

ORDINANCE No. 189773

* Pay attorney's fees settlement from Masonry Building Owners of Oregon et al. litigation in the sum of \$350,000 involving the Portland Bureau of Development Services and the Bureau of Emergency Management (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Masonry Building Owners of Oregon through attorney John DiLorenzo and the firm Davis Wright Tremaine, filed a lawsuit against the City for declaratory and injunctive relief challenging ordinances related to unreinforced masonry buildings involving the Portland Bureau of Development Services and the Bureau of Emergency Management.
2. U.S. Magistrate Judge John Acosta granted a preliminary injunction on May 30, 2019 and on October 23, 2019 City Council repealed the ordinance in question. Based on the successful outcome of the suit, plaintiffs are entitled to their reasonable attorney's costs and fees.
3. Risk Management Services recommends the payment of \$350,000 a compromise from the full demand in order to resolve the matter without further legal proceedings.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$350,000 made payable to Davis Wright Tremaine LLP.
- 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 matter; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, NOV 20 2019

Mayor Ted Wheeler
Prepared by Becky Chiao
Date prepared: October 29, 2019

MARY HULL CABALLERO
Auditor of the City of Portland
By 
Deputy

Agenda No. 1068
 Item Type: Ordinance No. 189773
 Council Meeting Date: November 20, 2019

Title: * Pay attorney's fees settlement from Masonry Building Owners of Oregon et al. litigation in the sum of \$350,000 involving the Portland Bureau of Development Services and the Bureau of Emergency Management (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 Digitally signed by Mustafa Washington
Date: 2019.11.12 13:26:30 -0800
 Position 1/ Utilities - Fritz
 Position 2/ Works - Fish
 Position 3/ Affairs - Hardesty
 Position 4/ Safety - Eudaly
 City Auditor - Hull Caballero

BUREAU APPROVALS

Bureau: OMF/CAO
 OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart
Date: 2019.11.01 15:55:24 -0700
 Bureau Approval: Michelle Kirby Digitally signed by Michelle Kirby
Date: 2019.11.01 13:50:06 -0700

Prepared By: Becky Chiao
 Date Prepared: October 29, 2019

1) Is a completed Impact Statement attached? Yes

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

3) Is the item a Code ordinance? Yes No
 If yes, **Auditor 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

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

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

ACTION TAKEN:

CLERK USE: DATE FILED 11/12/19

Mary Hull Caballero
 Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont
Date: 2019.11.12 15:54:04 -0800
 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	✓	