

City of Bend  
City Manager Administrative Policy



CITY OF BEND

**Septic to Sewer Conversion Program Hardship  
Deferral Policy for Connection Requirement  
Within Two Years from the Notice of Completion  
and Guidelines for City Staff in Interpreting the  
Sewer Code  
Policy No. 2022-5**

Bend Code Chapter 1.450 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies, and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Reviewed by Legal Counsel:

DocuSigned by:  
*Eric King*  
409FF33EB4E64D3...

DocuSigned by:  
*Mary Winters*  
F0C398BD345A438...

Eric King  
City Manager

Mary Alice Winters  
City Attorney

Dated: 7/6/2022

Dated: 7/6/2022

Policy No. 2022-5  
Adopted: 07/06/22  
Revised:  
Revision No.:

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TITLE: Septic to Sewer Conversion Program Opt-Out Policy and Guidelines  
POLICY NO. 2022-5

**1. Purpose:**

The purpose of this policy is to further clarify and define the connection requirements of the Septic to Sewer Conversion Program per Bend Code Title 15, Section 15.10.010(F), by providing an option for homeowners who previously signed a Neighborhood Extension Project (“NEP”) project application, for a selected NEP project, to defer the requirement to connect when certain hardship criteria are met.

**2. Background:**

The Bend Municipal Sewer code states as follows:

15.10.010 (F) *Septic to Sewer Conversion Program*. There is hereby established a City of Bend Septic to Sewer Conversion Program with the goal of connecting properties served by private on-site septic systems to the City’s public sewer system over time. The program applies to properties within the City limits shown on the City of Bend Comprehensive Plan Map at the time of the urban growth boundary expansion on December 6, 2016, Ordinance NS-2271. In furtherance of the Septic to Sewer Conversion Program, the City will engage in neighborhood extension projects (NEP projects) in a systematic manner, as funds are available and allocated. NEP projects may be selected based on a pool of applicants. The City Manager is authorized to solicit and receive applications from property owners who wish their neighborhood or street(s) be considered for a sewer extension project. Any property owner who signs a NEP project application that is selected for funding will be required to connect to sewer within two years of receiving the City-issued Notice of Operational Completion.<sup>1</sup>

***Rationale for Policy.***

Bend Code Section 15.10.010 (I) requires any property owner who signs a NEP project application that is selected for funding to connect to sewer within two years of receiving

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<sup>1</sup> A Septic to Sewer COVID-19 Relief Program was established by City Council resolution in 2020 due to the novel coronavirus pandemic, to provide financial relief to qualifying affected residents. The temporary program applies to property owners receiving sewer service from the Southeast Interceptor Project and the Desert Woods and Neighborhood Extension Project and includes modified connection timing, connection fee discount timing, and connection fee waiver approval criteria. See Resolution No. 3203 for the information on the criteria and administration of this temporary program.

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the City-issued Notice of Operational Completion. Connection is voluntary for property owners with frontage along a NEP project who did not sign the application for the project or with frontage along a CIP project. NEP projects are a competitive, utility-funded program, so the requirement of connection was to ensure that utility dollars are spent on areas where there is a good faith commitment to connect to sewer.

However, there is no relief option for those signing the application if circumstances have drastically changed since the approximately 2-year time from which a project was selected or if other circumstances exist making the requirement to connect unduly burdensome or financially difficult.

The City implemented a COVID-19 Relief Program that in part modified the connection fee waiver approval criteria to provide financial relief to qualifying residents. This administrative policy would build upon those criteria in order to provide financial relief and remove the requirement to connect to public sewer in certain qualifying situations, and subject to conditions. It is consistent with the council intent in the code and the purpose of the septic to sewer program.

**3. Criteria for Deferring/Extending the Requirement to Connect to Sewer:**

Under this Policy, if a property owner has signed a NEP project application that is selected for funding, the requirement to connect to sewer within two years of receiving the City-issued Notice of Operational Completion may be deferred/extended if:

- A. A property owner is an elderly person (age 65 or older) and receives a fixed income of or below 80 percent of the Bend median income, calculated per HUD guidelines;
- B. A property owner has an ADA disability affecting their ability to afford the connection costs;
- C. A property owner has a major medical event, defined a medical event that is serious in nature and has an adverse effect on the Owner's physical health such as a prolonged illness or catastrophic event, affecting their ability to afford the connection costs; or
- D. A property owner can provide proof of loss of wages including a letter of unemployment, furlough, or other circumstance deemed qualifying by City staff; proof of receiving public benefits including but not limited to unemployment benefits, SNAP food stamps, or TANF benefits.

***Provided that***, as per the Bend code for all property owners along a NEP project, connection is always mandatory if:

- A. The existing on-site septic system requires repair as defined by Deschutes County Environmental Soils Division and/or OAR 340-0710-0100; or

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- B. The property owner applies for new development, as defined in the code, and the City of Bend City Manager Administrative Policy ADM 2021-2, dated 4/26/2021.

