

## ORDINANCE No. 189698

\* Authorize the Bureau of Environmental Services to reimburse the property owner at 5609 N Vancouver Ave for sewer user fees paid to the City, in the amount of \$4,322 (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. Charlotte B. Rutherford (the Owner) has been the ratepayer at the property located at 5609 N. Vancouver Avenue (the Property) since January 7, 1993. Since July 1, 1993, sewer user fees have been billed to Portland ratepayers who cause or permit the discharge of sanitary sewage from a property in their possession into sewer facilities owned or maintained by the City. The Owner was billed sewer user fees for the Property from July 1, 1993 until July 2, 2019.
2. In January 2018 the Owner discovered, through an inspection of the sanitary system on their property which was performed by a private contractor, that the property is not connected to the City sanitary sewer system. The Bureau of Environmental Services reviewed documentation provided by the Owner and reviewed City plumbing records to confirm that the property is not connected to the City sanitary sewer system.
3. The Owner paid sewer user fees for the Property, to the City, in an amount estimated to be \$5,841 from July 1, 1993 to July 2, 2019. The Owner did not receive sanitary sewer service from the City for these user fees.
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 from when the Bureau is notified of a billing error. The Bureau of Environmental Services issued a reimbursement of \$1,519 to the Owner, for the three years of sewer users fees collected prior to notification of the error, on August 6, 2019.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Environmental Services to reimburse the Owner, Charlotte B. Rutherford, \$4,322 in sewer user fees collected in error by the City, from the Owner, from July 1, 1993 to October 1, 2014.


### Section 2.

The Council declares that an emergency exists in order to reimburse the Owner as expeditiously as possible. 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

SEP 11 2019

Prepared by: Eli Rosborough  
Date prepared: August 6, 2019

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

Deputy

Agenda No.  
**ORDINANCE NO.**  
 Title

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<p style="text-align: center;"><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>FISH</b></p> <p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>smg</i></p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services          Bureau Head: Michael Jordan  <i>R. AS</i></p> <p>Prepared by: Eli Rosborough          Date Prepared: August 6, 2019</p> <p>Financial Impact &amp; 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><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 <b>09/11/2019</b></p>	<p>CLERK USE: DATE FILED <b>SEP 03 2019</b></p> <p style="text-align: center;">Mary Hull Caballero          Auditor of the City of Portland</p> <p>By: <i>[Signature]</i>          Deputy</p> <p>ACTION TAKEN:</p>
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<p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/>          Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p> <p><b>CONSENT</b></p> <p><b>REGULAR</b> <input checked="" type="checkbox"/> <i>Per Sonia</i>  <b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 33%;">YEAS</th> <th style="width: 33%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td>3. Hardesty <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <input checked="" type="checkbox"/>		2. Fish	2. Fish <input checked="" type="checkbox"/>		3. Hardesty	3. Hardesty <input checked="" type="checkbox"/>		4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>		Wheeler	Wheeler <input checked="" type="checkbox"/>	
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