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# 191251

Emergency Ordinance

## \*Pay settlement of Elisa Allen bodily injury lawsuit for \$35,000 involving the Portland Bureau of Transportation and Bureau of Environmental Services

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Elisa Allen, through attorney Michael Gutzler, has filed a lawsuit against the City for injuries resulting from slipping and falling on a maintenance hole cover in SW Naito Pkwy involving the Portland Bureau of Transportation and Bureau of Environmental Services on November 18, 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 \$35,000, 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 \$35,000 made payable to Michael N. Gutzler, PC IOLTA for Elisa Allen.
- 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 lawsuit; 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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Liability Claims Analyst

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date  
April 26, 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  
April 26, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This Ordinance settles a bodily injury lawsuit brought by Elisa Allen, resulting from slipping and falling on a maintenance hole cover in SW Naito Pkwy.

### Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$35,000. 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 arising out of bodily injuries resulting from a slip and fall involving the Portland Bureau of Transportation and the 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 lawsuit is \$35,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

## Agenda Items

### 327 Consent Agenda in [April 26, 2023 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea