

**ORDINANCE No. 188257**

\*Pay settlement of lawsuit by Michael Cooley and Lori Cooley in the sum of \$425,000 and \$100,000 respectively, for a total sum of \$525,000 involving the Bureau of Transportation. (Ordinance)

The City of Portland ordains:

**Section 1. The Council finds:**

1. Michael Cooley and Lori Cooley, through their attorneys, J. Randolph Pickett and Jeffrey Bowersox, have filed a bodily injury and loss of consortium lawsuit against the City for damages suffered from a motor vehicle / bicycle collision on N. Interstate Avenue just north of N. Greeley Avenue on June 15, 2013.
2. The claims in the lawsuit have been investigated by Risk Management Services and the City Attorney's Office. 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 and the City Attorney's Office recommend the lawsuit be compromised for \$425,000.00 for Michael Cooley's personal injury claim and \$100,000.00 for Lori Cooley's loss of consortium claim for the total sum of \$525,000.00, 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:

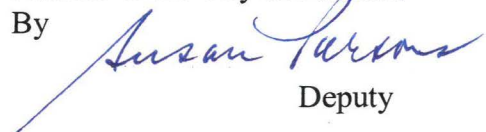
- a. The Mayor and the Auditor are hereby authorized to draw and deliver two separate checks, one in the amount of \$425,000.00 and another in the amount of \$100,000.00 both made payable to Pickett and Dummigan LLP Client Trust Account.
- b. Risk Management Services will execute a payment authorization in the amounts 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, **MAR 01 2017**

Mayor Ted Wheeler  
Prepared by Randy Stenquist, Liability Claims Mgr.  
Date Prepared: February 6, 2017

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

  
Deputy

Agenda No. **188257**  
**ORDINANCE NO.**  
 Title

\*Pay claims of Michael Cooley in the sum of \$425,000 and Lori Cooley in the sum of \$100,000 for the total sum of \$525,000 involving the Bureau of Transportation. (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <b>FEB 21 2017</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Wheeler <i>KID</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy <b>ACTION TAKEN:</b>
<b>BUREAU APPROVAL</b> Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehart Bureau Head: Bryant M. Engle <i>[Signature]</i> Risk Manager: Kate Wood <i>[Signature]</i>	
Prepared by: Randy Stenquist Date Prepared: February 6, 2017	
Financial Impact & 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"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date <b>March 1, 2017</b>	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: <b>Total amount of time needed:</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <i>Pulled</i>
<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	<i>[Signature]</i>	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	