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# 191083

Emergency Ordinance

## **\*Pay settlement of Humberto Gomez Jr bodily injury claim for the sum of \$15,000 resulting from a motor vehicle collision involving the Portland Police Bureau**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Humberto Gomez Jr, through attorney Lee Ann Donaldson, and the insurer Progressive Insurance have filed a claim against the City for injuries resulting from a motor vehicle collision involving the Portland Police Bureau on January 16, 2021.
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 \$15,000, 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 \$10,000 made payable to Nichols Law Group f/b/o Humberto Gomez Jr. and a second check in the amount of \$5,000 made payable to Progressive Classic Insurance Company as subrogee of Humberto Gomez Jr.
- B. Risk Management Services will execute the payment authorizations in the amounts set forth in sub-paragraph (A) above.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

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Requested Agenda Type

Consent

Date and Time Information

**Requested Council Date**  
December 7, 2022

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.

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 7, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## **Impact Statement**

### **Purpose of Proposed Legislation and Background Information**

This Ordinance settles a bodily injury claim brought by Humberto Gomez Jr, resulting from a motor vehicle collision in northeast Portland.

### **Financial and Budgetary Impacts**

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$15,000. The source of funding is the City's Insurance and Claims Fund. 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 tort claim resulting from a motor vehicle collision involving the Portland Police Bureau. 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.

## Budget Office Financial Impact Analysis

Total cost to the City to settle the claim is \$15,000. 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

### 1006 Consent Agenda in [December 7, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea