ORDINANCE No.

* Pay settlement of personal injury lawsuit of Randi Jones as guardian ad litem for Brandy Tuchscherer in the sum of \$40,000 involving Portland Fire & Rescue (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

- Randi Jones, guardian ad litem for Brandy Tuchscherer, through attorney Daniel Snyder, has filed a personal injury lawsuit against the City for damages related to interactions with Portland Fire & Rescue.
- The lawsuit claims have been investigated by Risk Management. 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 and the City Attorney's Office recommend the lawsuit be compromised for the total sum of \$40,000, 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 the Auditor are hereby authorized to draw and deliver a check in the amount of \$40,000 made payable to the Law Offices of Daniel Snyder.
- 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 personal injury lawsuit; 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 Becky Chiao Date prepared: May 13, 2019 MARY HULL CABALLERO
Auditor of the City of Portland
By

Deputy

IMPACT STATEMENT

Legislation title: * Pay settlement of personal injury lawsuit of Randi Jones as guardian ad

litem for Brandy Tuchscherer in the sum of \$40,000 involving Portland

Fire & Rescue (Ordinance)

Contact name: Becky Chiao Contact phone: 503-823-6124 Presenter name: Becky Chiao

Purpose of proposed legislation and background information:

This Ordinance settles a personal injury lawsuit brought by Randi Jones, mother and guardian ad litem for Brandy Tuchscherer, resulting from interactions with Portland Fire & Rescue that they allege violated the Americans with Disabilities Act and other laws.

Financial and budgetary impacts:

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$40,000. 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 interactions between members of Portland Fire & Rescue and Brandi Tuchscherer. 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.

Budgetary Impact Worksheet

Does this action change appropriations? YES: Please complete the information

YES: Please complete the information below.

NO: Skip this section

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