

ORDINANCE No.

* Pay bodily injury lawsuit of Daniel Martinez in the sum of \$15,000 involving Portland Police Bureau (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Daniel Martinez, through attorney Richard E. Davis Jr, has filed a lawsuit for injuries suffered during an encounter with Portland Police officers on November 13, 2016.
2. The lawsuit 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 \$15,000, 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 \$15,000 made payable to Clark Law and Associates Client Trust Account.
- 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 bodily 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 Jessica Bird
Date prepared: August 12, 2019

MARY HULL CABALLERO
Auditor of the City of Portland
By
Deputy

IMPACT STATEMENT

Legislation title: * Pay bodily injury lawsuit of Daniel Martinez in the sum of \$15,000 involving the Portland Police Bureau (Ordinance)

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

Purpose of proposed legislation and background information:

This Ordinance settles a lawsuit brought by Daniel Martinez, resulting from injuries suffered during an encounter with Portland Police officers in downtown Portland.

Financial and budgetary impacts:

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$15,000. 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 an encounter involving the Portland Police Bureau. 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 below.
- NO:** Skip this section

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