

184730

**ORDINANCE No.**

\*Pay claim of John Demarco involving Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. John DeMarco has filed a bodily injury lawsuit against the City for damages suffered in an accident involving the public right of way on May 22, 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 lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$43,000, 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 the Auditor are hereby authorized to draw and deliver a check in the amount of \$43,000 made payable to John Demarco and Casteel and Carson.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

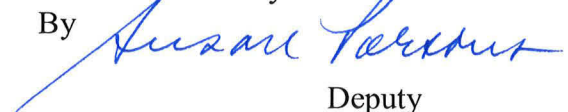
Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUL 13 2011

Mayor Sam Adams  
Prepared by Becky Chiao  
Date prepared: June 28, 2011

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


By



Deputy

Agenda No. **184730**  
**ORDINANCE NO.**  
 Title

\*Pay Claim of John Demarco, involving PBOT (Ordinance)  
*Bureau of Transportation*

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|--|---|
| INTRODUCED BY<br>Commissioner/Auditor:<br><b>Mayor Sam Adams</b>   | CLERK USE: DATE FILED <u>JUL 08 2011</u>  |
| COMMISSIONER APPROVAL<br>Mayor—Finance and Administration - Adams<br>Position 1/Utilities - Fritz<br>Position 2/Works - Fish<br>Position 3/Affairs - Saltzman<br>Position 4/Safety - Leonard | LaVonne Griffin-Valade<br>Auditor of the City of Portland<br><br>By: <u></u><br>Deputy |
| BUREAU APPROVAL<br>Bureau: OMF/Risk Management Services<br>Bureau Head: Jeff Baer, Director, BIBS <i>KW</i> Kate Wood, Risk Mgr  |   |
| Prepared by: Becky Chiao<br>Date Prepared: June 28, 2011   | ACTION TAKEN:   |
| Financial Impact & Public Involvement Statement<br>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>  |   |
| Portland Policy Document<br>If "Yes" requires City Policy paragraph stated in document.<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                               |   |
| Council Meeting Date<br><b>July 13, 2011</b>   |   |
| City Attorney Approval   |   |

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

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