

ORDINANCE No. 187659

*Pay claim of Jay Silva in the sum of \$25,000 involving the Portland Police Bureau. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Jay Silva, through his attorney, Marc Johnston, has filed a bodily injury lawsuit against the City for damages suffered in an incident occurring on March 18, 2013. In the lawsuit, claimant alleges that he suffered a hip injury while being transported in a Portland Police Bureau vehicle.
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 \$25,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney. Of that total, \$2,500 is being paid to Subrogation Services, Inc. (to satisfy a medical lien), with the balance of \$22,500 to the claimant and his attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver checks in the following amounts:
 - (1) \$2,500 made payable to Subrogation Services, Inc.;
 - (2) \$22,500 made payable to "Johnston Law Firm obo Jay Silva."
- b. Risk Management Services will execute payment authorizations in the amounts set forth in sub-paragraph (a) above.

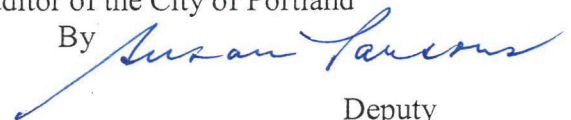
Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, APR 06 2016

Mayor Charlie Hales
Prepared by John W. Buehler
Date prepared: February 25, 2016

MARY HULL CABALLERO
Auditor of the City of Portland

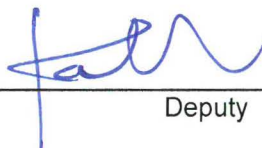
By



Deputy

Agenda No. **187659**
ORDINANCE NO.
 Title

*Pay claim of Jay Silva in the sum of \$25,000 involving the Portland Police Bureau. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>MAR 29 2016</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  _____ Deputy</p> <p>ACTION TAKEN:</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF Bureau of Internal Business Services CAO: Fred Miller <i>Fred Miller</i> Bureau Head: Bryant M. Enge <i>BME</i> Risk Manager: Kate Wood <i>KW</i></p>	
<p>Prepared by: John W. Buehler Date Prepared: February 26, 2016</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 April 6, 2016</p>	

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 checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: <u>15 minutes</u> (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	✓	