

ORDINANCE No. 188770

*Pay claim of Eric Smith in the sum of \$35,000 involving the Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Eric Smith, through attorney Jane Marie Claus, has filed a bodily injury claim against the City for injuries suffered in a motor vehicle collision involving the Portland Police Bureau on April 23, 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 \$35,000, 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 \$33,998.78 made payable to Eric Arnold Smith and his attorney Jane Marie Claus, Clauslaw, LLC. A second check is to be issued in the amount of \$1,001.22 made payable to Family Care c/o Subrogation Services, Inc for satisfaction of their medical lien.
- 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 bodily injury claim; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JAN 10 2018

Mayor Ted Wheeler
Prepared by Karren Bond
Date prepared: December 6, 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By

Deputy



Agenda No.
ORDINANCE NO. 188770
Title

*Pay claim of Eric Smith in the sum of \$35,000 involving the Portland Police Bureau. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>JAN 02 2018</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <u>Susan Parsons</u> Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehart Bureau Head: Bryant M. Enger Risk Manager: Kate Wood	
Prepared by: Karren Bond Date Prepared: December 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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date: January 10, 2018	

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