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190786

Emergency Ordinance

*Pay settlement of Charlie Ollinger property damage claim for the sum of \$49,833 involving Portland Parks & Recreation

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Charlie Ollinger and the insurer USAA / EXL have file a claim against the City for damages to their property resulting from a tree failure on December 19, 2019 involving Portland Parks & Recreation.
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 \$49,833.03, 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 \$49,833.03 made payable to EXL on behalf of USAA.
- 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.

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
April 20, 2022

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

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Requested Agenda Type

Consent

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (127.63 Kb)

Budget Office Financial Impact Analysis

Total cost to the City to settle the claim is \$49,833. 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

294 Consent Agenda in [April 20-21, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea