

ORDINANCE No. 186812

*Pay claim of Cleon Harris in the sum of \$78,685 involving the Portland Fire Bureau.
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Cleon Harris has filed a bodily injury lawsuit against the City for damages suffered in a motor vehicle accident involving the the Portland Fire Bureau on August 8, 2011.
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 \$78,685.10, subject to the claimant providing the City with a release in a form to be approved by the City Attorney. Risk Management Services has previously paid \$3,685.10 to Wawanesa Insurance to resolve their PIP subrogation; \$75,000 will be paid to Mr. Harris and his attorney with this ordinance.

NOW, THEREFORE, the Council directs:


- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$75,000 made payable to Bottini, Bottini & Oswald, PC and Cleon Harris.
- 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, **OCT 01 2014**

Mayor Charlie Hales
Prepared by Randy Stenquist
Date prepared: August 28, 2014

LaVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By 
Deputy

Agenda No. 186812
ORDINANCE NO.
Title

*Pay claim of Cleon Harris in the sum of \$78,685 involving the Portland Fire Bureau. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>SEP 12 2014</u></p>
<p>COMMISSIONER APPROVAL 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>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL Bureau: OMF Bureau of Internal Business Services <i>[Signature]</i> CAO: Fred Miller <i>[Signature]</i> Bureau Head: Bryant M. Engle <i>[Signature]</i> Risk Manager: Kate Wood <i>[Signature]</i></p>	<p>ACTION TAKEN:</p> <p>SEP 17 2014 RESCHEDULED TO OCT 1 2014 9:30 AM</p>
<p>Prepared by: Randy Stenquist Date Prepared: September 4, 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 September 17, 2014</p>	

<p>AGENDA</p> <p><u>TIME CERTAIN</u> <input type="checkbox"/> Start time:</p> <p>Total amount of time needed: (for presentation, testimony and discussion)</p> <p><u>CONSENT</u> <input checked="" type="checkbox"/></p> <p><u>REGULAR</u> <input type="checkbox"/> Total amount of time needed: (for presentation, testimony and discussion)</p>
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	