



GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

* for damages to persons or property *



File Number: _____

2022-015830-20

Occurrence 202-20897

A claim must be filed with **City of Portland Risk Management** within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

Please be sure your claim is against the City of Portland, not another public entity.

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5th Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. **Claimant** (Circle: Mr. Mrs. Ms. Miss) BARBARA M. BRUNIKOW Date of Birth [REDACTED]

a. Address 2606 NE 64th Ave. City PORTLAND State OR Zip 97213

b. Home Phone _____ Business Telephone _____ Cell Phone 503-816-3516

c. Occupation Self-employed d. Marital Status: Single () Married () Divorced or Widowed ()

If married, name of spouse _____

d. E-mail address [REDACTED]

2. **If claim involves a vehicle:** a. Year, make and model NA

b. License Plate Number _____ Driver's License Number _____ State _____

c. At time of accident, were you (check all that apply) Owner: _____ Driver _____ Passenger _____ N/A _____

d. Name and address of owner if different from claimant (I. Above) _____

3. Occurrence or event from which the claim arises:

a. Date 6/5/2022 Time 10:00 Circle AM / PM

b. Place (exact and specific location) 2606 NE 64th Ave. See Attached

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): See attached

d. State how the City of Portland or its employees were at fault: See Attached

e. Were you on the job at the time of the accident? Yes _____ No X

If yes, what is the name / phone number of employer _____

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. _____

See Attached

5. ***We are required to report all claims for injuries to Medicare/Medicaid Services***

If you were injured please provide the following: Social Security #: NA

Medicare/Medicaid Beneficiary? Yes ___ No ___

6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** _____

Robert Eichler, Public Works Supervisor II, and city sewer crews

7. **Name and address of any other person injured** NA

8. **Name and address of the owner of any damaged property if different from claimant** NA

9. **Damages claimed:**

a. Amount claimed as of this date: \$ 3,153.98

b. Estimated amount of future costs: \$ 6,576.00

c. Total amount claimed: \$ 9,729.98

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): Attached.

Scope: \$ 317.70; Attempted line flush: \$983.00; PortaPotty rental: \$140.00; Insurance deductible not paid by insurance for new sewer line and replacement of damaged property: \$1440.00; \$6,890.82 total cost - \$1440 deductible; Clean drain to remove backup in house: \$273.28; Bid to Property full in sinkhole: \$6,576.00

10. **Names, addresses / phone #s of all witnesses** _____

Many neighbors

11. **Any additional information that might be helpful in considering your claim** _____

See Attached

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: 11.25.2022

Barbara M. Brunkow
Claimant's Signature

BARBARA M. BRUNKOW
Print Name

City of Portland Risk Management Claim
Addendum to Claims Form
Submitted by Barbara M. Brunkow
2606 NE 64th Ave., Portland, OR 97213
November 25, 2022

3. b. Sewer line at 2606 NE 64th Ave. backed up into basement following city's main line flush along NE 64th Ave. between NE Alameda and NE Sacramento which broke and collapsed connecting sewer line into home and caused backup.

3. c. City performed a main sewer line flush on NE 64th in response to a neighbor's concern (at 2616 NE 64th) according to a city tech on site. When the main line flush was finished, the tech on site said the main line had river rock and sediment in it which was the reason for the flush. Another tech said there were diapers and rags in the line in the street next door at 2616 NE 64th. Following the main line flush, on June 5, my sewer backed up into my basement. I called the city and they said I was required to have a drain company scope my line, which I had done the following day. The scope showed that the line was broken in the street and my line into my property was filled with river rock and sediment. I called the city again and a crew came out and excavated a trench in the street in the area where my connector line fed into the city line. The city marked off an area with white paint around the trench in the street and parking strip to direct people to avoid walking on it as the area was unsupported underneath. The city required that I have the drain company perform a flush of my line into the open trench to see if the river rock and sediment would flush out into the trench and open up the line. The sewer company was unsuccessful in doing this, as the line in the street was broken and full of rock and sediment.

The sewer company determined that my line needed to be replaced because the damage was significant. They burst a new 4" pipe from the trench/pit in the street and connected it to the line near my front porch. The connections were inspected and approved by the city. The city filled the trench and covered the hole with asphalt. A few weeks later, the city came back and lined the connecting line from my new line into the main line. A couple of months later, the city closed off NE 64th between Alameda and Sacramento and relined the entire main line.

3. d. Two issues resulted from the city's actions: 1) the city's action to undertake a main line flush caused my sewer line to break and caused a sewer back-up into my basement, necessitating replacement of the sewer line from the street to my house and damage of personal property. The city's action caused me to have the lack of a functioning toilet, shower, dishwasher, washing machine and other uses of the sewer line. I had to rent a porta-potty for 2 weeks. 2) The city excavated a trench in the street, and over the course of the repair (over a week), soil from the area immediately surrounding the trench including the parking strip, continued to fall into the open trench. When the city closed the trench, they did not backfill all areas, including the void in the parking strip abutting the curb. This void has now caused a sink hole abutting the curb on the parking strip.

The sewer repair company did **no** excavation in this area, and used a burst method to install the new sewer line in the existing line track. They were not responsible for excavating or backfilling the impacted area.

4. Loss to date are the costs for cleaning, replacing destroyed property, scoping, drain cleaning, porta-potty rental and sewer replacement not covered by insurance. Future costs are to properly fill in the sink hole, and potential legal fees to recover costs caused by the city.

11. The city caused my sewer line to break. I had no problem with a slow drain, back-up, clog or sink hole until the city performed its main line flush. The city required me to have a private company conduct a scope and to attempt to flush out the debris from my broken sewer line into the open trench in the street. These costs, along with the cost to replace the sewer line and destroyed personal property, and the pending cost to fill in the sink hole, are significant, on top of the city taxes I pay to have basic city services provided correctly.

The city recently closed off NE 64th Ave. between NE Alameda to NE Sacramento to perform a re-lining of the main sewer line, which suggests that other problems have been discovered related to my experience.

When the supervisor on-site summarily dismissed my claim that the city had any responsibility, he said that my sewer line had broken probably 15 years ago, and not by the city's action. I wonder how this conclusion was reached. I repeat, I had no sewer issues until the main line flush occurred.

I was without a flushable toilet for nearly 2 weeks and had to rent a porta potty. Could not take a shower, wash clothes or dishes because of the city's damage to my sewer line.

I have heard from businesses, vendors and residents throughout the area that the City of Portland never acknowledges that its actions have caused problems for home or business owners, and that the city refuses to work toward problem-solving for issues they have caused--it's always someone else's fault. As a third generation Portlander and taxpayer, I am saddened by this pervasive reputation. I have always tried to do the right thing by proactively maintaining my home's infrastructure, and I am a good neighbor, helping elderly neighbors rake their leaves and shovel snow from their walkways among other things. As a senior citizen myself and taxpayer, these actions by the city have cost significant financial harm to me. I truly hope that this reputation of Portland as the city that refuses to work and solve problems for its residents and taxpayers can be reversed. The city needs to do the right thing and be accountable for its actions, and incorporate a problem-solving attitude to reach a solution. Please cover my out-of-pocket costs and fill, or cover the costs to fill, the sink hole. Thank you.

