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191811

Ordinance

Pay settlement of \$175,000 to resolve a claim for attorney fees in Duncan, et al. v City of Portland involving Code Sections 14A.50.020 and 14A.50.025

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. James Duncan, et al., through attorney Edward Johnson with Oregon Law Center, filed a claim against the City for attorney fees resulting from litigation to challenge Portland City Code 14A.50.020 and PCC 14A.50.025, which codifies regulations adopted by City Ordinance 191311 passed on June 1, 2023.
2. The claim has been investigated by the City Attorney's Office and 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 court award, it is prudent to compromise the claim at this time.
3. City Attorney and Risk Management Services recommend the claim for their attorney fees be compromised for the total sum of \$175,000, subject to the claimant(s) 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 Auditor are hereby authorized to draw and deliver a check in the amount of \$175,000 made payable to Oregon Law Center.
- B. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (A) above.

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

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date
July 3, 2024

Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
July 3, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles a claim for attorney fees brought by James Duncan et al, resulting from litigation to challenge a City ordinance.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$175,000. 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 claim for attorney fees arising out of a lawsuit challenging Portland City Code 14A.50.020 and PCC 14A.50.025. 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 for attorney fees 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 \$175,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

Document History

Item 591 Regular Agenda in [June 26, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/6/26) (<https://www.portland.gov/council/agenda/2024/6/26>)

City Council

Rescheduled

Rescheduled to June 26, 2024 at 2:00 p.m.

Item 598 Regular Agenda in [June 26, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/6/26) (<https://www.portland.gov/council/agenda/2024/6/26>)

City Council

Passed to second reading as amended

Vote called. Item failed to pass. (Y-2 Ryan, Rubio; N-2 Gonzalez, Wheeler)

Motion for reconsideration: Moved by Wheeler and seconded by Rubio. (Y-3 Ryan, Rubio, Wheeler; N-1 Gonzalez)

Motion to remove the emergency clause: Moved by Wheeler and seconded by Rubio. (Y-4)

Passed to second reading as amended July 3, 2024 at 9:30 a.m.

Item 622 Regular Agenda in [July 3, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/7/3) (<https://www.portland.gov/council/agenda/2024/7/3>)

City Council

Passed As Amended

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea