

FINANCIAL IMPACT STATEMENT For Council Action Items

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

1. Name of Initiator John Buehler		2. Telephone Number 503-823-5256	3. Bureau/Office/Department OMF/Risk Management
4a. To be filed (date) January 6, 2011	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst December 29, 2010

1) Legislation Title: *Pay Claim of Mara Woloshin.**2) Purpose of the Proposed Legislation:** This ordinance will close OMF Risk Management File No. F2008-5131-01 for a total of \$180,000.**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 \$180,000. 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.

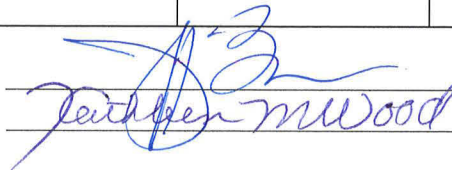
6) Will positions be created or eliminated in future years as a result of this legislation?

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
1120 S.W. Fifth Avenue, Room 709 • Portland, OR 97204-1912
Phone: 503-823-5101 • Fax: 503-823-6120
www.portlandonline.com

DATE: December 28, 2010

TO: Mayor Sam Adams

FROM: John Buehler
503-823-5256

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay Claim of Mara Woloshin (emergency)

1. **INTENDED THURSDAY FILING DATE:** January 6, 2011
2. **REQUESTED COUNCIL AGENDA DATE:** January 12, 2011
3. **CONTACT NAME & NUMBER:** John Buehler, 503-823-5256
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

This Ordinance settles a fleet bodily injury lawsuit for \$180,000. Risk Management previously paid \$20,000 (by Ordinance No. 183567) to Safeco Insurance to reimburse it for medical expenses paid on the claimant's behalf, so the total settlement for this injury claim is \$200,000.

The lawsuit against the City arose from an automobile collision that occurred on June 12, 2008, near the intersection of North Larabee and North Dixon. Ms. Woloshin was stopped on N. Larabee to make a left turn, and was rear-ended by a Water Bureau employee driving a city truck. Liability on the part of the City is clear; the collision was the sole fault of the city's driver.

The lawsuit against the City was filed by attorney Gary Kahn, and has been defended by attorney Jim Rice of the City Attorney's Office. Extensive pretrial discovery was completed, including independent review of medical records. Based on evaluation of the claim by the City Attorney's Office and Risk Management, we recommend that this lawsuit be settled for \$180,000.

8. FINANCIAL IMPACT

Approval of the settlement will result in a payment of \$180,000 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Mara Woloshin bodily injury lawsuit in the sum of \$180,000.