

**ORDINANCE No. 189705**

\* Pay bodily injury lawsuit of Daniel Martinez in the sum of \$15,000 involving Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Daniel Martinez, through attorney Richard E. Davis Jr, has filed a lawsuit for injuries suffered during an encounter with Portland Police officers on November 13, 2016.
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 \$15,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

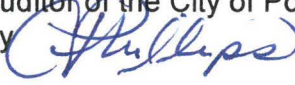
NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$15,000 made payable to Clark Law and Associates 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, SEP 18 2019

Mayor Ted Wheeler  
Prepared by Jessica Bird  
Date prepared: August 12, 2019

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

Agenda No. 878  
 Item Type: Ordinance No. 189705  
 Council Meeting Date: September 18, 2019

Title: \* Pay bodily injury lawsuit of Daniel Martinez in the sum of \$15,000 involving the Portland Police Bureau (Ordinance)

**Consent** *Pulled*  
 **Regular**  
 **Time Certain** Start Time

**AGENDA TYPE**

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 Mustafa Washington  
 Position 1/ Utilities - Fritz  
 Position 2/ Works - Fish  
 Position 3/ Affairs - Hardesty  
 Position 4/ Safety - Eudaly  
 City Auditor - Hull Caballero

Digitally signed by Mustafa Washington  
Date: 2019.09.10 08:19:21 -0700

**BUREAU APPROVALS**

Bureau: OMF/CAO  
 OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart  
Date: 2019.08.20 11:14:28 -0700  
 Bureau Approval: Jennifer Cooperman Digitally signed by Jennifer Cooperman  
Date: 2019.08.19 15:49:48 -0700

Prepared By: Jessica Bird  
 Date Prepared: August 12, 2019

- 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

- 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 9/10/19

Mary Hull Caballero  
 Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont  
Date: 2019.09.10 15:12:04 -0700  
 Deputy

**FOUR-FIFTHS AGENDA**

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

**COMMISSIONERS VOTED AS FOLLOWS:**

|             | YEAS | NAYS |
|-------------|------|------|
| 1. Fritz    | ✓    |      |
| 2. Fish     | ✓    |      |
| 3. Hardesty | ✓    |      |
| 4. Eudaly   | ✓    |      |
| Wheeler     | ✓    |      |