ORDINANCE No. 188879

*Pay lawsuit of JBJ Holdings II, LLC in the sum of \$80,000 involving Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

- 1. JBJ Holdings II, LLC through attorney Williams Kastner, has filed a property damage lawsuit against the City for damages suffered in a sewer backup involving the Bureau of Environmental Services on December 23, 2015.
- 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 lawsuit at this time.
- 3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$80,000.00, 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 a check in the amount of \$80,000 made payable to Williams Kastner 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 lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAR 2 8 2018

Mayor Ted Wheeler Prepared by Jessica Kincaid Date prepared: February 28, 2018 MARY HULL CABALLERO Auditor of the City of Portland

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Deputy

Agenda No. ORDINANCE NO.

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188879

Title

*Pay lawsuit of JBJ Holdings II, LLC in the sum of \$80,000 involving the Bureau of Environmental Services. (Ordinance)

COMMISSIONER APPROVAL Mary Hull Caballero Mayor—Finance and Administration - Wheeler Auditor of the City of Portland Position 1/Utilities - Fritz By: Mary Hull Caballero Position 2/Works - Fish By: Mary Hull Caballero Position 3/Affairs - Saltzman Deputy Deputy Position 3/Affairs - Saltzman Deputy Action TakEn: Bureau: OMF Bureau of Internal Bureau of Internal Action TakEn: Bureau: Head: Bryant M. Engeric Pebruary 28, 2018 Financial Impact & Public Financial Impact & Public Amends Budget	INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILEDMAR 2 0 2018
Position 1//Utilities - Fritz Position 1//Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 3/Affairs - Saltzman Position 4/Safety - Eudaly Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehart Risk Manager: Kate Wood - Yu Prepared by: Jessica Kincaid Date Prepared: February 28, 2018 Financial Impact & Public Involvement Statement Completed Amends Budget Portland Policy Document If Yes required for Code Ordinances City Auditor Office Approval: required for Code ordinances	COMMISSIONER APPROVAL	
Position 2/Works - Fish By: <i>Mutual Mathematical Sectors</i> Position 3/Affairs - Saltzman Deputy Position 4/Safety - Eudaly Action Takken: Bureau: OMF Bureau of Internal Bureau: OMF Bureau of Internal Bureau: OMF Bureau of Internal Bureau Head: Bryant M. Enge Bureau Head: Bryant M. Enge Prepared by: Jessica Kincaid Date Prepared: February 28, 2018 Financial Impact & Public Involvement Statement Completed Amends Budget Portland Policy Document If Yes requires City Policy paragraph stated in dpcurmant. required for Code Ordinances City Auditor Office Approval: required for Code ordinances City Attorney Approval: required for Code ordinances City Attorney Approval: required for Code ordinances City Attorney applan, chater	Mayor—Finance and Administration - Wheeler	Auditor of the City of Portland
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Position 3/Affairs - Saltzman Position 4/Safety - Eudaly BUREAU APPROVAL Bureau: OMF Bureau of Internal Business Services CAO: Tom Rinehar Bureau Head: Bryant M. Enge Risk Manager: Kate Wood Prepared by: Jessica Kincaid Date Prepared: February 28, 2018 Financial Impact & Public Involvement Statement Completed Amends Budget Preside of Code Ordinances City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	Position 2/Works - Fish	
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Coursell Meeting Date:	City Attorney Approval: required for contract, code, easement,	
Council Meeting Date:	Council Meeting Date:	
March 28, 2018	March 28, 2018	

AGENDA	
TIME CERTAIN Start time: Total amount of time needed: (for presentation, testimony and discussion)	1
CONSENTA Pulled	2
	3
REGULAR	4

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	V	
4. Eudaly	4. Eudaly		
Wheeler	Wheeler	1/	