



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

# 191213

Emergency Ordinance

## \*Pay settlement of Patrick Cunningham personal injury claim for \$50,000 involving the Portland Bureau of Emergency Communications

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Patrick Cunningham, through attorney Michael A. Cox, has filed a claim against the City for injuries resulting from a traffic stop by Portland Police on Saturday, February 6, 2021, based on information provided by the Portland Bureau of Emergency Communications.
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 \$50,000, 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 City Auditor are hereby authorized to draw and deliver a check in the amount of \$50,000 made payable to the Trust Account of Michael A. Cox.
- 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 personal 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

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](mailto:david.ferro@portlandoregon.gov)

📞 [503-865-6880](tel:503-865-6880)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

March 22, 2023

Time Requested

15 minutes

Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
March 22, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This Ordinance settles a personal injury claim brought by Patrick Cunningham, resulting from a Portland Police traffic stop in southeast Portland based on information from the Bureau of Emergency Communications.

### Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$50,000. 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 tort claim resulting from a traffic stop involving the Portland Bureau of Emergency Communications. 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

239 Regular Agenda in [March 22, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea