

ORDINANCE No. 185182

*Pay claim of Powell's Books, Inc., involving Bureau of Environmental Services and Bureau of Transportation. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. One Beacon Insurance Company, as subrogee for Powell's Books Inc, has filed a property damage claim against the City for damages suffered in a sewer backup into its building, involving the Bureau of Environmental Services and the Bureau of Transportation, on November 6, 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 claim be compromised for the total sum of \$16,110.34, 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 \$16,110.34 made payable to One Beacon Insurance Company and its attorneys Cozen Law Firm.
- 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, **MAR 07 2012**

Mayor Sam Adams
Prepared by John Buehler
Date prepared: February 15, 2012

LaVONNE GRIFFIN-VALDE
Auditor of the City of Portland

By


Deputy

Agenda No. **ORDINANCE NO. 185182**
Title

* Pay Claim of Powell's Books, Inc. involving Bureau of Environmental Services and Bureau of Transportation (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>MAR 02 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>Sam Adams</i>	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u><i>[Signature]</i></u> Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: OMF/Risk Management Services Bureau Head: Jeff Baer, Director BIBS <i>KW</i> Kate Wood, Risk Mgr	ACTION TAKEN:
Prepared by: John Buehler Date Prepared: 2/22/2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date March 7, 2012	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	_____	