

ORDINANCE No.

* Pay settlement of Mark Mayberry personal injury lawsuit in the sum of \$50,000 involving Portland Parks & Recreation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Mark Mayberry, through attorney Ray Hacke, has filed a personal injury lawsuit against the City for damages suffered due to an improper Parks Exclusion Order issued by a Parks Ranger on June 1, 2019.
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 \$50,000, 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 \$50,000 made payable to Mark Mayberry.
- 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 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 Randy Stenquist
Date prepared: April 20, 2020

MARY HULL CABALLERO
Auditor of the City of Portland
By

Deputy

Agenda No. 399
Item Type: Ordinance **No.**
Council Meeting Date: May 27, 2020

Title: * Pay settlement of Mark Mayberry personal injury lawsuit in the sum of \$50,000 involving Portland Parks & Recreation (Ordinance)

AGENDA TYPE

Consent

Item 1 of 1

Regular

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): N/A (Consent)

Time Certain Start Time

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington
Date: 2020.05.15 12:26:13 -0700'
 Position 1/ Utilities - Fritz
 Position 2/ Works - Vacant
 Position 3/ Affairs - Hardesty
 Position 4/ Safety - Eudaly
 City Auditor - Hull Caballero

BUREAU APPROVALS

Bureau: OMF/CAO
 OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart
Date: 2020.04.28 09:40:07 -0700'
 Bureau Approval: Michelle Kirby Digitally signed by Michelle Kirby
Date: 2020.04.27 17:01:33 -0700'

Prepared By: Randy Stenquist

Date Prepared: April 20, 2020

1) Is a completed Impact Statement attached? Yes

2) Does the item amend the budget? Yes No
 If yes, **Budget Office** Approval

3) Is the item a Code ordinance? Yes No

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? Yes No
 If yes, **Attorney Office** Approval

If yes, **Auditor Office** Approval

5a) Is item a Portland Policy Document or Administrative Rule? Yes No

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? Yes No

ACTION TAKEN:

CLERK USE: DATE FILED 5/19/20

Mary Hull Caballero
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont
Date: 2020.05.19 12:11:04 -0700'
Deputy

FOUR-FIFTHS AGENDA

1. Fritz
2. Vacant
3. Hardesty
4. Eudaly
Wheeler

COMMISSIONERS VOTED AS FOLLOWS:

	YEAS	NAYS
1. Fritz		
2. Vacant		
3. Hardesty		
4. Eudaly		
Wheeler		

