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200807

**ORDINANCE No. 183866**

\*Pay claim of Peter Joseph Kane. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Peter Joseph Kane has filed a bodily injury lawsuit against the City and a private party for damages suffered in a bicycle accident involving the PBOT on August 19, 2007.
2. The claim has been investigated by Risk Management Services. The investigation indicates there is risk the City may be found liable. Therefore, in order to avoid the risk of an adverse jury award, we feel it is prudent to compromise the lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the sum of \$12,500.00 as the City's share of the total settlement, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$12,500.00 made payable to Peter Joseph Kane and his attorney, David Stewart.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

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,

**JUN 09 2010**

Mayor Sam Adams

Prepared by John Buehler

Date prepared: May 19, 2010

**LaVONNE GRIFFIN-VALDE**  
Auditor of the City of Portland

By 

Deputy

837

v140

Agenda No. **ORDINANCE NO. 183866**  
Title

\* Pay claim of Peter Joseph Kane (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JUN 04 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: OMF/Risk Management Services Bureau Head: Jeff Baer, Director BIBS <i>[Signature]</i> Kate Wood, Risk Mgr	<b>ACTION TAKEN:</b>
Prepared by: John Buehler Date Prepared: 5/19/2010	
Financial Impact Statement <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. . <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Council Meeting Date June 9, 2010	
<b>City Attorney Approval</b>	

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

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. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	