

ORDINANCE No. 188826

* Authorize the Bureau of Environmental Services to reimburse property owner at 131 NE Holland St for sewer user fees paid to the City in the amount of \$4,376 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Sheri Smith (the Owner) purchased the property at 131 NE Hollard Street (the Property) on May 1, 1990. At that time, Sheri Smith became responsible for sewer user fees.
2. Prior to July 1, 1991 all Portland residents within 100 feet of a sewer line paid sewer user fees, regardless of sewer connection status. From July 1, 1991 through June 30, 1993, sewer customers paid flat-rate user fees if their property was connected to the public sewer system. Beginning July 1, 1993, sewer customers were billed sewer user fees based on water consumption.
3. In December of 2017 the Owner discovered, through the process of completing private property sewer repairs, 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.
4. The Owner paid sewer user fees for the Property, to the City, in an amount estimated to be \$4,865.69 from July 1, 1991 to December 12, 2017. The Owner did not receive sewer service from the City for these user fees.
5. 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 \$489.74 for three years (2014 – 2017) of sewer user fees to the Owner on January 4, 2018.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Environmental Services reimburse Sheri Smith \$4375.95 in sewer user fees, the total of sewer user fees collected in error by the City from the Owner from 1991 - 2013.

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, FEB 21 2018

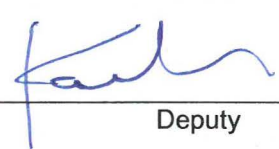

Commissioner Nick Fish
Prepared by: B. Jonas Biery
Date Prepared: January 29, 2018

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Agenda No.
ORDINANCE NO. 188826
 Title

* Authorize the Bureau of Environmental Services to reimburse property owner at 131 NE Holland Street for sewer user fees, paid to the City, in the amount of \$4,375.95 (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: FISH</p>	<p>CLERK USE: DATE FILED <u>FEB 13 2018</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  _____ Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan</p> <p>Prepared by: Sherri Peterson Date Prepared: January 29, 2018</p> <p>Financial Impact & Public Involvement Statement Completed <input 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 type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter </p> <p>Council Meeting Date 2/21/2018</p>	<p>ACTION TAKEN:</p>

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	_____	_____
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	