

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 28 2018**

Mayor Ted Wheeler
Prepared by Jessica Kincaid
Date prepared: February 28, 2018

MARY HULL CABALLERO
Auditor of the City of Portland

By


Deputy

Agenda No.
ORDINANCE NO.
Title

188879

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INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>MAR 20 2018</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler <i>KC</i>	Mary Hull Caballero Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u><i>Susan Parsons</i></u> Deputy
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. Engel <i>BM</i> Risk Manager: Kate Wood <i>KW</i>	ACTION TAKEN:
Prepared by: Jessica Kincaid Date Prepared: February 28, 2018	
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: March 28, 2018	

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