



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

191423

Emergency Ordinance

*Pay bodily injury and property damage claim of Frank Moscow for \$18,845 resulting from a motor vehicle collision involving the Portland Bureau of Transportation

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Frank Moscow and USAA have filed a claim against the City for injuries and damages resulting from a motor vehicle collision involving the Portland Bureau of Transportation on June 15, 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 \$18,844.85 with the amount of \$16,944.85 still due, 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 \$16,944.85 made payable to USAA Insurance.
- 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 and 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
August 23, 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
August 23, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles a bodily injury and property damage claim brought by Frank Moscow, resulting from a motor vehicle collision in southwest Portland.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$18,844.85. 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

This action will pay \$18,845 from the City's Insurance and Claims fund to settle a tort claim. No additional appropriations are required as a result of this settlement.

Agenda Items

697 Consent Agenda in [August 23, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/8/23)
(<https://www.portland.gov/council/agenda/2023/8/23>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea