

**ORDINANCE No. 184223**

\*Approve settlement of claims with Kerr Contractors, Inc. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In October 2008, the City of Portland, Bureau of Environmental Services ("BES"), filed a lawsuit against Kerr Contractors, Inc. ("Kerr"), entitled *City of Portland v. Kerr Contractors, Inc.*, MCCC Case No. 0801-14326, asserting claims for breach of contract and negligence.
2. Kerr has agreed to settle with BES as shown in the attached Exhibit 1 (Settlement Agreement with Kerr). The City Attorney's office and BES recommend approval of this settlement by City Council.

NOW, THEREFORE, the Council directs:

- a. The Director of BES is authorized to execute the Settlement Agreement with Kerr Contractors, Inc., in substantially similar form to that attached as Exhibit 1 to this Ordinance. Funds received pursuant to this ordinance shall be placed in BES's account.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: NOV 10 2010

Commissioner: Dan Saltzman  
Prepared by: James H. Van Dyke  
Date Prepared: November 3, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

1466

J140

Agenda No.  
**ORDINANCE NO. 184223**  
 Title

\*Approve settlement of claims with Kerr Contractors, Inc. ("Kerr"), (Ordinance)

INTRODUCED BY  
 Commissioner/Auditor:  
 Dan Saltzman

CLERK USE: DATE FILED

NOV 05 2010

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities – Fritz

Position 2/Works – Fish

Position 3/Affairs - Saltzman

Position 4/Safety – Leonard

BUREAU APPROVAL

Bureau: Environmental Services for  
 Bureau Head: Dean Marriott

Prepared by: Chief Deputy City  
 Attorney James H. Van Dyke  
 Date Prepared: November 3, 2010

Financial Impact Statement

Completed ☐ Amends Budget ☐

Not Required ☒

Portland Policy Document

If "Yes" requires City Policy paragraph stated  
 in document.

Yes ☐ No ☒

Council Meeting Date

November \_\_, 2010

City Attorney Approval

Chief Deputy City Attorney  
 James H. Van Dyke

LaVonne Griffin-Valade  
 Auditor of the City of Portland

By:

Deputy

ACTION TAKEN:

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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	