

## RESOLUTION No. 37398

Authorize City Attorney to institute legal proceedings to recover damages to an emergency vehicle in the sum of \$17,246 and any other costs or relief authorized by law. (Resolution)

WHEREAS, on December 16, 2017, Tanner Hellbusch failed to yield to a Portland Fire and Rescue ("PFR") emergency vehicle and collided into the side of the emergency vehicle.

WHEREAS, on December 16, 2017, Tanner Hellbusch was cited for failure to yield to an emergency vehicle and for driving with a suspended license.

WHEREAS, Michael Hellbusch, Tanner's father, was the registered owner of the vehicle Tanner Hellbusch was driving at the time of the accident.

WHEREAS, the vehicle Tanner Hellbusch was driving at the time of the accident was not insured.

WHEREAS, on January 29, 2018, Tanner Hellbusch was found guilty in violation of ORS 811.145 for failure to yield to an emergency vehicle and in violation of ORS 811.175 for driving with a suspended or revoked license.

WHEREAS, PFR incurred \$17,245.78 in costs to repair the emergency vehicle.

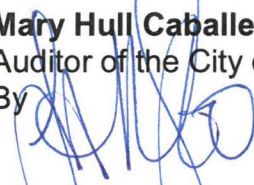
WHEREAS, when the City of Portland's Risk Management Division became aware of the damage, attempts to collect payment from either Tanner Hellbusch or Michael Hellbusch were unsuccessful.

WHEREAS, Council believes it is necessary and just for the City to seek legal action to collect \$17,2245.78 in emergency vehicle damages.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney or their designee, on behalf of the City of Portland, is authorized to institute legal proceedings against Tanner Hellbusch and Michael Hellbusch, and any other potentially responsible party, to seek recovery of damages in the sum of \$17,245.78 and any other costs or relief authorized by law and to pursue to conclusion those proceedings in any higher court, and in furtherance or resolution of such proceedings, is authorized to make any stipulation, agreement or admission in the best interests of the City.

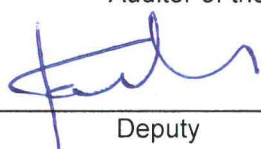
Adopted by the Council: NOV 28 2018

Commissioner: Mayor Ted Wheeler  
Prepared by: Nikesh J. Patel  
Date Prepared: November 7, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By   
Deputy

Agenda No.  
**RESOLUTION NO. 37398**  
 Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Wheeler</b>	CLERK USE: DATE FILED <u>NOV 19 2018</u>
<b>COMMISSIONER APPROVAL</b>  Mayor—Finance & Administration – Wheeler <i>MD</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: City Attorney's Office Bureau Head: Tracy Reeve <i>TR</i>	<b>ACTION TAKEN:</b>
Prepared by: N. Patel Date Prepared: 11/8/18	
<b>Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date <b>11/28/18</b>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
<b>CONSENT</b> <input checked="" type="checkbox"/>	1. Fritz	✓	
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	2. Fish	_____	
	3. Saltzman	✓	
	4. Eudaly	✓	
	Wheeler	✓	