

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Mark Stairiker		2. Telephone No. 503-823-5263	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): January 22, 2014	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 Yairisa Gonzalez in the sum of \$13,744 involving the Portland Parks Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2013-5083-06

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 \$13,744.85. 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 Yairsa Gonzalez. 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

Charlie Hales, Mayor
Kate Wood, Risk Manager
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186421

DATE: December 17, 2013
TO: Mayor Charlie Hales
FROM: Mark Stairiker
503-823-5263

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay claim of Yairsa Gonzalez in the sum of \$13,745 involving the Portland Parks Bureau. (Ordinance)

1. **INTENDED WEDNESDAY FILING DATE:** January 8, 2014
2. **REQUESTED COUNCIL AGENDA DATE:** January 22, 2014
3. **CONTACT NAME & NUMBER:** Mark Stairiker, 503-823-5263
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 is to settle a tort claim against the City resulting from an auto collision that occurred on February 15, 2013, at SE 60th and Flavel. That intersection is controlled by a 4-way stop. The claimant, Yairsa Gonzalez, was a passenger in a vehicle that was southbound on SE 60th. The Gonzalez car stopped at SE Flavel, then started into the intersection. A City of Portland Parks Bureau pickup truck eastbound on SE Flavel failed to stop at the intersection, colliding with the Gonzalez car. The City driver was cited at the scene for failure to obey a traffic control device, and did not contest the citation.

Liability on the part of the City is clear. State Farm made a reimbursement claim against the City for medical expenses it had paid on behalf of Ms. Gonzalez. Risk Management negotiated a reduced settlement with State Farm for \$3,744.85. After significant settlement negotiations with her attorney, Risk Management has reached the proposed settlement of \$10,000 for the "pain and suffering" part of her claim, resulting in a total settlement for this claimant of \$13,744.85.

8. FINANCIAL IMPACT

Approval of the settlement would result in an additional payment of \$10,000 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Yairsa Gonzalez bodily injury claim in the sum of \$13,744.85.

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