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191867

Emergency Ordinance

*Pay settlement of Daimler Truck Financial Services USA LLC property damage claim for \$5,300 resulting from a motor vehicle collision involving the Portland Water Bureau

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Daimler Truck Financial Services USA LLC has filed a claim against the City for damages resulting from a motor vehicle collision involving the Portland Water Bureau on August 25, 2023.
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, it is prudent to compromise the claim at this time.
3. Risk Management Services and the Portland Water Bureau recommends the claim be compromised for the total sum of \$5,300 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 the Auditor are hereby authorized to draw and deliver a check in the amount of \$5,300 made payable to Gallagher Bassett for the benefit of Daimler Trucks North America.
- 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 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](#)

City department

[Risk Management](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

August 14, 2024

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 14, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles a property damage claim brought by Daimler Truck Financial Services USA LLC resulting from a motor vehicle collision in North Portland.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$5,300. 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 Water Bureau. 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 claim is \$5,300. 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 732 Consent Agenda in [August 14, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/8/14)
(<https://www.portland.gov/council/agenda/2024/8/14>)

City Council

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea