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191802

Emergency Ordinance

*Pay settlement of Ariell Hartwell bodily injury lawsuit for \$100,000 resulting from a motor vehicle collision involving Portland Fire & Rescue

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Ariell Hartwell, through attorney Alexander Pletch, has filed a lawsuit against the City for injuries resulting from a motor vehicle collision involving Portland Fire & Rescue on September 10, 2020.
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, it is prudent to compromise the lawsuit at this time.
3. City Attorney, Risk Management Services, and Portland Fire & Rescue recommend the lawsuit be compromised for the total sum of \$100,000, 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 Auditor are hereby authorized to draw and deliver a check in the amount of \$100,000.00 made payable to Rizk Law IOLTA.
- 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.

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)

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance;](#)
[Revenue and Financial](#)
[Services;](#) [Risk Management](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

June 26, 2024

Time Requested

15 minutes

Passed by Council
June 26, 2024

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 Ariell Hartwell, 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 lawsuit is \$100,000. 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 resulting from a motor vehicle collision involving Portland Fire & Rescue. 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 \$100,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.

Document History

**Item 592 Regular Agenda in [June 26, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/6/26)
(<https://www.portland.gov/council/agenda/2024/6/26>)**

City Council

Rescheduled

Rescheduled to June 26, 2024 at 2:00 p.m.

**Item 599 Regular Agenda in [June 26, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/6/26)
(<https://www.portland.gov/council/agenda/2024/6/26>)**

City Council

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea