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191923

Emergency Ordinance

*Pay property damage claim of Ben Wintermute for \$36,360 involving the Portland Bureau of Transportation

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Ben Wintermute, and the insurer, Liberty Mutual, have filed a claim against the City for damages resulting from a sewer backup involving the Portland Bureau of Transportation on July 4, 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 settle the claim at this time.
3. Risk Management Services and the Portland Bureau of Transportation recommend the claim be settled for the total sum of \$36,359.62, subject to the claimant providing the City with a release in a form to be approved by the City Attorney. An initial payment of \$5,000 has already been issued to Ben Wintermute, leaving a remaining balance of \$31,359.62 still owed to Liberty Mutual.

NOW, THEREFORE, the Council directs:

- A. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$31,359.62 made payable to Liberty Mutual.
- 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

October 23, 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
October 23, 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 Ben Wintermute, resulting from a sewer backup 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 \$36,359.62. 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.

Economic and Real Estate Development Impacts

N/A

Community Impacts and Community Involvement

This Ordinance settles a tort claim resulting from a sewer backup 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.

Financial and Budget Analysis

Claim regarding damages resulting from a sewer backup on July 4, 2023 involving the Portland Bureau of Transportation. Total cost to the City to settle the claim is \$36,359.62 with a remaining balance of \$31,359.62. 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 898 Consent Agenda in [October 23, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/10/23) (<https://www.portland.gov/council/agenda/2024/10/23>)

City Council

Passed

Aye (4): Mingus Mapps, Dan Ryan, Rene Gonzalez, Ted Wheeler

Absent (1): Carmen Rubio