

ORDINANCE No. 185544

*Pay claim of Kelly Shephard involving Portland Bureau of Transportation. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Kelly Shephard filed an employment discrimination lawsuit in 2009 against the City related to his employment with the Portland Bureau of Transportation.
2. The claim has been investigated by Risk Management Services. The investigation indicates there is a risk the City may be found liable. Therefore, in order to avoid the costs of going to trial in federal court and the risk of an adverse jury award, we feel it is prudent to compromise the lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$85,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver checks that total the amount of \$85,000 as follows:
 - 1) a payroll check paid to Kelly Shepard in the amount of \$10,000 less the usual and standard withholding taxes and deductions;
 - 2) a check jointly payable to Kelly Shephard and the Daniel Snyder Client Trust Account in the amount of \$75,000;
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **AUG 22 2012**

Mayor Sam Adams
Prepared by Becky Chiao
Date prepared: August 1, 2012

LaVONNE GRIFFIN-VALDE
Auditor of the City of Portland

By

Gayla Jennings

Deputy

Agenda No.
ORDINANCE NO. 185544
 Title

* Pay claim of Kelly Shephard, involving Portland Bureau of Transportation (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>AUG 17 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u>[Signature]</u> Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: OMF/Risk Management Services- Bureau Head: Bryant Enge, Director BIBS Kate Wood, Risk Mgr	ACTION TAKEN:
Prepared by: Becky Chiao Date Prepared: August 1, 2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date August 22, 2012	
City Attorney Approval	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	