

## FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator <b>Randy Stenquist</b>		2. Telephone Number <b>503-823-6000</b>	3. Bureau/Office/Department <b>OMF/Risk Management</b>
4a. To be filed (date) <b>August 12, 2010</b>	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> <span>Regular <input type="checkbox"/></span> <span>Consent <input checked="" type="checkbox"/></span> <span>4/5ths <input type="checkbox"/></span> </div>		5. Date Submitted to FPD Budget Analyst <b>August 4, 2010</b>

**1) Legislation Title:** \*Pay Claim of Andrew Lapato.**2) Purpose of the Proposed Legislation:** This ordinance will close OMF Risk Management File No. F2009-5129-01RS for a total of \$128,750.00. Please see memorandum for detail.**3) Revenue:****Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.**

This legislation will have no impact on City revenue.

**4) Expense:****What are the costs to the City as a result of this legislation? What is the source of funding for the expense?** (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

Cost to the City is \$128,750.00. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

**Staffing Requirements:****5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)

No.

**6) Will positions be created or eliminated in future years as a result of this legislation?**

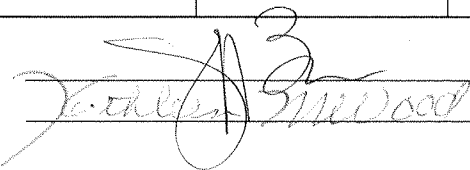
No.

**Complete the following section only if an amendment to the budget is proposed.****7) Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Jeff Baer, Director, BIBS

Kate Wood, Risk Manager



APPROPRIATION UNIT HEAD (Typed name and signature)



# CITY OF PORTLAND, OREGON

## Office of Management and Finance Risk Management Services

Sam Adams, Mayor  
Kate Wood, Risk Manager  
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**DATE:** July 22, 2010

**TO:** Mayor Sam Adams

**FROM:** Randy Stenquist  
503-823-6000

### FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison \_\_\_\_\_

**RE:** \*Pay Claim of Andrew Lapato (emergency)

1. **INTENDED THURSDAY FILING DATE:** August 12, 2010
2. **REQUESTED COUNCIL AGENDA DATE:** August 18, 2010
3. **CONTACT NAME & NUMBER:** Randy Stenquist, 503-823-6000
4. **PLACE ON:** ☒ **CONSENT** ☐ **REGULAR**
5. **BUDGET IMPACT STATEMENT ATTACHED:** ☒ **Y** ☐ **N** ☐ **N/A**
6. **(3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** ☐ **Yes** ☐ **No** ☒ **N/A**

## 7. BACKGROUND/ANALYSIS

Andrew Lapato, age 24, was riding his bicycle westbound along the SE Ankeny bike route on May 28, 2009 at approximately 7:30 AM. Mr. Lapato was headed toward downtown, and was a regular bicycle commuter on this route. As he approached the intersection of SE Ankeny and SE 13<sup>th</sup> Avenue, a City of Portland Parks Bureau worker, driving a 2000 Ford F-250 pickup truck, was headed in the opposite direction, eastbound on SE Ankeny. The Parks driver turned left onto SE 13<sup>th</sup>, directly into the path of Mr. Lapato on his bike. The bike and truck collided. Lapato was transported to the hospital via ambulance. The Parks driver was cited by police for a dangerous left turn by not yielding the right of way to the bicyclist.

Upon Mr. Lapato's release from the hospital, Lapato underwent months of physical therapy, and his rehabilitation kept him off work and off his bike for approximately six months. His medical bills exceeded \$65,000. Through his attorney, Mr. Lapato presented a demand upon the City of \$200,000, the maximum allowed under Oregon law at that time; Risk Management has negotiated a settlement of this claim for \$128,750, inclusive of all medical bills, wage loss, and attorney fees. Given the clear liability on the City driver for causing this crash, and the extensive medical bills incurred, this is a very fair settlement that is proposed in this ordinance.

## 8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$128,750.00 from the liability fund.

## 9. RECOMMENDATION/ACTION REQUESTED

Submit the attached Ordinance for approval by City Council as an emergency ordinance.