

ORDINANCE No. 184135

*Pay claim of Earl H. Hall. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Attorney William Gibson has filed a bodily injury lawsuit on behalf of his client Earl Hall against the City for damages suffered in a accident involving the PBOT on August 4, 2008.
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 lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$55,000.00 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 \$55,000.00 made payable to Earl H. Hall and William Gibson, Attorney at Law.
- 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 lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **SEP 29 2010**

Mayor Sam Adams
Prepared by Becky Chiao
Date prepared: September 1, 2010

LaVONNE GRIFFIN-VALDE
Auditor of the City of Portland

By *Emily Matasar*
Deputy

Agenda No.
ORDINANCE NO 184135
 Title

* Pay claim of Earl Hall (Ordinance)

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| INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams | CLERK USE: DATE FILED <u>SEP 24 2010</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard | LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN: |
| BUREAU APPROVAL Bureau: OMF/Risk Management Services <i>[Signature]</i> Bureau Head: Jeff Baer, Director BIBS <i>[Signature]</i> Kate Wood, Risk Mgr | |
| Prepared by: Becky Chiao Date Prepared: September 1, 2010 | |
| Financial Impact Statement <u>X</u> Completed ___ Amends Budget ___ Not Required | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. . Yes ___ No <u>X</u> | |
| Council Meeting Date September 29, 2010 | |
| City Attorney Approval | |

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

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | | |
|--------------------|---------------------------------|------|------|
| | | YEAS | NAYS |
| 1. Fritz | 1. Fritz | ✓ | |
| 2. Fish | 2. Fish | ✓ | |
| 3. Saltzman | 3. Saltzman | | |
| 4. Leonard | 4. Leonard | ✓ | |
| Adams | Adams | ✓ | |