

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

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

1. Name of Initiator John Buehler		2. Telephone No. 503-823-5256	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): July 30, 2014	4b. Calendar (Check One) Regular Consent 4/5ths <input checked="" type="checkbox"/> <input 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 Daniel Collins in the sum of 110,000 involving the Police Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2011-0313-01 for a total of \$110,000.

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 \$110,000. 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 Daniel Collins. 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?

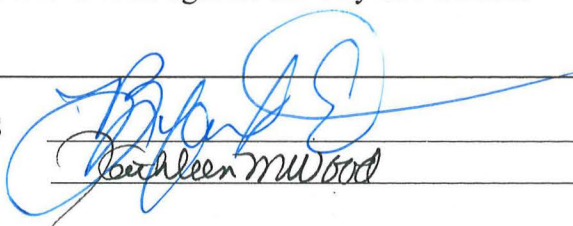
d) Who designed and implemented the public involvement related to this Council item?

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

Kate Wood, Manager
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**FOR MAYOR'S OFFICE USE
ONLY**

Reviewed by Bureau Liaison _____

DATE: June 25, 2014

TO: Mayor Charlie Hales

FROM: Bryant Enge, Director of Internal Business Services

186738

John Buehler 503-823-5256

RE: *Pay claim of Daniel Collins in the sum of \$110,000, involving the Police Bureau (Ordinance)

- 1. INTENDED WEDNESDAY FILING DATE: July 16, 2014**
- 2. REQUESTED COUNCIL AGENDA DATE: July 30, 2014**
- 3. CONTACT NAME & NUMBER: John Buehler, 503-823-5256**
- 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 resolves a lawsuit brought by Daniel Collins, through his attorney, Matthew McHenry of Levine & McHenry, LLC. That lawsuit named as defendants the City of Portland and four of its police officers. The lawsuit alleged claims for violation of civil rights, and state law claims for assault, battery, false imprisonment and negligence. The lawsuit sought damages for medical expenses and for non-economic ("pain and suffering") damages, and also sought costs and attorney fees.

The lawsuit arose from an incident on December 24, 2010, when Portland Police officers were called to the Barracuda nightclub in the Old Town area of Portland due to fights that had broken out inside the nightclub. Plaintiff alleged that he was attempting to leave the club when he was taken to the ground by the responding officers. He testified in deposition that he was then pinned against a metal post with his arm under him, and that he was therefore unable to comply with officers' directions. Although there were factual disputes about exactly what happened inside the nightclub due to the chaotic scene there, it is undisputed that Mr. Collins was Tasered

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multiple times, and was struck by the officers as they attempted to arrest him and remove him from the building. He was rendered unconscious, and was taken by ambulance to OHSU for treatment.

The City has been represented in the litigation by Deputy City Attorney Jim Rice. A mediation session was held on April 28, 2014, before United States District Court Judge Ann Aiken, Chief Judge for the Oregon District. As a result of substantial negotiation between the respective parties, a proposed settlement agreement was reached. Total to be paid by the City is \$110,000. This includes all claims and damages, including costs and attorney fees. The City Attorney's Office and Risk Management concur that this is a reasonable settlement in light of the potential exposure for a significantly larger verdict if the case went to trial.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$110,000 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Daniel Collins bodily injury lawsuit in the sum of \$110,000.