

AV 49366
\$ 7,500.00
4-12-82

153047

ORDINANCE NO. 153047

An Ordinance authorizing a compromise settlement in the amount of \$7,500.00 to be paid to Thomas Wayne Adair for injuries sustained on June 11, 1980, subject to the approval of the Multnomah County Circuit Court, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Thomas Wayne Adair has filed a federal civil rights lawsuit for \$600,000 for personal injury sustained on June 11, 1980.
2. The claim has been investigated by the City Attorney's Office and it appears that there is a substantial risk that the City and the named officers might be found liable and it is prudent to settle the claim in order to avoid full liability therefor and further costs in defense and litigation.
3. The City Attorney recommends that the claim be settled for \$7,500.00, subject to claimant providing the City with a release and dismissal in forms to be approved by the City Attorney.
4. Pursuant to ORS 30.290, the settlement of this claim is subject to the approval of the Multnomah County Circuit Court.

NOW, THEREFORE, The Council directs:

- a. Subject to the approval of Multnomah County Circuit Court pursuant to ORS 30.290, the Mayor and Auditor are authorized to draw and deliver a warrant in the amount of \$7,500.00 made payable to Thomas Wayne Adair and his attorneys, Patrick M. Birmingham and David J. Zarosinski, as settlement in full of all claims for damages upon receipt of a release to be approved by the City Attorney.

- b. The Bureau of Risk Management will execute a payment authorization in the amount set forth in paragraph (a) above.

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

Passed by the Council, APR 7 1982

Commissioner Schwab
PRM:TAK
March 31, 1982

Attest:


Auditor of the City of Portland

Calendar No. 871

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Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed APR 2 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Powell*
Deputy

INTRODUCED BY	
COMMISSIONER SCHWAB	
NOTED BY THE COMMISSIONER	
Affairs	<i>[Signature]</i>
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
PRM:TAK	3/31/82
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	
CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
NOTED BY	
City Attorney	<i>Peter R. Mersereau</i>
City Auditor	
City Engineer	