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191048

Emergency Ordinance

*Pay settlement of Evelyn Cushing bodily injury claim in the sum of \$47,500 involving the Portland Police Bureau

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Evelyn Cushing, through attorney James E. McCandlish, has filed a claim against the City for injuries resulting from an encounter with Portland Police officers on September 23, 2020.
2. The claim 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 claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$47,500, 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 \$47,500 made payable to James E. McCandlish and Evelyn Cushing.
- 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 bodily injury claim; 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)

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date
October 26, 2022

Passed by Council
October 26, 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 claim brought by Evelyn Cushing, resulting from an encounter with Portland Police officers in downtown Portland.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$47,500. 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 tort claim resulting from an encounter with Portland Police officers during a protest. 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 claim is \$47,500. 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

886 Consent Agenda in [October 21-27, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea