

ORDINANCE No. 185278

*Pay claim of Daniel Halsted involving Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The claim of Daniel Halsted, through his attorney Joseph Grube, filed a lawsuit asserting damages from wrongful detention and excessive force on the part of members of the Portland Police Bureau in an incident that occurred on June 17, 2008.
2. The claim was investigated initially by Risk Management Services and after suit was filed discovery was conducted by the City Attorney's Office. A jury trial commenced in the United States District Court and the plaintiff Daniel Halsted was awarded a total of \$206,000.00. The plaintiff is entitled to attorney fees and costs. Plaintiff has submitted a cost bill of \$3,250.00 and prevailing party attorney fees of \$68,790.00. The aggregate claim of the plaintiff is \$278,040.00
3. Following the jury award, settlement negotiations were commenced and to resolve the matter without appeal or further litigation, plaintiff reduced his claim by \$20,000.00 to \$258,040.00.
4. The City Attorney's Office and the Portland Police Bureau recommend that the lawsuit be compromised for the sum of \$258,040.00 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 \$258,040.00 made payable to Daniel Halsted and his attorney Joseph Grube.
- b. The City Attorney's Office 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 resolving this pending litigation; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 25 2012

Mayor Sam Adams
Prepared by: James G. Rice, Deputy City Attorney
Date Prepared: April 18, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By  Deputy

Agenda No.
ORDINANCE NO. 185278
 Title

✓*Pay claim of Daniel Halsted, (Ordinance)
 involving Portland Police Bureau

INTRODUCED BY Commissioner/Auditor: Mayor Adams	CLERK USE: DATE FILED <u>APR 20 2012</u>
COMMISSIONER APPROVAL 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 ACTION TAKEN:
BUREAU APPROVAL Bureau: Office of the City Attorney James H. Van Dyke, City Attorney Prepared by: James G. Rice <i>[Signature]</i> Date Prepared: April 13, 2012 Financial Impact Statement & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date City Attorney Approval <i>[Signature]</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> <i>Pulled</i> REGULAR <input type="checkbox"/> 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. Leonard	✓	
Adams	<i>[Signature]</i>	