

**ORDINANCE No. 189641**

\* Pay property damage claim of Valley Scapes in the sum of \$10,142 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Valley Scapes and their insurer Berkley North Pacific Group have filed a property damage claim against the City for damages suffered in a motor vehicle incident as a result of a failed manhole cover involving the Portland Bureau of Transportation on December 26, 2018.
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 claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$10,142.59, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

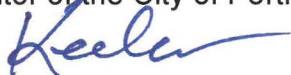
NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$10,142.59 made payable to BNPG.
- 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 claim; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, AUG 07 2019

Mayor Ted Wheeler  
Prepared by Jessica Bird  
Date prepared: July 12, 2019

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

752

Agenda No. \_\_\_\_\_ No. 189641

Item Type: Ordinance \_\_\_\_\_ Council Meeting Date: August 7, 2019

Title: \* Pay property damage claim of Valley Scapes in the sum of \$10,142 involving the Portland Bureau of Transportation (Ordinance)

**AGENDA TYPE**

**Consent**

**Regular**

**Time Certain** Start Time

Item <sup>1</sup> of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): N/A (Consent)

**INTRODUCED BY: Mayor Wheeler**

**COMMISSIONER / AUDITOR APPROVAL**

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington Date: 2019.07.30 13:32:48 -0700

Position 1/ Utilities - Fritz

Position 2/ Works - Fish

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

**BUREAU APPROVALS**

Bureau: OMF/CAO

OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart Date: 2019.07.15 15:58:00 -0700

Bureau Approval: Jennifer Cooperman Digitally signed by Jennifer Cooperman Date: 2019.07.12 12:11:40 -0700

Prepared By: Jessica Bird

Date Prepared: July 12, 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

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

If yes, **Auditor 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  No

**ACTION TAKEN:**

CLERK USE: DATE FILED 7/30/19

Mary Hull Caballero  
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont Date: 2019.07.30 15:47:05 -0700  
Deputy

**FOUR-FIFTHS AGENDA**

- 1. Fritz
- 2. Fish
- 3. Hardesty
- 4. Eudaly
- Wheeler

**COMMISSIONERS VOTED AS FOLLOWS:**

	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Hardesty	_____	
4. Eudaly	✓	
Wheeler	✓	