

Agenda No. 106

ORDINANCE No.

*Pay settlement of Martha Bleck bodily injury lawsuit in the sum of \$25,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Martha Bleck, through attorney Samuel Pope, has filed a lawsuit against the City for injuries suffered in a trip and fall incident involving the Portland Bureau of Transportation on April 25, 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 \$25,000, 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 \$25,000 made payable to Rizk Law IOLTA.

b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

Introduced by
Mayor Ted Wheeler

Bureau
Management and
Finance
Revenue and Financial
Services
Risk Management

Prepared by
Karren Bond

Date Prepared
January 28, 2021

**Requested Council
Date**
February 24, 2021

**Requested Agenda
Type**
Consent

Date Filed with Clerk
February 16, 2021

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 Council:

MARY HULL CABALLERO
Auditor of the City of Portland
By

Deputy

Action taken:

Four Fifths Agenda	Commissioners voted as follows:		
		YEAS	NAYS
1. Rubio	1. Rubio		
2. Ryan	2. Ryan		
3. Hardesty	3. Hardesty		
4. Mapps	4. Mapps		
Wheeler	Wheeler		

IMPACT STATEMENT

Legislation title: * Pay settlement of Martha Bleck bodily injury lawsuit in the sum of \$25,000 involving the Portland Bureau of Transportation

Contact name: Karren Bond
Contact phone: 503-865-6482
Presenter name: Karren Bond

Purpose of proposed legislation and background information:

This Ordinance settles a bodily injury lawsuit brought by Martha Bleck, resulting from a trip and fall incident in northwest Portland.

Financial and budgetary impacts:

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$25,000. 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 tort claim resulting from a trip and fall incident involving the Portland Bureau of Transportation. 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