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# 191169

Emergency Ordinance

## \*Pay property damage claim of Theodore Davidson for \$16,577 involving the Bureau of Environmental Services

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Theodore Davidson has filed a claim against the City for damages resulting from a sewer backup involving the Portland Bureau of Environmental Services on April 11, 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 settle the claim at this time.
3. Risk Management Services recommends the claim be settled for the total sum of \$16,577.37, 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 \$16,577.37 made payable to Theodore Davidson.
- 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 claim; 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

Consent

Date and Time Information

Requested Council Date  
February 15, 2023

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  
February 15, 2023

Auditor of the City of Portland  
Simone Rede

## **Impact Statement**

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

This Ordinance settles a property damage claim brought by Theodore Davidson, resulting from a sewage backup in their property in north Portland.

### **Financial and Budgetary Impacts**

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$16,577.37. 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 sewage 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.

### **Budget Office Financial Impact Analysis**

Total cost to the City to settle the claim is \$16,577. 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

### 134 Consent Agenda in [February 15, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea