

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. 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): September 11, 2013	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO 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 Orion Cavins the sum of \$8,887, involving the Police Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2013-5114-02 for a total of \$8,887.57

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 \$8,887.57. 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 Orion Cavins. 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.

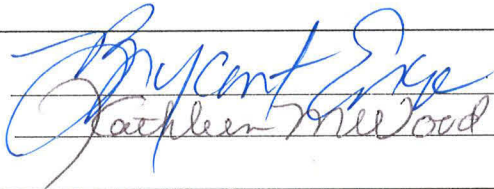
9) If "YES," please answer the following questions:

- 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



 Kathleen Millwood

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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DATE: August 29, 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 Orion Cavins in the sum of \$8,887 involving the Police Bureau (Ordinance)

1. **INTENDED WEDNESDAY FILING DATE:** September 11, 2013
2. **REQUESTED COUNCIL AGENDA DATE:** September 25, 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

This Ordinance settles a fleet property damage claim. The automobile accident was on June 3, 2013 in Vancouver, Washington. An undercover Portland Police officer assigned to a multi-agency task force was driving an unmarked bureau vehicle and maintaining surveillance on a subject. The subject moved through an intersection on a green light, but the light phased to red before the officer could make it through. Needing to keep eyes on the subject ahead, the officer stopped, then activated his covert emergency lights (but not his siren), and began moving cautiously through the intersection against the light. Other traffic at the intersection remained stopped, and the officer had cleared all but the last lane of the intersecting street when he was struck by a vehicle driven by Jenny Flory, which had a green light. The impact spun the police vehicle around, and it struck another vehicle, owned by Orion Cavins. Liability rests solely with the police officer.

The Cavins vehicle sustained damage to the front bumper, hood, right front fender and door, and was towed from the scene. Cavins' insurance carrier, State Farm, coordinated the repairs, and ultimately paid \$8,593.10, inclusive of towing and Mr. Cavins' insurance deductible. In addition, Mr. Cavins paid \$294.47 for rental car charges out of his own pocket while his vehicle was in the shop. This ordinance reimburses both State Farm Insurance and Mr. Cavins for funds paid out for this property damage loss.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$8,887.57 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Orion Cavins property damage claim in the sum of \$8,887.57.