

ORDINANCE No. 188521

*Pay lawsuit of Innovative Housing, Inc in the sum of \$40,000 involving the Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Innovative Housing, Inc., through attorney Joshua Stump, has filed a property damage lawsuit against the City for damages arising from a sewer backup incident involving the Bureau of Environmental Services on March 9, 2015.
2. The lawsuit has 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 recommends the lawsuit be compromised for the total sum of \$40,000 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 \$40,000 made payable to Innovative KWVS LLC.
- 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 lawsuit; 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 Randy Stenquist
Date prepared: June 15, 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By


Deputy

Agenda No.
ORDINANCE NO. 188521

Title

*Pay lawsuit of Innovative Housing, Inc in the sum of \$40,000 involving the Bureau of Environmental Services (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>JUL 11 2017</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Susan Larson</i></u> Deputy ACTION TAKEN:
Mayor—Finance and Administration - Wheeler <i>HW</i>	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
BUREAU APPROVAL	
Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehart <i>TR</i> Bureau Head: Bryant M. Enger <i>BME</i> Risk Manager: Kate Wood <i>KW</i>	
Prepared by: Randy Stenquist Date Prepared: June 15, 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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date: July 19, 2017	

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