

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 94-1911  
RESOLUTION NO. 94-1911 GIVING )  
AUTHORIZATION TO GENERAL )  
COUNSEL TO PURSUE LEGAL )  
ACTION AGAINST JETTA PRODUCTS )  
AND (IF NEEDED) M&M ) Introduced by Rena Cusma,  
PRODUCTIONS ) Executive Officer

WHEREAS, Metro suffered damage to a Public Affairs display, with repairs totaling \$3,305; and

WHEREAS, The display was damaged by a third party, Jetta Products, when their bathtub fell on the display during the Home Improvement Show, which was produced by M&M Productions at the Oregon Convention Center; and

WHEREAS, Good faith attempts have been made to Jetta Products in seeking reimbursement for this expense and they have denied responsibility; and

WHEREAS, M&M Productions failed to obtain insurance coverage from Jetta Products as required; now, therefore,

BE IT RESOLVED,

That the Council directs the Office of General Counsel to take whatever legal steps are necessary, including formal legal action against Jetta Products and (if needed) M&M Productions, to recover the amount of loss plus any additional legal expenses.

ADOPTED by the Metro Council this 10th day of March, 1994.

  
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Judy Wyers, Presiding Officer

## STAFF REPORT

### FOR THE PURPOSE OF ADOPTING RESOLUTION NO. 94-1911 GIVING GENERAL COUNSEL AUTHORIZATION TO PURSUE LEGAL ACTION AGAINST JETTA PRODUCTS AND (IF NEEDED) M&M PRODUCTIONS

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Date: February 23, 1994

Presented by: Scott Moss, Risk Manager

#### INTRODUCTION

On October 20, 1993, a bathtub owned by Jetta Products fell on a Metro Public Affairs display during the Home Improvement and Remodeling Show at the Oregon Convention Center. The damage to the display was repaired at a cost of \$3,305, paid by the Risk Management Fund.

Notice of the damage was given immediately to two representatives of Jetta Products, who refused to take the claim seriously. Risk Management sent Jetta letters on November 23, 1993, requesting immediate contact and on December 28, 1993, requesting immediate contact as well as reimbursement of the \$3,305. After we still had not heard a reply, Risk Management contacted Jetta by phone on January 26, 1994. Risk Management again contacted Jetta by phone on February 2, 1994. At that time, a Jetta representative confirmed that they received Metro's letters. The Risk Manager verbally requested the \$3,305, but Jetta refused, saying they did not have notice of the event, did not participate in the repairs, and did not believe the display incurred any damage.

The Home Improvement Show was produced by M&M Productions. Although the M&M exhibitor's contract calls for insurance, M&M did not obtain an insurance certificate or any insurance information from Jetta Products.

In accordance with Metro Code No. 20.80.40, where General Counsel must receive authorization from Council to pursue formal legal proceedings against another party, the Executive Officer recommends that formal legal action be filed against Jetta Products by the Office of General Counsel. Such action can recover the legal expenses incurred by Metro.

FINANCE COMMITTEE REPORT

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RESOLUTION NO. 94-1911 AUTHORIZING GENERAL COUNSEL TO PURSUE LEGAL ACTION AGAINST JETTA PRODUCTS

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Date: February 28, 1994

Presented By: Councilor Van Bergen

**COMMITTEE RECOMMENDATION:** At its February 23, 1994 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 94-1911. Committee members present and voting were Councilors Devlin, McLain, Monroe and Van Bergen. Councilors Buchanan, Gardner and Kvistad were absent.

**COMMITTEE DISCUSSION/ISSUES:** Mr. Scott Moss, Risk Manager, presented the Staff Report. He indicated that the Metro Code requires Council and Executive Officer approval for the General Counsel to commence legal action. This resolution introduced by the Executive Officer authorizes the General Counsel to take whatever legal steps are necessary against Jetta Products to recover a property damage claim and legal fees. Mr. Moss pointed out that a bath tub owned by Jetta Products fell on a Public Affairs Department display at the Home Improvement and Remodeling Show. It cost \$3,305 to repair the display. Jetta Products has refused to reimburse Metro for this expense.

In response to questions from the Committee General Counsel Cooper said that if we are successful we can collect for our legal fees and that Jetta Products is valid, real corporation licensed to do business in Oregon.