

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): July 23, 2014	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 David McAllister in the sum of \$37,500 involving the Parks Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2012-8015-01

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 \$37,500.00. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in fiscal year 2014/2015.

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 David McAllister. 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
OFFICE OF MANAGEMENT AND FINANCE

Charlie Hales, Mayor
Fred Miller, Chief Administrative Officer
Bryant Enge, Director, Bureau of Internal Business Services

186721 Kate Wood, Manager
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DATE: June 26, 2014

TO: Mayor Charlie Hales

FROM: Bryant Enge, Director of Internal Business Services
Becky Chiao 503-823-6124

**FOR MAYOR'S OFFICE USE
ONLY**

Reviewed by Bureau Liaison _____

**RE: *Pay claim of David McAllister in the sum of \$37,500 involving the Parks Bureau.
(Ordinance)**

1. **INTENDED WEDNESDAY FILING DATE:** July 9, 2014
2. **REQUESTED COUNCIL AGENDA DATE:** July 23, 2014
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

Mr. McAllister is a former manager with Portland Parks and Recreation who resigned after being told that his position as City Nature Manager was being eliminated. When a new Bureau Director was appointed a decision was made to retain the City Nature position and Mr. McAllister sued the City claiming that he would not have accepted the targeted severance offer if he had known that his position was not going to be eliminated. Although there is no evidence to support a claim of intentional misrepresentation, Risk Management and the City Attorney's office recommend settling the case before trial because of the fact that Mr. McAllister did give up his Civil Service employment rights on the basis of a reorganization plan that was never implemented.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$37,500.00 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of David McAllister lawsuit in the sum of \$37,500.00 as an emergency ordinance on the Consent Agenda.

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.