

A. The city manager shall have the authority to determine when personal property owned by the city, with an expected market value of less than \$10,000, or that is to be traded in on the purchase of replacement equipment is surplus.

B. The city council shall determine when all other property is to be considered surplus.

C. When property is determined to be surplus, the city manager shall select the method of disposal which maximizes the value the city will realize from disposal of the surplus property. The city manager shall consider whether the cost of disposal or delivery is greater than the value of the surplus property.

D. All personal property sold pursuant to this section shall be sold as-is without any warranty, either express or implied, of any kind. [Ord. 813 § 6, 2016; Ord. 730 § 7, 2005.]

### **3.20.075 Disposition of real property.**

A. The city council shall determine if it is necessary or convenient to sell or trade real property or any interest therein.

B. The city council shall publish a notice of the proposed sale or trade, in a newspaper of general circulation in the city, and or by electronic publication. The notice shall be published no more than 10 days or less than five days prior to the public hearing. The notice shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell or trade the property.

C. The city council shall hold a public hearing concerning the sale or trade no earlier than five days after publication of the notice. The nature of the proposed sale or trade and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing. [Ord. 813 § 7, 2016.]

**3.20.080 Adoption of code and rules.**

A. Except as specifically provided in this chapter, public contracts shall be awarded, administered and governed according to the Public Contracting Code and the Model Rules, as they now exist and may be amended in the future.

B. In the event of a conflict between any provisions of this chapter and the Public Contracting Code or Model Rules, the provisions of this chapter shall prevail. [Ord. 730 § 8, 2005.]

**Chapter 3.25**

**GENERAL FUND FEE**

Sections:

- 3.25.010 Title.
- 3.25.020 Purpose and intent.
- 3.25.030 Imposition of the general fund fee surcharge.
- 3.25.040 Collection.
- 3.25.050 Means-based fee reduction.
- 3.25.060 Program administration.
- 3.25.070 Appeal process.
- 3.25.080 Enforcement.

**3.25.010 Title.**

PMC 3.25.010 through 3.25.080 of this chapter shall be known as the general fund fee ordinance. [Ord. 818 § 1, 2017.]

**3.25.020 Purpose and intent.**

A. This chapter establishes a general fund fee surcharge. The revenues generated by this fee are intended to allow the city of Philomath to continue to offer general government services, functions and materials, including but not limited to maintaining the level of staff and service as of July 2017, including full-time police patrols; building up the general fund ending balance to a fiscally prudent amount; and building up funds available for future land, building and equipment. The purpose of this chapter is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the city. The council also finds that a continuous and consistent general government program offering full-time police patrols, municipal court, parks, planning, transit, and other general government services, functions and materials provides a multitude of economic and social benefits to the public, including, but not limited to:

1. Reduction in the incidence of crime;
2. Improved response to police calls and other public safety situations;
3. Enhanced protection of persons and property;
4. Local control and review of planning and development;
5. Promotion of business and industry;
6. Promotion of community spirit and quality of life;

7. Economic savings to the community in avoiding loan fees and interest.

B. The revenues generated by this fee are also intended to allow the city of Philomath to maintain a fiscally prudent operating reserve and to fund a reserve for the future cost of major repair, replacement and acquisition of buildings and property. The general fund fee is not intended to be restricted to any specific use or service. The general fund fee is not an assessment against real property and may not be enforced by a lien against property. The general fund fee is assessed on the number of developed units or sites through utility accounts, because the demand for the services provided through the general fund becomes greater as development occurs. Because the fee is not intended to be punitive in any manner, the fee may be reduced based upon the income of the account holder.

C. This general fund fee is intended to be a surcharge for service within the city limits. The general fund fee is not intended to replace or reduce existing ad valorem property tax revenues nor is the general fund fee revenue intended to be the sole revenue used to provide these general government services. [Ord. 818 § 1, 2017.]

### **3.25.030 Imposition of the general fund fee surcharge.**

A. The general fund fee surcharge, at the amount of \$10.00 per month, per developed residential unit and per developed commercial site or developed industrial site, to accomplish the above-stated purposes is hereby established.

B. The general fund fee surcharge shall be assessed to each residential utility account at the basis of \$10.00 per unit and to each nonresidential (commercial or industrial) utility account at the basis of \$10.00 per site per month. Billing shall be shown as a line item on the city utility bill unless otherwise specified below.

