

ORDINANCE No. 186738

*Pay claim of Daniel Collins in the sum of \$110,000, involving the Police Bureau. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Daniel Collins, through his attorney, Matthew McHenry, has filed a bodily injury lawsuit against the City for damages suffered in an incident occurring on December 24, 2010. In the lawsuit, claimant makes claim for civil rights violations and injury during a Portland Police Bureau response to a fight inside a nightclub.
2. The claim has been investigated by Risk Management Services and the City Attorney's Office. 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 and the City Attorney's Office recommend the lawsuit be compromised for the total sum of \$110,000, 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 \$110,000 made payable to Daniel Collins and Matthew McHenry.
- 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 30 2014**

Mayor Charlie Hales
Prepared by John Buehler
Date prepared: June 19, 2014

LaVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By

Susan Parsons
Deputy

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Agenda No.

ORDINANCE NO. 186738

Title

✓ *Pay claim of Daniel Collins in the sum of \$110,000 involving the Police Bureau, (ordinance)

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| <p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> | <p>CLERK USE: DATE FILED <u>JUL 25 2014</u></p> |
| <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> | <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> |
| <p>BUREAU APPROVAL</p> <p>Bureau: OMF Bureau of Internal Business Services Interim CAO: Fred Miller <i>[Signature]</i> Bureau Head: Bryant M. Enge <i>[Signature]</i> Risk Manager: Kate Wood</p> <p>Prepared by: John Buehler Date Prepared: June 25, 2014</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date July 30, 2014</p> | <p>By: <u><i>Susan Parsons</i></u> Deputy</p> <p>ACTION TAKEN:</p> |

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| AGENDA |
| <p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time:</p> <p>Total amount of time needed: (for presentation, testimony and discussion)</p> |
| <p>CONSENT <input type="checkbox"/></p> |
| <p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 15 minutes (for presentation, testimony and discussion)</p> |

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