



[Home](#) / [Browse Council Documents](#)

191005

Emergency Ordinance

***Pay settlement of Carla Sammons property damage lawsuit for the sum of \$25,000 involving the Portland Bureau of Environmental Services**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Carla Sammons, through attorney Brendan Burke, has filed a lawsuit against the City for damages resulting from a sewer backup involving the Portland Bureau of Environmental Services on March 4, 2019.
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 \$25,000, 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 Auditor are hereby authorized to draw and deliver a check in the amount of \$25,000 made payable to Clark Law & Associates Client Trust Account for Carla Sammons.
- 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.

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 28, 2022

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance](#);
[Revenue and Financial Services](#);
[Risk Management](#)

Contact

David Ferro

Liability Claims Analyst

✉ david.ferro@portlandoregon.gov

📞 [503-865-6880](tel:503-865-6880)

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

September 28, 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 Carla Sammons, resulting from a sewer backup on a property 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 \$25,000. 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 backup 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.

Agenda Items

802 Consent Agenda in [September 28, 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