

ORDINANCE No. 187693

*Pay claim of the Estate of Lindsay Leonard 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 of Lindsay Leonard has filed a wrongful death lawsuit against the City of Portland for damages resulting from a vehicle/pedestrian collision in a crosswalk on or about November 1, 2009.
2. The claim has been investigated by Risk Management Services, discovery has been completed, and the parties have engaged in mediation. Although the City was dismissed from the case in 2011, an appeals court overturned the dismissal and remanded the case for trial. 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:

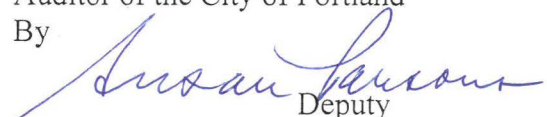
- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$125,000 made payable to Case & Dusterhoff, LLP trust account fbo the Estate of Lindsay Leonard.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (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, **APR 27 2016**

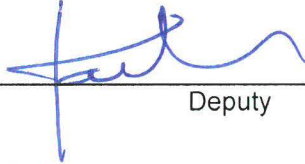
Mayor Charlie Hales
Prepared by Becky Chiao
Date prepared: March 24, 2016

MARY HULL CABALLERO
Auditor of the City of Portland
By


Deputy

Agenda No.
ORDINANCE NO. 187693
 Title

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

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>APR 19 2016</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>SMA</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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p style="text-align: center;">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: Becky Chiao Date Prepared: March 24, 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 4-27-2016</p>	<p>ACTION TAKEN:</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: (for presentation, testimony and discussion)</p>

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