

ORDINANCE No. 185558

*Pay claim of and authorize settlement agreement with Marlin Anderson, Mary Bailey, Matthew Chase and Jack Golden involving the Portland Police Bureau. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Marlin Anderson, Mary Bailey, Matthew Chase and Jack Golden, through their attorneys at Oregon Law Center, filed a class action lawsuit for damages and non-monetary against the City. In the lawsuit, claimants make claims for property damage and violations of civil rights involving the Portland Police Bureau.
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 compromise the lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$40,200.00, subject to the claimant providing the City with a release in a form to be approved by the City Attorney. \$37,000.00 of this amount which represents the Oregon Law Center's claimed attorneys fees and costs will be used to fund rental assistance programs.
4. The parties mutually wish to bring their dispute to an end without further litigation and the proposed settlement would accomplish that objective.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$3,200.00 made payable to the Oregon Law Center Client Trust Account.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.
- c. Risk Management Services will transfer the amount of \$37,000.00 to the Portland Housing Bureau for the specific and restricted use as rent-assistance funds.
- d. The Mayor, Police Chief and Director of the Housing Bureau to enter into a settlement agreement on behalf of the City with terms approved of by the City Attorney's office substantially similar in form as Attachment "A".

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council,
Mayor Sam Adams
Prepared by Becky Chiao
Date prepared: August 1, 2012

AUG 22 2012

LaVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By *Gayle Jennings*
Deputy

Agenda No.
ORDINANCE NO. 185558
Title

and authorize settlement agreement with

✓ * Pay claim of Marlin Anderson, Mary Bailey, Matthew Chase and Jack Golden involving the Portland Police Bureau (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>AUG 17 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy ACTION TAKEN:
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: OMF/Risk Management Services Bureau Head: Bryant Enge, BIBS <u>[Signature]</u> <u>(u)</u> Kate Wood, Risk Mgr	
Prepared by: Becky Chiao Date Prepared: August 1, 2012	
Financial Impact Statement <u>X</u> Completed ___ Amends Budget ___ Not Required	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. . Yes ___ No <u>X</u>	
Council Meeting Date August 22, 2012	
✓ City Attorney Approval <u>[Signature]</u>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10-15 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	