

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

(Deliver original to City Budget Office. 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): September 18, 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 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 Ashlei Brady (a minor) through her Guardian Ad Litem Patricia Charlan in the sum of \$70,000 involving the Parks Bureau. (Ordinance)

**2) Purpose of the Proposed Legislation:**

This ordinance will settle the lawsuit Ashlei Brady v. City of Portland and Jason Ferres Multnomah County Circuit Court Case No. 1212-16634 and close OMF Risk Management File No. G2011-0312-01

**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 \$70,000. 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 Ashlei Brady (a minor) through her Guardian Ad Litem Patricia Charlan. 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  
1120 S.W. Fifth Avenue, Room 709 • Portland, OR 97204-1912  
Phone: 503-823-5101 • Fax: 503-823-6120  
[www.portlandonline.com](http://www.portlandonline.com)

**DATE:** September 10, 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 Ashlei Brady (a minor) through her Guardian Ad Litem Patricia Charlan in the sum of \$70,000 involving the Parks Bureau. (Ordinance)**

1. **INTENDED WEDNESDAY FILING DATE:** September 18, 2013
2. **REQUESTED COUNCIL AGENDA DATE:** October 2, 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

On January 2, 2011, 10 year-old Ashlei Brady was playing in a basketball tournament at the University Park Recreational Center, now known as the Charles Jordan Community Center. Ms. Brady fell on the basketball court and was taken by ambulance to the hospital with an injury.

Ms. Brady's medical bills total close to \$40,000. In addition to those bills she could have future medical expenses related to her injury. She suffered the non-economic damage of being prevented from playing sports for a time and has incurred other expenses and attorneys fees. In a mediation session August 16, 2013, the parties reached a tentative settlement of the case for a total of \$70,000 in exchange for a release of Ms. Brady's claims against both the City and Mr. Ferres the coach of the basketball team. In light of the fact that proceeding to discovery, pre-trial motions, and an eventual trial would be costly and time-consuming, with the possible outcome being a finding that the City's negligence was the reason for Ms. Brady's injuries, Risk Management and the City Attorney's office recommend the City Council approve of this tentative settlement.

#### 8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$70,000 from the liability fund.

#### 9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Ashlei Brady (a minor) through her Guardian Ad Litem Patricia Charlan bodily injury lawsuit in the sum of \$70,000.