

ORDINANCE No.

*Pay claim of Holly and Steve Schaaf in the sum of \$22,177 involving the Bureau of Environmental Services. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Holly and Steve Schaaf have filed a property damage claim against the City for damages suffered in a sewer backup involving the Bureau of Environmental Services on August 8, 2016.
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 claim at this time.
3. Risk Management Services recommends the claim be compromised for the total sum of \$22,177.50, subject to the claimants 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 the Auditor are hereby authorized to draw and deliver a check in the amount of \$22,177.50 made payable to Holly and Steve Schaaf.
- 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 claim; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

Mayor Ted Wheeler

Prepared by Jessica Kincaid

Date prepared: April 28, 2017

MARY HULL CABALLERO

Auditor of the City of Portland

By

Deputy

IMPACT STATEMENT

Legislation title: *Pay claim of Holly and Steve Schaaf in the sum of \$22,177 involving the Bureau of Environmental Services (Ordinance)

Contact name: Jessica Kincaid
Contact phone: 503-823-5256
Presenter name: Jessica Kincaid

Purpose of proposed legislation and background information:

This Ordinance settles a property damage claim brought by Holly and Steve Schaaf for damage at a residential property from a sewer backup. The backup occurred due to the City capping off the sewer main that serviced this property.

Financial and budgetary impacts:

This legislation will have no impact on City revenue. This Ordinance does not amend the budget.

Total cost to the City to settle the claim is \$22,177.50. The payment to be made by this Ordinance is \$22,177.50 to Holly and Steve Schaaf. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

Community impacts and community involvement:

This Ordinance settles a tort claim resulting from a sewer backup. 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.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount