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191143

Emergency Ordinance

## \*Pay settlement of Erik Hoofnagle bodily injury lawsuit for \$75,000 involving the Portland Police Bureau

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. Erik Hoofnagle, through attorney J. Ashlee Albies and James E. McCandlish, has filed a lawsuit against the City for injuries resulting from an encounter with Portland Police officers on July 4, 2020.
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 \$75,000, 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 \$75,000 made payable to Client Trust Account of The Albies Stark and Guerriero Firm.
- 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

Joseph Jesse

Sr. Claims Analyst

✉ [joseph.jesse@portlandoregon.gov](mailto:joseph.jesse@portlandoregon.gov)☎ [503-865-6791](tel:503-865-6791)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

January 18, 2023

Time Requested

15 minutes

## Documents and Exhibits

 [Approved Amendment to Ordinance](#) 35.13 KB

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 as amended by Council  
January 18, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This Ordinance settles a bodily injury lawsuit brought by Erik Hoofnagle, resulting from injuries sustained during an encounter with Portland Police officers in downtown Portland.

### Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$75,000. 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 lawsuit resulting from an encounter 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.

## Agenda Items

### 56 Regular Agenda in [January 18-19, 2023 Council Agenda](#)

Passed As Amended

Motion to amend Directive A to read as follows, The Mayor and City Auditor are hereby authorized to draw and deliver a check in the amount of \$75,000 made payable to Client Trust Account of The Albies Stark and Guerriero Firm: Moved by Mapps and seconded by Gonzalez. (Y-4)

Commissioner Carmen Rubio Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Absent