

## ORDINANCE No. 189615

\* Pay property damage and bodily injury lawsuit of Shelby Davis in the sum of \$287,500 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Shelby Davis, through attorney Randall J. Wolfe, has filed a lawsuit against the City for injuries suffered in a motor vehicle collision involving the Portland Police Bureau on May 28, 2017.
2. The lawsuit 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 \$287,500, 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 \$287,500 made payable to Law Office of Randall J Wolfe FBO Shelby Davis.
- 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 and 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, JUL 31 2019

Mayor Ted Wheeler  
Prepared by Jessica Bird  
Date prepared: June 20, 2019

MARY HULL CABALLERO  
Auditor of the City of Portland  
By   
Deputy

707  
Agenda No. 189615  
Item Type: Ordinance No. \_\_\_\_\_  
Council Meeting Date: July 31, 2019

Title: \* Pay property damage and bodily injury lawsuit of Shelby Davis in the sum of \$287,500 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)

**AGENDA TYPE**

☒ **Consent**  
☐ **Regular**  
☐ **Time Certain** Start Time

Item 1 of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): N/A (Consent)

**INTRODUCED BY: Mayor Wheeler**

**COMMISSIONER / AUDITOR APPROVAL**

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington  
Date: 2019.07.23 13:34:43 -0700

Position 1/ Utilities - Fritz

Position 2/ Works - Fish

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

1) Is a completed Impact Statement attached? ☒ Yes

3) Is the item a Code ordinance? ☐ Yes ☒ No

If yes, **Auditor Office** Approval

5a) Is item a Portland Policy Document or Administrative Rule?  
☐ Yes ☒ No

**BUREAU APPROVALS**

Bureau: OMF/CAO

OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart  
Date: 2019.06.26 10:26:32 -0700

Bureau Approval: Jennifer Cooperman Digitally signed by Jennifer Cooperman  
Date: 2019.06.25 09:44:19 -0700

Prepared By: Jessica Bird

Date Prepared: June 20, 2019

2) Does the item amend the budget? ☐ Yes ☒ No  
If yes, **Budget Office** Approval

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? ☐ Yes ☒ No  
If yes, **Attorney Office** Approval

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? ☐ Yes ☐ No

**ACTION TAKEN:**

CLERK USE: DATE FILED 7/23/19

Mary Hull Caballero  
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont  
Date: 2019.07.23 16:31:54 -0700  
Deputy

**FOUR-FIFTHS AGENDA**

1. Fritz  
2. Fish  
3. Hardesty  
4. Eudaly  
Wheeler

**COMMISSIONERS VOTED AS FOLLOWS:**

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Hardesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>