

ORDINANCE No. 189096

*Pay bodily injury lawsuit of Colin Christopher and Emily Furstenau in the sum of \$225,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Colin Christopher and his wife Emily Fuerstenau, through their attorneys Michael Wise and David Penoyer, have filed a bodily injury lawsuit against the City for damages suffered in a vehicle collision between two non-City drivers on July 22, 2014. The complaint identified \$17.5 million in damages.
2. The lawsuit was investigated by Risk Management Services and the City Attorney's Office. The investigation indicated that there was a substantial risk that the City could be found liable. Therefore, 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 and the City Attorney's Office recommend the lawsuit be compromised for the total sum of \$225,000. The City Attorney's Office and Risk Management are authorized to enter into a formal Settlement Agreement and Release in a form to be approved by the City Attorney, and plaintiffs and their attorneys will fully execute this document in exchange for the City's payment.

NOW, THEREFORE, the Council directs:


- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$225,000 made payable to Schwabe Williamson & Wyatt 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 bodily injury lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, AUG 02 2018

Mayor Ted Wheeler
Prepared by Randy Stenquist
Date prepared: July 2, 2018

MARY HULL CABALLERO
Auditor of the City of Portland
By


Deputy

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>JUL 24 2018</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>WTP</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Mary Hull</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF <i>TR</i></p> <p>CAO: Tom Rinehart <i>TR</i></p> <p>Bureau Head: Jennifer Cooperman <i>JC</i></p> <p>Interim Risk Manager: Debora Leopold-Hutchins <i>DLH</i></p> <p>Prepared by: Randy Stenquist Date Prepared: July 2, 2018</p>	<p>ACTION TAKEN:</p>
<p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date: Wednesday, August 4₂, 2018</p>	

<p align="center">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	_____	
Wheeler	✓	