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190857

Emergency Ordinance

***Pay attorney's fees settlement from Kessler v. City of Portland litigation in the sum of \$20,000 involving the Portland Police Bureau**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In 2021, Alan Lloyd Kessler filed a lawsuit against the City in Multnomah County Circuit Court case number 21-CV-10638 ("the Lawsuit"), seeking declaratory and injunctive relief related to a request for public records involving the Portland Police Bureau.
2. On May 9, 2022, the parties attended mediation as part of the Multnomah County Circuit Court's requirement that parties attempt to resolve their differences through alternate dispute resolution. Based upon the evidence and legal positions presented at that mediation, the parties agreed to the terms of a settlement in resolution of this litigation.
3. To fully resolve this Lawsuit without further legal proceedings, and to avoid the legal and financial risks of litigation, the Portland Police Bureau and the City Attorney's Office recommend the payment of \$20,000 to Alan Lloyd Kessler.

NOW, THEREFORE, the Council directs:

- A. The Portland Police Bureau and the City Attorney's Office are hereby authorized to enter into and execute a settlement agreement, in a form substantially similar to Exhibit A attached hereto, to resolve the Lawsuit.
- B. The Portland Police Bureau is hereby authorized to draw and deliver a check in the amount of \$20,000.00 made payable to Alan Lloyd Kessler.
- C. If the check authorized in Paragraph (a) herein is not tendered by July 1, 2022, the Portland Police Bureau is hereby authorized to add

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Contact

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📠 503-823-3089

Requested Agenda Type

Consent

interest at the legal rate set forth in ORS 82.010 to those payments beginning July 2, 2022.

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.

Documents and Exhibits

 [Exhibit A](#) (739.54 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 1, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance settles the attorney's fees demanded as a result of the lawsuit for declaratory and other relief brought against the City by Alan Lloyd Kessler related to a request for public records involving the Portland Police Bureau.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle this matter is \$20,000. The source of the funding is the budget allocated to the Office of Management and Finance for the current fiscal year. This ordinance does not amend the budget.

Community Impacts and Community Involvement

This ordinance resolves a lawsuit involving the Portland Police Bureau. No community involvement or input was sought regarding this ordinance. The City Attorney's Office has concluded that it is not appropriate to have community involvement in settlement negotiations regarding lawsuits against the City.

Agenda Items

470 Consent Agenda in [June 1-2, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Absent

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea