

**ORDINANCE No.**

189447

\* Pay property damage lawsuit of John Arehart in the sum of \$35,000 involving Portland Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. John Arehart, through attorney Timothy J. Calderbank, has filed a property damage lawsuit against the City for damages suffered in a sewer backup involving the Portland Bureau of Environmental Services on October 31, 2015.
2. The lawsuit 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 and the City Attorney's office recommend the lawsuit be compromised for the total sum of \$35,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

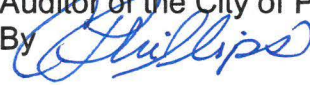
NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$35,000 made payable to Landerholm PC Client Trust Account.
- 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 property damage lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, APR 10 2019

Mayor Ted Wheeler  
Prepared by Jessica Bird  
Date prepared: March 8, 2019

**MARY HULL CABALLERO**  
Auditor of the City of Portland  
By   
Deputy

Agenda No. 302

Item Type: Ordinance No. 189447

Council Meeting Date: April 10, 2019

Title: \* Pay property damage lawsuit of John Arehart in the sum of \$35,000 involving Portland Bureau of Environmental Services (Ordinance)

AGENDA TYPE

CONSENT  REGULAR  TIME CERTAIN Start Time: Item of Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain): Minutes

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Administration - Wheeler  
Position 1/ Utilities - Fritz  
Position 2/ Works - Fish  
Position 3/ Affairs - Hardesty  
Position 4/ Safety - Eudaly  
City Auditor - Hull Caballero

Digitally signed by Kristin Dennis  
Date: 2019.04.02 11:48:31 -0700

BUREAU APPROVALS

Bureau: OMF/CAO  
OMF/CAO: Tom Rinehart  
Bureau Approval: Jennifer Cooperman

Digitally signed by Tom Rinehart  
Date: 2019.03.18 14:15:55 -0700

Digitally signed by Jennifer Cooperman  
Date: 2019.03.14 08:47:15 -0700

Prepared By: Jessica Bird

Date Prepared: February 20, 2019

1) Is a completed Impact Statement attached? Yes

2) Does the item amend the budget? Yes  No   
If yes, Budget Office Approval

3) Is the item a Code ordinance? Yes  No   
If yes, Auditor Office Approval

4) Is this item a contract, code, easement, franchise, comp plan or Charter? Yes  No   
If yes, Attorney Office Approval

5a) Is item a Portland Policy Document or Administrative Rule? Yes  No

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? Yes

ACTION TAKEN:

CLERK USE: DATE FILED 4/2/19

Mary Hull Caballero  
Auditor of the City of Portland

By: Karla Moore-Love Deputy  
Digitally signed by Karla Moore-Love  
Date: 2019.04.02 16:12:37 -0700

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Hardesty	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>