

**ORDINANCE No. 189310**

\* Pay settlement of lawsuit by Marlene Acosta de Cubias in the sum of \$70,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Marlene Acosta de Cubias, through attorney Marie Ballon, has filed a lawsuit against the City for compensation for bodily injuries suffered in a pedestrian/vehicle collision at SE 102<sup>nd</sup> Avenue and E. Burnside on December 30, 2015.
2. The allegations in the lawsuit have been investigated by Risk Management and the City Attorney's Office. In order to avoid additional litigation expenses and the risk of an adverse jury award, we feel it is prudent to settle this lawsuit.
3. Risk Management and the City Attorney's Office recommend the lawsuit be compromised for the total sum of \$70,000, 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 \$70,000 made payable to Marlene Acosta de Cubias and Southwest Legal Group.
- b. Risk Management Services will execute payment authorizations in the amounts 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 lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, DEC 19 2018

Mayor Ted Wheeler  
Prepared by: Becky Chiao  
Date prepared: November 28, 2018

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

By   
Deputy

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<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>DEC 11 2018</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler <i>MP</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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Mary Hull Caballero</i></u> Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF</p> <p>CAO: Tom Rinehart <i>TR</i></p> <p>Bureau Head: Jennifer Cooperman <i>JC</i></p> <p>Interim Manager: Debora Leopold-Hutchins <i>DLH</i></p>	<p><b>ACTION TAKEN:</b></p>
<p>Prepared by: Becky Chiao Date Prepared: November 28, 2018</p>	
<p><b>Financial Impact &amp; Public Involvement Statement</b></p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p><b>Portland Policy Document</b></p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p>	
<p><b>Council Meeting Date:</b> Wednesday, December 19, 2018</p>	

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

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