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190983

Emergency Ordinance

## **\*Pay settlement of Jennie Lee bodily injury lawsuit for the sum of \$100,000 involving the Portland Bureau of Transportation**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Jennie Lee, through attorney Adam Kiel, has filed a lawsuit against the City for injuries resulting from a Streetcar collision involving the Portland Bureau of Transportation on May 24, 2018.
2. The lawsuit has been investigated by Risk Management Services and the City Attorney's Office. Based on the advice of the City Attorney's Office and the terms of the release agreements executed by the parties to this lawsuit, which preserve the City's ability to continue to seek indemnity for any amounts paid in this settlement, and to avoid the litigation costs and risks of inherent with proceeding to trial, 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 \$100,000, subject to the claimant and/or other defendants in this lawsuit providing the City with a release in a form to be approved by the City Attorney and executing any further releases and reservations recommended 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 \$100,000 made payable to Kafoury & McDougal 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](#)

**Contact**

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**Requested Agenda Type**

Regular

**Date and Time Information**

**Requested Council Date**

August 31, 2022

**Time Requested**

15 minutes

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

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

August 31, 2022

Auditor of the City of Portland

Mary Hull Caballero

## **Impact Statement**

### **Purpose of Proposed Legislation and Background Information**

This Ordinance settles a bodily injury lawsuit brought by Jennie Lee, resulting from a Portland Streetcar collision in southeast Portland.

### **Financial and Budgetary Impacts**

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$100,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year. This Ordinance does not amend the budget.

### **Community Impacts and Community Involvement**

This Ordinance settles a lawsuit resulting from a City of Portland Streetcar collision involving the Portland Bureau of Transportation. No public involvement or input was sought regarding this Ordinance. The City Attorney's Office and Risk Management have concluded that it is not appropriate to have public involvement in settlement negotiations regarding tort claims or lawsuits against the City.

No future public involvement is anticipated or necessary. Approval by City Council of this Ordinance will fully settle a tort claim against the City of Portland.

### **100% Renewable Goal**

This legislation will have no impact on City energy use.

## Budget Office Financial Impact Analysis

Total cost to the City to settle the lawsuit is \$100,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.

## Agenda Items

### 742 Regular Agenda in August 31, 2022 Council Agenda

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea