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# 191891

Emergency Ordinance

## \*Pay property damage claim of Mary Haney for \$96,482 involving the Portland Bureau of Environmental Services

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Mary Haney has filed a claim against the City for damages resulting from storm water flooding their property involving the Portland Bureau of Environmental Services on September 18, 2020.
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 settle the claim at this time.
3. Risk Management and the Bureau of Environmental Services recommend the claim be settled for the total sum of \$96,481.82, subject to the claimant providing the City with a release in a form to be approved by the City Attorney. \$5,000 has already been paid to Mary Haney, leaving a balance of \$91,481.82.

NOW, THEREFORE, the Council directs:

- A. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the outstanding amount of \$91,481.82 made payable to Mary Haney.
- 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 property damage 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

Introduced by

[Mayor Ted Wheeler](#)

City department

[Risk Management](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

September 11, 2024

Time Requested

10 minutes

Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
September 11, 2024

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This Ordinance settles a property damage claim brought by Mary Haney, resulting from a storm water overflow onto their property 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 \$96,481.82. 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 storm water overflow involving the Portland Bureau of Environmental Services. 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.

### Financial and Budget Analysis

Total cost to the City to settle the claim is \$91,481.82. 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 793 Regular Agenda in [September 11, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/9/11)  
(<https://www.portland.gov/council/agenda/2024/9/11>)

City Council

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea