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190940

Emergency Ordinance

***Pay settlement of Dan Buckner employment lawsuit in the sum of \$60,000 involving Portland Fire & Rescue**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Dan Buckner, through attorneys Christopher Lundberg and Matt Malmsheimer, has filed a lawsuit against the City alleging public whistleblower retaliation and promissory estoppel involving Portland Fire & Rescue on March 11, 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 \$60,000, 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 City Auditor are hereby authorized to draw and deliver a check in the amount of \$30,000 made payable to Haglund Kelley, LLP in trust for Dan Buckner.
- B. The Mayor and City Auditor are hereby authorized to draw and deliver a payroll check for wages from Portland Fire & Rescue in the gross amount of \$30,000, less deductions withheld, made payable to Daniel Buckner.
- C. Risk Management Services will execute the payment authorization in the amount set forth in sub-paragraph (A) above.
- D. Payroll will execute a payment authorization in the amount set

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Four Fifths

forth in sub-paragraph (B) above.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this employment lawsuit; 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
July 20, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles an employment lawsuit brought by Dan Buckner, resulting from his employment with Portland Fire & Rescue.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$60,000. The source of funding is the City's Insurance and Claims Fund and Portland Fire & Rescue. All cost of the settlement is in the current fiscal year. This Ordinance does not amend the budget.

Community Impacts and Community Involvement

This Ordinance settles a lawsuit resulting from Dan Buckner's employment with Portland Fire & Rescue. No public involvement or input was sought regarding this Ordinance. The City Attorney's Office and Risk Management have concluded that it is not appropriate to have public involvement in settlement negotiations regarding tort claims or lawsuits against the City.

No future public involvement is anticipated or necessary. Approval by City Council of this Ordinance will fully settle a tort claim against the City of Portland.

100% Renewable Goal

This legislation will have no impact on City energy use.

Agenda Items

655-1 Four-Fifths Agenda in [July 20-21, 2022 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea