

**ORDINANCE No. 188685**

\*Authorize the Bureau of Environmental Services to reimburse property owner at 7835 SE 15<sup>th</sup> Avenue for sewer user fees, paid to the City, in the amount of \$5,054 collected in error (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Robert Schaibly (the Owner) purchased the property at 7835 SE 15<sup>th</sup> Avenue (the Property) on September 20, 2002. A utility account with sewer provisions was created upon move-in.
2. In August of 2017 the Owner discovered, through the process of selling the property, that the property is not connected to the public sewer system. BES confirmed that the property is not connected to the public sewer by performing a standard dye test.
3. The Owner paid sewer user charges to the City for the Property in an amount estimated to be \$6,805.43 from September 20, 2002 to July 13, 2017. The Owner did not receive service from the City for these charges.
4. City Code section 17.36.090 A allows the Director of the Bureau of Environmental Services to authorize sewer adjustments for billing errors limited to the most recent three years of billing. BES issued a reimbursement of \$1,751.53 for three years (2014 – 2017) of sewer user fees to Mr. Schaibly on August 18, 2017.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Environmental Services reimburse Robert Schaibly \$5,053.90 in sewer charges.

Section 2. The Council declares that an emergency exists in order to reimburse the Owner for funds that were collected in error. Therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

Commissioner Nick Fish  
Prepared by: B. Jonas Biery  
Date Prepared: 10/4/2017

NOV 29 2017

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

*Susan Larson*  
Deputy

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Agenda No.  
**ORDINANCE NO.**  
Title

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*4 collected in error*

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Fish</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan</p> <p>Prepared by: Jonas Biery Date Prepared: 10/4/2017</p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></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><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date 11/29/2017</p>	<p style="text-align: right;">NOV 20 2017</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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**AGENDA**

**TIME CERTAIN**

Start time: \_\_\_\_\_

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

**CONSENT**

**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. Eudaly	✓	
Wheeler	✓	