

**FINANCIAL IMPACT STATEMENT
For Council Action Items**

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

| | | | | | |
|---|--|-------------------------------------|--|--|--|
| 1. Name of Initiator Mark M. Stairiker | | 2. Telephone Number 503-823-5263 | | 3. Bureau/Office/Department OMF/Risk Management | |
| 4a. To be filed (date) July 26, 2010 | 4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> | | | 5. Date Submitted to FPD Budget Analyst July 16, 2010 | |

1) Legislation Title: Pay Claim of James Chasse Estate.

2) Purpose of the Proposed Legislation: This ordinance will close OMF Risk Management File No. G2007-0094-01 for a total of \$766,666.81.

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 \$766,666.81. The source of funding is the City's Insurance and Claims Fund. All cost is in the current fiscal year. The City's excess insurance carrier will pay \$833,333.89 towards the agreed settlement of \$1,600,000.

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.

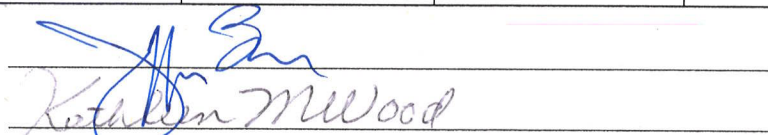
Complete the following section only if an amendment to the budget is proposed.

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





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 8, 2010

TO: Mayor Sam Adams

FROM: Mark M. Stairiker
503-823-5263

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay Claim of James Chasse Estate (emergency)

1. INTENDED THURSDAY FILING DATE: July 21, 2010
2. REQUESTED COUNCIL AGENDA DATE: July 15, 2010
3. CONTACT NAME & NUMBER: Mark Stairiker, 503-823-5263
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

On September 17, 2006, James P. Chasse Jr. died while in the custody of the Portland Police. Police officers in northwest Portland had chased Chasse down, believing he had urinated in the street. Officers knocked him to the ground and struggled to handcuff him. He was cleared by AMR paramedics at the scene, as his vital signs were all within the normal range. Staff at MCDC declined to accept him into the jail because jail nurses observed a brief seizure like activity and his generally poor physical condition. He died while Portland Police officers were then transporting him to the hospital.

A wrongful death lawsuit was brought by Mr. Chasse's estate against the City, the police officers involved, and other defendants. Attorney Tom Steenson represented the Chasse estate, and the City was defended by attorney James Rice of the City Attorney's Office. Through a mediation conducted by U.S. District Court Judge Ann Aiken in May 2010, the parties were eventually able to reach agreement on a settlement of the lawsuit. This ordinance is for City Council approval of the settlement.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$766,667 from the liability fund and a second payment will be made by the insurance carrier in the amount of \$833,333.89.

9. RECOMMENDATION/ACTION REQUESTED

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