

## **ORDINANCE No. 189946**

\* Pay bodily injury claim of Mary Livesay in the sum of \$49,900 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Mary Livesay, through attorney Brendan Burke and insurer Geico, has filed a bodily injury claim against the City for damages suffered in a motor vehicle collision involving the Portland Bureau of Transportation on March 12, 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 \$49,900, 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 \$42,000 made payable to Clark Law and Associates for Mary Livesay.
- b. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$7,900 made payable to Geico.
- c. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraphs (a) and (b) above.

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

Passed by the Council, **May 6, 2020**

Mayor Ted Wheeler  
Prepared by Jessica Bird  
Date prepared: April 6, 2020

**MARY HULL CABALLERO**

Auditor of the City of Portland

By *Keelan McClymont*  
Deputy

**Agenda No. 344**  
**Item Type: Ordinance No. 189946**  
**Council Meeting Date: May 6, 2020**

Title: \* Pay bodily injury claim of Mary Livesay in the sum of \$49,900 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance)

**AGENDA TYPE**

☒ **Consent**  
☐ **Regular**  
☐ **Time Certain** Start Time

Item 1 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: 2020.04.28 11:59:13 -0700'  
 Position 1/ Utilities - Fritz  
 Position 2/ Works - Vacant  
 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: 2020.04.07 11:11:30 -0700'  
 Bureau Approval: Michelle Kirby Digitally signed by Michelle Kirby  
Date: 2020.04.07 10:50:16 -0700'

Prepared By: Jessica Bird

Date Prepared: April 6, 2020

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 4/28/20

Mary Hull Caballero  
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont  
Date: 2020.04.28 13:09:56 -0700'  
 Deputy

**FOUR-FIFTHS AGENDA**

1. Fritz  
 2. Vacant  
 3. Hardesty  
 4. Eudaly  
 Wheeler

**COMMISSIONERS VOTED AS FOLLOWS:**

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Vacant	<input 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"/>