

**ORDINANCE No. 189285**

\* Pay bodily injury lawsuit of Diana Chappell in the sum of \$50,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Diana Chappell, through attorney George Curtis, has filed a lawsuit against the City for bodily injury involving the Portland Bureau of Transportation on February 11, 2016.
2. The lawsuit has been investigated by Risk Management Services and the City Attorney's Office. 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 \$50,000, 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 \$50,000 made payable to Zbinden & Curtis 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, DEC 12 2018

Mayor Ted Wheeler  
Prepared by Karren Bond  
Date prepared: November 20, 2018

**MARY HULL CABALLERO**  
Auditor of the City of Portland  
By   
Deputy

Agenda No.  
**ORDINANCE NO. 189285**  
 Title

\* Pay bodily injury lawsuit of Diana Chappell in the sum of \$50,000 involving the Portland Bureau of Transportation. (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>DEC 04 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler <i>MT</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: <u><i>Mary Hull</i></u> Deputy  <b>ACTION TAKEN:</b>
<b>BUREAU APPROVAL</b> Bureau: OMF CAO: Tom Rinehart <i>TR</i> Bureau Head: Jennifer Cooperman <i>JC</i> Interim Manager: Debora Leopold-Hutchins <i>dlh 11/20/2018</i> Prepared by: Karren Bond Date Prepared: November 20, 2018	
<b>Financial Impact &amp; Public Involvement 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, comp plan, charter	
<b>Council Meeting Date:</b> Wednesday, December 12, 2018	

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