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191084

Emergency Ordinance

*Pay settlement of Dorothy Humphreys property damage and bodily injury claim for the sum of \$28,413 resulting from a motor vehicle collision involving the Portland Bureau of Transportation

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Dorothy Humphreys, through attorney Dylan Orton, and the insurer Safeco Insurance Company of Oregon have filed a claim against the City for property damage and bodily injury resulting from a motor vehicle collision involving the Portland Bureau of Transportation on December 14, 2021.
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 \$28,412.97, 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 City Auditor are hereby authorized to draw and deliver a check in the amount of \$10,000 made payable to Craig Swapp & Associates and Dorothy Humphreys and a second check in the amount of \$18,412.97 made payable to Safeco Insurance.
- B. Risk Management Services will execute the payments authorizations in the amounts 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

Consent

Date and Time Information

Requested Council Date
December 7, 2022

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this property damage and 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)

Passed by Council
December 7, 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 and bodily injury claim brought by Dorothy Humphreys, resulting from a motor vehicle 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 claim is \$28,412.97. 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 a motor vehicle 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 claim is \$28,413. 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

1007 Consent Agenda in [December 7, 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