C. Except as the fees may be reduced or eliminated under PMC 3.25.050, the obligation to pay a general fund fee surcharge arises when a responsible party uses or otherwise benefits from general government services. It is presumed that general fund services are used and that a benefit arises for all persons within the city.

D. All developed properties within the city limits shall be charged the general fund fee surcharge.

E. The council shall review the fee amount annually and make a determination as to whether a change in the general fund fee surcharge would be appropriate.

F. The general fund fee billing rate shall be set only through an ordinance.

G. The general fund fee shall automatically be terminated, and PMC 3.25.010 through 3.25.080 shall have no future effect, and shall not be enforced, five years after the effective date of the ordinance codified in this chapter. [Ord. 818 § 1, 2017.]

### **3.25.040 Collection.**

A. General fund fee surcharges shall be collected monthly through the city utility bill per subsection (B) of this section.

B. Unless another responsible person has agreed in writing to pay and a copy of that writing is filed with the city, the person normally responsible for paying the city water and sewer utility charges is responsible for paying the general fund fee surcharge, if the property is located within the city limits.

C. In the event a developed property is not served by a domestic water meter or sewer hook-up, or if water and sewer service is discontinued, the general fund fee surcharge shall be billed to the persons having the right to occupy the property. If unpaid by the occupants of the property, the bill will be the responsibility of the property owner.

D. A request for water or sewer service, a building permit, or the occupancy of an unserviced building will automatically initiate appropriate billing for general fund fee services.

E. The imposition of surcharges shall be calculated on the basis of the number of units supported, without regard to the number of water meters serving that property.

F. A late charge shall be attached to any general fund fee surcharges not received within 16 days of billing. The charge will be established as an administrative fee by resolution.

G. Notwithstanding the above, if the general fund fee surcharge is not paid for a period of two months, the surcharge, with any attendant late fees, shall be imposed on the responsible party. Water is subject to shutoff by the city. [Ord. 818 § 1, 2017.]

**3.25.050 Means-based fee reduction.**

A. Single-family residential unit occupants who are responsible for paying the general fund fee surcharge and qualify as having “very low income” based on the definition from the U.S. Department of Housing and Urban Development as at or below 50 percent of the area median income (AMI) for Benton County, Oregon (as in effect July 1, 2017, and updated July 1st of each subsequent year), are entitled to a 100 percent reduction in the general fund fee surcharge.

B. The city manager shall create forms and a procedure for persons to apply for and receive the means-based fee reduction. [Ord. 818 § 1, 2017.]

**3.25.060 Program administration.**

A. Fees under this chapter will be collected by the appropriate staff at the city offices.

B. The city manager is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes in the form of administrative procedures for adoption by the city council by resolution. Such procedures, if adopted by the council, shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the city. [Ord. 818 § 1, 2017.]

**3.25.070 Appeal process.**

The general fund fee surcharge or determination of means-based fee reduction may be appealed for change or relief in accordance with the following criteria:

A. Any responsible party who disputes any interpretation given by the city as to property classification or means eligibility may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to, availability of more accurate information; equity relative to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

B. The city’s finance committee shall be responsible for evaluating and administering the appeal process. If the finance committee decides information provided through the appeal process

justifies a change, the finance committee may authorize this change retroactive to the date the appeal was filed.

C. The finance committee shall make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the committee may request the applicant provide additional information.

D. The finance committee shall provide a report to the appellant within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

E. Decisions of the finance committee may be further appealed to the city council, and shall be heard at a public meeting. Upon such further council appeal, the city council shall at its first regular meeting thereafter set a hearing date. The matter shall be heard solely upon the record. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the city council.

F. Except for appeals of the means-based fee reduction, there will be an initial filing fee for an appeal to the finance committee. An additional fee will be required for further appeal to the city council. A schedule of fees, fines and penalties is kept on file in the offices of the city. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief based on financial necessity. [Ord. 818 § 1, 2017.]

**3.25.080 Enforcement.**

A. In the event funds received from payment for a city utility bill are inadequate to satisfy in full all of the water, sewer, and general fund fee charges for the bill, credit shall be given first to the general fund fee surcharge, second to the street utility fee, third to storm drain fee, fourth to sewer service charges, fifth to water service charges and finally to the charges for interest and penalties.

B. In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where general fund fee surcharges are delinquent or unpaid.

C. Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative. [Ord. 818 § 1, 2017.]