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191875

Emergency Ordinance

***Pay settlement of Michael Smiley bodily injury lawsuit in the sum of \$25,000 resulting from a motor vehicle collision on property owned by Portland Parks & Recreation**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Michael Smiley, through attorney Jeffrey Bowersox, has filed a lawsuit against the City for injuries resulting from a motor vehicle collision on property owned by Portland Parks & Recreation on April 12, 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, it is prudent to compromise the lawsuit at this time.
3. City Attorney, Risk Management Services, and Portland Parks & Recreation recommends the lawsuit be compromised for the total sum of \$25,000, 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 Auditor are hereby authorized to draw and deliver a check in the amount of \$25,000 made payable to the Bowersox Law Firm, PC Lawyer's Trust Account (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](#)

City department

[Risk Management](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

August 28, 2024

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
August 28, 2024

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 Michael Smiley, resulting from a motor vehicle collision on a golf course in southeast Portland.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$25,000. 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 a motor vehicle collision involving Portland Parks & Recreation. 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 lawsuit is \$25,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.

Document History

Item 749 Consent Agenda in [August 28, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/8/28)
(<https://www.portland.gov/council/agenda/2024/8/28>)

City Council

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea