

870

183769

**ORDINANCE No.**

\*Pay claim of Stevawn Welch and Richard McEachran. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Stevawn Welch and Richard McEachran have filed a property damage claim against the City for damages suffered in a sewer back up involving BES and PBOT's Bureau of Maintenance on December 11, 2009.
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 compromise the claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$60,597.73 (which includes \$10,000 previously advanced by Risk Management) subject to the claimants providing the City with a release in a form to be approved by the City Attorney at the conclusion of the claim.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver checks payable as follows (total settlement amount is \$60,597.73):
  - Stanley C. Kennedy Enterprises, Inc.: \$5,661.75
  - Stevawn Welch and Richard McEachran: \$44, 935.98.
- b. Risk Management Services will execute payment authorizations in the amounts 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 claim; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,    **MAY 19 2010**

Mayor Sam Adams  
Prepared by John Buehler  
Date prepared: May 5, 2010

**LaVONNE GRIFFIN-VALDE**  
Auditor of the City of Portland

By

Deputy

*Susan Parsons*

Agenda No.  
**ORDINANCE NO. 183769**  
 Title

\* Pay claim of Stevawn Welch <sup>and</sup> Richard McEachran (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>MAY 14 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration <i>Adams</i>	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>LaVonne Griffin-Valade</i> Deputy  <b>ACTION TAKEN:</b>
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b> Bureau: OMF/Risk Management Services Bureau Head: Jeff Baer, Director BIBS <i>W</i> Kate Wood, Risk Mgr	
Prepared by: John Buehler Date Prepared: May 5, 2010	
Financial Impact Statement <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Council Meeting Date: May 19, 2010	
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> <b>Start time:</b>  <b>Total amount of time needed:</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	