**4. Sale of Property.**

A. In the event the property owner granted a deferral under this Policy decides to put the house up for sale, or dies and the house will be sold, or is subject to foreclosure, receivership, sale at a public auction, or any other transfer of fee title ownership, connection to sewer is required, and the deferral ends as set forth in Section (B).

B. Connection is required within one year of any transfer or sale of the property.

C. Failure to connect is a violation of a sewer code regulation. Municipal Code Section 15.10.040.

**5. Recording.**

Per the Bend code, the Notice of Operational Completion is recorded and runs with the land, and explains the process in the Code.

In the event the City grants a request to defer compliance with the connection within two-years requirement under this Policy, the City will record an amended Notice of Operational Completion document, with provisions that amend and supplement the original Notice of Operational Completion, explaining the provisions of this Policy.

The amended Notice of Operational Completion will also run with the land, and be binding on subsequent purchasers, heirs and assigns.

**Certificate Of Completion**

Envelope Id: 6D858F73B2A44C8DAD74AD9A857B7D8D	Status: Completed
Subject: Please DocuSign: ADM 2022-5 Hardship Deferral Policy.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Brenda Mingus
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	710 NW Wall St.
	Bend, OR 97703
	bmingus@bendoregon.gov
	IP Address: 98.142.36.35

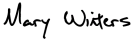
**Record Tracking**

Status: Original	Holder: Brenda Mingus	Location: DocuSign
7/6/2022 8:24:05 AM	bmingus@bendoregon.gov	

**Signer Events**

Mary Winters  
 mwinters@bendoregon.gov  
 Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
 F0C398BD345A438...

**Timestamp**

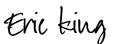
Sent: 7/6/2022 8:25:14 AM  
 Viewed: 7/6/2022 8:51:50 AM  
 Signed: 7/6/2022 8:52:06 AM

Signature Adoption: Pre-selected Style  
 Using IP Address: 98.142.36.35

**Electronic Record and Signature Disclosure:**

Accepted: 7/6/2022 8:51:50 AM  
 ID: 2eefa0a9-42a5-4c7f-82d2-88122a3ce67a  
 Company Name: City of Bend

Eric King  
 eking@bendoregon.gov  
 City Manager  
 City of Bend  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 409FF33EB4E64D3...

Sent: 7/6/2022 8:52:07 AM  
 Viewed: 7/6/2022 9:02:58 AM  
 Signed: 7/6/2022 9:03:19 AM

Signature Adoption: Pre-selected Style  
 Using IP Address: 98.142.36.35

**Electronic Record and Signature Disclosure:**

Accepted: 5/11/2021 3:40:52 PM  
 ID: 1be4d586-76d4-4e39-83e4-3feae319b4d0  
 Company Name: City of Bend

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

**Intermediary Delivery Events**

**Status**

**Timestamp**

**Certified Delivery Events**

**Status**

**Timestamp**

**Carbon Copy Events**

**Status**

**Timestamp**

Alex Doza  
 adoza@bendoregon.gov  
 Security Level: Email, Account Authentication (None)

**COPIED**

Sent: 7/6/2022 9:03:20 AM

**Electronic Record and Signature Disclosure:**

Accepted: 6/22/2022 8:57:26 AM  
 ID: 9de58dc9-4161-41f1-bb24-49bfa8e3f38  
 Company Name: City of Bend

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Envelope Sent	Hashed/Encrypted	7/6/2022 8:25:14 AM
Certified Delivered	Security Checked	7/6/2022 9:02:58 AM
Signing Complete	Security Checked	7/6/2022 9:03:19 AM
Completed	Security Checked	7/6/2022 9:03:20 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Bend (we, us or City) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you may be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below. Paper copies may also be requested from City by contacting Procurement.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **Notices and disclosures may be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we may provide electronically to you through the DocuSign system required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. You can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact the City:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

#### **To advise the City of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [dgalanaugh@bendoregon.gov](mailto:dgalanaugh@bendoregon.gov) and in the body of such request you must state: your previous email address, your new email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

**To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [dgalanaugh@bendoregon.gov](mailto:dgalanaugh@bendoregon.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number.**

#### **To withdraw your consent with the City**

**To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:**

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;**
- ii. send us an email to [dgalanaugh@bendoregon.gov](mailto:dgalanaugh@bendoregon.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number.**

#### **Required hardware and software**



**The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here:**  
<https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

**Acknowledging your access and consent to receive and sign documents electronically**

**To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.**

**By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:**

- You can access and read this Electronic Record and Signature Disclosure; and**
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and**
- Until or unless you notify the City as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by the City during the course of your relationship with the City.**