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190820

Emergency Ordinance

***Pay settlement of the Estate of Sandra Bosch negligence wrongful death lawsuit for \$125,000 involving the Portland Bureau of Transportation**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Carter Schaffran, personal representative for the Estate of Sandra Bosch, through attorneys Michael Gutzler and James O'Rourke, has filed a lawsuit against Jamie Mendoza Chavez and the City of Portland for wrongful death and negligence involving the Portland Bureau of Transportation. Sandra Bosch was a pedestrian crossing North Fessenden at the intersection with Polk Street when she was struck and killed by a vehicle driven by Chavez on Wednesday, April 10, 2019.

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 recommends the lawsuit be compromised for the total sum of \$125,000, 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 \$125,000 made payable to Michael N. Gutzler PC IOLTA.
- 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 bodily injury lawsuit; 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](#)

Contact

Rosalia Radich

Sr. Claims Analyst

✉ rosalia.radich@portlandoregon.gov

📞 [503-823-6124](tel:503-823-6124)

Prepared by

Rosalia Radich

Requested Agenda Type

Regular

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
May 18, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (127.69 Kb)

Budget Office Financial Impact Analysis

Total cost to the City to settle the lawsuit is \$125,000. 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

412 Regular Agenda in [May 18-19, 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