



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

191801

Emergency Ordinance

*Pay settlement of the Estate of Jonathan Nichols wrongful death lawsuit for \$225,000 involving Portland Parks & Recreation

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Estate of Jonathan Nichols, through attorney Alex Wylie, has filed a wrongful death lawsuit against the City resulting from a fallen tree branch involving Portland Parks & Recreation on June 25, 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 Parks & Recreation recommend the lawsuit be compromised for the total sum of \$225,000, 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 \$225,000 made payable to Dwyer, Williams, Cherkoss Client Trust Account.
- 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 wrongful death 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

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

Karren Bond

Sr. Claims Analyst

✉ karren.bond@portlandoregon.gov

☎ [503-823-6873](tel:503-823-6873)

📠 503-823-6120

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

June 26, 2024

Time Requested

15 minutes

Charter Chapter 2 Article 1 Section 2-122)

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 wrongful death lawsuit brought by the Estate of Jonathan Nichols, resulting from a fallen tree branch in southeast Portland.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$225,000. 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 fallen tree branch involving the Portland Parks & Recreation. 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 \$225,000. 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 593 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