

## Agenda No. 216

### ORDINANCE No.

\*Pay lost time and indemnity claims settlement of David Orton in the sum of \$100,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. David Orton, through attorney John Oswald, has filed two Lost Time/Indemnity claims against the City for damages related to his Workers' Compensation claims for dates of injury January 22, 2020, and November 23, 2020.
2. These claims have 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 award, we feel it is prudent to compromise these claims at this time.
3. Risk Management Services recommends the workers' compensation claims be compromised for the total sum of \$100,000, subject to Orton 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 \$100,000 made payable to the law office of Bottini Bottini & Oswald, P.C.
- 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**

Erin Nielsen

#### **Date Prepared**

March 18, 2021

#### **Requested Council Date**

April 7, 2021

#### **Requested Agenda Type**

Consent

#### **Date Filed with Clerk**

March 30, 2021

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this Lost Time/Indemnity; 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:

Commissioners voted as follows (Yea or Nay)

Rubio -

Ryan -

Hardesty -

Mapps -

Wheeler -

