

**Agenda No. 380**

**ORDINANCE NO. 190414**

\*Pay settlement of Chris and Michelle Cook’s property damage lawsuit in the sum of \$35,000 involving Portland Water Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Chris and Michelle Cook, through attorneys Peter Viteznik and Lee Street, have filed a lawsuit against the City for damages to their property resulting from a flooding incident involving the Portland Water Bureau on March 9, 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 \$35,000, 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 \$35,000 made payable to Kilmer Voorhees & Laurick, PC Client Trust Account.

b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

**Introduced by**

Mayor Ted Wheeler

**Bureau**

Management and  
Finance  
Revenue and Financial  
Services  
Risk Management

**Prepared by**

Jessica Bird

**Date Prepared**

May 3, 2021

**Requested Council Date**

May 26, 2021

**Requested Agenda Type**

Consent

**Date Filed with Clerk**

May 18, 2021

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this property damage lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by Council: May 26, 2021

**MARY HULL CABALLERO**

Auditor of the City of Portland

Action Taken:

By *Megan Lehman*

Deputy

Commissioners voted as follows (Yea or Nay)

Rubio - Yea

Ryan - Yea

Hardesty - Yea

Mapps - Yea

Wheeler - Yea