

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

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

1. Name of Initiator Becky Chiao		2. Telephone No. 503-823-6124	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): March 22, 2012	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: March 14, 2012
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title: *Pay Claim of Dana Thomas, involving Portland Housing Bureau and Portland Water Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2009-8003-01 for a total of \$115,000.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This legislation will have no impact on City revenue.

5) 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. If there is a project estimate, please identify the *level of confidence*.)

Cost to the City is \$115,000. The source of funding is the City's Insurance and Claims Fund and the Portland Housing Bureau and Water Bureau payroll accounts. All cost of the settlement is in the current fiscal year.

6) Staffing Requirements:

- **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.

- **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 Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- ☐ **YES:** Please proceed to Question #9.
☒ **NO:** Please, explain why below; and proceed to Question #10.

This Ordinance settles a tort lawsuit filed against the City of Portland by Dana Thomas. 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.

9) If "YES," please answer the following questions:

- a) What impacts are anticipated in the community from this proposed Council item?**
- b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**
- c) How did public involvement shape the outcome of this Council item?**
- d) Who designed and implemented the public involvement related to this Council item?**
- e) Primary contact for more information on this public involvement process (name, title, phone, email):**

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No future public involvement is anticipated or necessary. Approval by City Council of this Ordinance will fully settle a tort lawsuit against the City of Portland.

Bryant Enge, Director, BIBS
 Kate Wood, Risk Manager

Kathleen M Wood

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND, OREGON

Office of Management and Finance Risk Management Services

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DATE: March 6, 2012

TO: Mayor Sam Adams

FROM: Becky Chiao
503-823-6124

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay Claim of Dana Thomas, involving Portland Housing Bureau and Portland Water Bureau (Ordinance)

1. **INTENDED THURSDAY FILING DATE:** March 22, 2012
2. **REQUESTED COUNCIL AGENDA DATE:** March 28, 2012
3. **CONTACT NAME & NUMBER:** Becky Chiao, 503-823-6124
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

In 2010, Dana Thomas sued the City of Portland and two of her former managers at the Portland Housing Bureau for events arising in 2008. Ms. Thomas originally asserted claims dating back to 2005, most of which were time-barred from the lawsuit. The lawsuit raised a variety of claims and allegations, including race discrimination, retaliation and Equal Protection claims under the Fourteenth Amendment. In May 2009, Ms. Thomas left her position at what was then the Bureau of Housing and Community Development (now the Housing Bureau) for a position in the Water Bureau. In November 2009, Ms. Thomas left the Water Bureau for reasons unrelated to the litigation, but she remains eligible to be recalled from a lay-off list. Her lawsuit seeks economic damages of up to \$500,000, noneconomic damages of \$200,000, plus attorney fees and court costs.

As a result of a judicial settlement conference, a tentative settlement has been reached whereby Ms. Thomas dismisses her lawsuit and forgoes the possibility of future employment with the City of Portland, in exchange for payment from the City of \$115,000. Although the City denies the lawsuit's allegations of discrimination and retaliation, Risk Management and the City Attorney's office recommend this settlement to resolve all issues in the lawsuit, dissolve the employment relationship and avoid the time and expense of trial and plaintiffs' attorney fees, which would very likely be higher than the settlement value, and risk of an adverse jury decision.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payments \$90,000 from the liability fund, \$10,000 in wages from the Housing Bureau and \$15,000 in wages from the Water Bureau, for a total of \$115,000.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Dana Thomas bodily injury lawsuit in the sum of \$115,000 by ordinance on the consent agenda.