Agenda No. 259

ORDINANCE No.

*Pay property damage claim of Cody Williams in the sum of $32,670 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Cody Williams and his insurer State Farm Insurance have filed a property damage claim against the City for damages suffered in a streetcar collision involving the Portland Bureau of Transportation on December 22, 2019.

2. The claim 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 claim at this time.

3. Risk Management Services recommends the claim be compromised for the total sum of $32,669.87, 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 $22,669.87 made payable to State Farm Insurance.

b. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of $10,000.00 made payable to Cody Williams.

c. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraphs (a) and (b) above.
Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this property damage claim; 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 -
IMPACT STATEMENT

Legislation title: *Pay property damage claim of Cody Williams in the sum of $32,670 involving the Portland Bureau of Transportation (Ordinance)

Contact name: Rosalia Radich
Contact phone: 503-823-6124
Presenter name: Rosalia Radich

Purpose of proposed legislation and background information:
This Ordinance settles a property damage claim brought by Cody Williams, resulting from a streetcar collision in northwest Portland.

Financial and budgetary impacts:
This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is $32,669.87. 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 streetcar collision 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

<table>
<thead>
<tr>
<th>Fund Center</th>
<th>Commitment Item</th>
<th>Functional Area</th>
<th>Funded Program</th>
<th>Grant</th>
<th>Sponsored Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>