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190991

Emergency Ordinance

## **\*Pay settlement of Laurie Balmuth's property damage lawsuit for the sum of \$110,000 involving the Portland Bureau of Environmental Services**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Laurie Balmuth, through attorney Bradley T. Crittenden, has filed a property damage lawsuit against the City for damages resulting from a sewer release involving the Portland Bureau of Environmental Services on September 12, 2018.
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 \$110,000, 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 \$110,000 made payable to Chenoweth Law Group – Lawyer Trust Account.
- B. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

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.

**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**

September 14, 2022

**Time Requested**

15 minutes

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  
September 14, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## **Impact Statement**

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

This Ordinance settles a property damage lawsuit brought by Laurie Balmuth, resulting from a sewer release in northeast Portland.

### **Financial and Budgetary Impacts**

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$110,000. 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 sewer release involving the Portland Bureau of Environmental Services. 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 \$110,000. 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

### 761 Regular Agenda in September 14, 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