

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): July 3, 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 Ida Marie Davis in the sum of \$18,000.00 involving Water Bureau. (Ordinance)

**2) Purpose of the Proposed Legislation:**  
This ordinance will close OMF Risk Management File No. F2010-5118-01

**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)?**

- 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 \$18,000.00. 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 lawsuit filed against the City of Portland by Ida Marie Davis. 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.

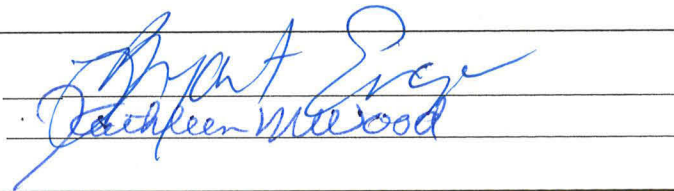
**9) If "YES," please answer the following questions:**

- 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



APPROPRIATION UNIT HEAD (Typed name and signature)



## CITY OF PORTLAND, OREGON

### Office of Management and Finance Risk Management Services

Charlie Hales, Mayor  
Kate Wood, Risk Manager  
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186153

**DATE:** June 19, 2013  
**TO:** Mayor Charlie Hales  
**FROM:** Randy Stenquist  
503-823-6000

#### FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison \_\_\_\_\_

**RE: \*Pay claim of Ida Marie Davis in the sum of \$18,000.00 involving the Water bureau. (Ordinance)**

- 1. INTENDED THURSDAY FILING DATE: July 3, 2013**
- 2. REQUESTED COUNCIL AGENDA DATE: July 17, 2013**
- 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

On April 20, 2010 a Water Bureau Construction Inspector was monitoring crews performing utility relocations for the Eastside Streetcar Loop project. The inspector had parked the city vehicle at the curb near the construction zone. Earlier that day, Ms Davis had parked her vehicle in front of the City Jeep to attend a medical appointment nearby. Upon her return, Ms Davis' vehicle would not start. She called a taxi company who dispatched a cab to provide a jump start. Ms. Davis asked the Water employee to move her Jeep so that the cab could park in its spot and provide assistance. The employee agreed to do so once the cab arrived; the employee suggested that Ms. Davis might want to stand in the spot once the Water vehicle had exited in order to hold it for the cab. Instead of waiting for the City Jeep to vacate the spot, Ms. Davis stepped into the street behind the City Jeep as it began backing up. Ms Davis was bumped by the City Jeep but did not fall to the ground. Ms. Davis sought medical attention the next day, and continued to see a variety of medical providers over the next eighteen months. In March 2012 her attorney filed a lawsuit, seeking more than \$328,000, including \$28,216 in medical expenses. A trial had been set for mid-June 2013, but the parties have now reached a settlement agreement. The City has agreed to pay \$18,000 inclusive of all medical bills, insurance liens, and attorney fees and costs in exchange Ms. Davis dismissing her lawsuit.

### 8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$18,000.00 from the liability fund.

### 9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Ida Marie Davis bodily injury lawsuit in the sum of \$18,000.00.

Please notify the City of Portland no less than five (5) business days prior to events for ADA accommodation at 503-823-5101, TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.

*Equal Employment Opportunity and Affirmative Action Employer*