

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): April 11, 2013	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:
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 Lisa Vasquez in the sum of \$87,500.00 involving Office of Management and Finance. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2011-8017-01

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 \$87,500.00. The sources of funding are the City's Insurance and Claims Fund for \$77,500 and the bureau payroll budget for \$10,000 paid as wages. All costs of the settlement are 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 lawsuit filed against the City of Portland by Lisa Vasquez. 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?

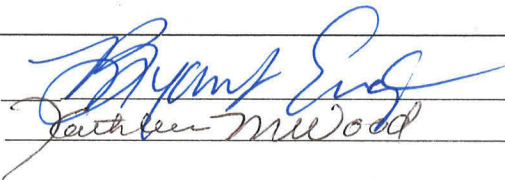
d) Who designed and implemented the public involvement related to this Council item?

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

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Kate Wood, Risk Manager
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185988

DATE: March 26, 2013
TO: Mayor Charlie Hales
FROM: Becky Chiao
503-823-6124

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay claim of Lisa Vasquez in the sum of \$87,500.00 involving Office of Management and Finance. (Ordinance)

- 1. INTENDED THURSDAY FILING DATE:** April 11, 2013
- 2. REQUESTED COUNCIL AGENDA DATE:** April 17, 2013
- 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

Lisa Vasquez was hired to manage the PSSRP project in May of 2009 as an at-will employee. Her employment with the City was terminated in June of 2011. Ms. Vasquez alleges in a lawsuit pending in state court that she was retaliated against because she was a whistleblower and other claims. The City denies that Ms. Vasquez was a whistleblower or that she was treated unlawfully, but the parties entered into mediation which resulted in a tentative settlement to dispose of the case. The settlement requires City Council approval. In order to avoid the costs of extensive discovery and litigation involving many individuals who are no longer with the City, Risk Management and the City Attorney's office recommend that this case be settled for a total of \$87,500.00.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$77,500.00 from the liability fund and \$10,000.00 from the bureau payroll account.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Lisa Vasquez claim in the sum of \$87,500.00 as an emergency ordinance on the consent agenda.