

Portland, Oregon

**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items**

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

1. Name of Initiator Randy Stenquist		2. Telephone No. 503-823-6000	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): April 26, 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: April 18, 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 claims of Huong Nguyen and Cho Thi Vu, involving Bureau of Environmental Services (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2010-5064-02 and F2010-5064-03 for a total of \$17,565.98.

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)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 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 \$17,565.98. The source of funding is the City's Insurance and Claims Fund. 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 claim filed against the City of Portland by Huong Nguyen and Cho Thi Vu. 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.

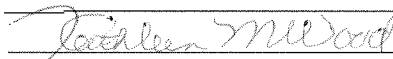
9) If "YES," please answer the following questions:

- 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 claim against the City of Portland.

Bryant Enge, 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: April 10, 2012
TO: Mayor Sam Adams
FROM: Randy Stenquist
503-823-6000

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay claims of Huong Nguyen and Cho Thi Vu, involving Bureau of Environmental Services (Ordinance)

1. **INTENDED THURSDAY FILING DATE:** April 26, 2012
2. **REQUESTED COUNCIL AGENDA DATE:** May 2, 2012
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

Huong Nguyen and Cho Thi Vu were passengers in a vehicle that was in the center turn lane on NE Killingsworth on December 16, 2009. A BES vehicle, traveling the same path, attempted to move into the center turn lane, not realizing the citizen vehicle was already occupying that space. The City driver was found to be at fault in this accident. Both women were injured in the collision, and they sought medical care soon after the accident, with the bills covered by Farmers Insurance under the PIP policy in place on the vehicle. Once their medical care was complete, Farmers sought reimbursement from the City. Both women also retained an attorney to represent them in their claims against the City.

The attorney presented demands of \$15,000 in general damages (pain and suffering) plus PIP reimbursement for each claimant. Risk Management negotiated general damages settlements of \$4,200 for Ms. Nguyen and \$4,000 for Ms. Vu, and has advanced these amounts to the attorney. Separately, Risk negotiated with Farmers a 25% discount on the PIP reimbursement. Farmers agreed to accept \$4,857.80 for Ms. Nguyen's PIP and \$4,508.18 for Ms. Vu's PIP. Approval of this ordinance will allow Risk to pay Farmers \$9,365.98 to resolve both PIP claims. When added to the amounts already advanced to the claimants' attorney for the general damages claims, the total value of both claims is \$17,565.98.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$17,565.98 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Huong Nguyen and Cho Thi Vu bodily injury claims in the combined sum of \$17,565.98.