

ORDINANCE No. 186862

*Pay claim of Gregory Haase in the sum of \$125,000 involving the Portland Bureau of Transportation. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Estate Gregory Haase has filed a wrongful death lawsuit against the City for damages suffered in a crash involving the Portland Bureau of Transportation on September 5, 2012.
2. The claim has been investigated by Risk Management Services and the Office of the City Attorney. 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 \$125,000, 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 \$125,000 made payable to Robert L. Wolf Trust Account.
- b. The PDOT Director or her designee is authorized to sign the Settlement Agreement as prepared by the City Attorney.
- c. 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 29 2014**

Mayor Charlie Hales
Prepared by Mark Stairiker
Date prepared: 9/23/2014

LaVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

1116-

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Agenda No.
ORDINANCE NO. 186862
 Title

*Pay claim of Gregory Haase in the sum of \$125,000 involving the Portland Bureau of Transportation.

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>OCT 24 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>Susan Larson</u> Deputy
BUREAU APPROVAL Bureau: OMF Bureau of Internal Business Services CAO: Fred Miller Bureau Head: Bryant M. Enge Risk Manager: Kate Wood Prepared by: Mark Stairiker Date Prepared: October 8, 2014 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"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date October 29, 2014	ACTION TAKEN:

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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	