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190609

Emergency Ordinance

***Pay settlement of Jason Messer bodily injury claim for the sum of \$26,100 resulting from a streetcar collision involving the Portland Bureau of Transportation**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Jason Messer and his insurer Progressive Insurance have filed a claim against the City for injuries suffered in a collision with the streetcar involving the Portland Bureau of Transportation on July 11, 2020.
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 \$26,100, 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 \$11,100 made payable to Jason Messer.
- B. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$15,000 made payable to Progressive Insurance
- C. Risk Management Services will execute the payments authorizations in the amounts set forth in sub-paragraph (a) and (b) above.

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

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance](#);
[Revenue and Financial Services](#); [Risk Management](#)

Prepared by

Joseph Jesse

Date Prepared

October 28, 2021

Requested Agenda Type

Consent

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
December 1, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (128.11 Kb)

Budget Office Financial Impact Analysis

Total cost to the City to settle the claim is \$26,100. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.

Agenda Items

839 Consent Agenda in [December 1, 2021 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea