

**ORDINANCE No. 188520**

\*Pay claim of Dean Lindstrom and Michele Chernesky in the sum of \$150,000 involving the Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Dean Lindstrom and Michele Chernesky, through their attorney Jack Levy, have filed a property damage claim against the City for erosion and soil slumping involving the Bureau of Environmental Services on August 1, 2016.
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 claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$150,000, 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 \$150,000 made payable to Smith Freed & Eberhard P.C. client trust account.
- 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 property damage claim; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUL 20 2017

Mayor Ted Wheeler  
Prepared by Jessica Kincaid  
Date prepared: June 16, 2017

**MARY HULL CABALLERO**  
Auditor of the City of Portland

By   
Deputy

Agenda No.  
**ORDINANCE NO. 188520**  
 Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>JUL 11 2017</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Wheeler <i>WJD</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: <u><i>Suzanne Larson</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehart <i>TR</i> Bureau Head: Bryant M. Engle <i>BME</i> Risk Manager: Kate Wood <i>KW</i>	
Prepared by: Jessica Kincaid Date Prepared: June 16, 2017	<b>ACTION TAKEN:</b>
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> 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	
<b>Council Meeting Date:</b> July 19, 2017	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Saltzman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>