

AU# 88 309
\$ 5,233.00
8-5-80

150103

ORDINANCE NO. **150103**

An Ordinance authorizing payment to One-Way Disposal, Inc., and the law firm of Spears, Lubersky, Campbell and Bledsoe, for costs and disbursements against the City in the case of One-Way Disposal, Inc. vs. City of Portland, authorizing the drawing and delivery of a warrant for \$5,233, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That One-Way Disposal, Inc. instituted a legal action in the U. S. District Court for the District of Oregon challenging the constitutionality of Section 17.102.045 of the City Code which limited the issuance of refuse collection permits to the disposal of refuse collected within the boundaries of the Metropolitan Service District.
- (2) The matter was tried before the court who found in favor of the plaintiff, One-Way Disposal, Inc., and against the City of Portland.
- (3) Subsequently, the court issued an order awarding the plaintiff, One-Way Disposal, Inc., the sum of \$5,233 for costs, which included \$5,150 as attorneys' fees, and directed that the defendant, City of Portland, pay this amount to plaintiff pursuant to federal statute providing for the payment of attorneys' fees to the prevailing party in such cases.

NOW, THEREFORE, the Council directs:

- (a) The Mayor and Auditor are authorized to draw and deliver a warrant in the amount of \$5,233 payable to One-Way Disposal, Inc., and Spears, Lubersky, Campbell and Bledsoe, attorneys, said warrant to be charged to the general fund, indemnities, BUC 43613472, expense 490, in exchange for a signed

ORDINANCE No.

72 LOFTWING
COMMISSIONERS (CLERK)

release of all liability in this matter signed and executed by the plaintiff and its attorneys. Said warrant to be delivered to Robert Irelan, Deputy City Attorney, for delivery to plaintiff.

Section 2. The Council declares that an emergency exists in order that there be no delay in compliance with the court's order; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 10003

CRIMINAL MOVIES

IN ORDINANCE SUPPORTING PAYMENT

1113

101-82-200

George Penkovich

[Handwritten signature]

Passed by the Council, **JUL 30 1980**
COMMISSIONER MILDRED SCHWAB
RCirelan:slj
07-24-80

Attest:

[Signature: Serge Tchekhov]
Auditor of the City of Portland

Calendar No. 2720

ORDINANCE No. 150103

Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan		1
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
COMMISSIONER SCHWAB

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: Robert C. Ireland	Date: 07-24-80
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	

CALENDAR	
Consent	Regular

NOTED BY
City Attorney
City Auditor
City Engineer

Filed JUL 25 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

Gordon Crockett
Deputy