

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 17, 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 Cleon Harris in the sum of \$78,685 involving the Portland Fire Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2012-5009-01

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)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 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 \$78,685.10. 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 Cleon Harris. 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.

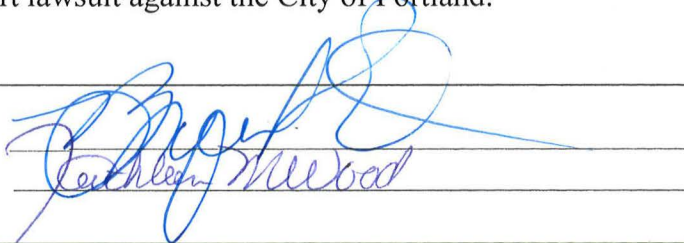
9) If "YES," please answer the following questions:

- 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: August 28, 2014

TO: Mayor Charlie Hales

FROM: Bryant Enge, Director of Internal Business Services
Randy Stenquist 503-823-6000

186812

**RE: *Pay claim of Cleon Harris in the sum of \$78,685 involving the Portland Fire Bureau.
(Ordinance)**

- 1. INTENDED WEDNESDAY FILING DATE: September 3, 2014**
- 2. REQUESTED COUNCIL AGENDA DATE: September 17, 2014**
- 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

On August 8, 2011 a vehicle driven by Cleon Harris was rear-ended by a Portland Fire Bureau driver on NE 122nd Avenue and NE Sandy. Mr. Harris sustained injuries from this incident and began chiropractic treatment the following day. Mr. Harris was subsequently rear-ended by another driver on December 8, 2011, and sustained additional injuries and continued with his medical treatment. Mr. Harris was involved in a third motor vehicle accident in June 2012, this time it was he who rear-ended another vehicle. Mr. Harris eventually underwent back surgery in September 2012. In July 2013, Mr. Harris' attorney filed a lawsuit against the City and the driver of the vehicle in the December 2011 accident, seeking more than \$67,000 in medical expenses and \$250,000 in non-economic damages.

This is an admitted liability case where the only issue is the apportionment between the two defendants for the cause of injury and treatment, the need for surgery, and the costs associated with them. Plaintiff and City defendant each retained their own medical experts who would offer differing testimony at trial about the causation issue, but all experts would agree the City likely was at least 50% responsible. With an early August 2014 trial date approaching, the parties began exploring the possibility of settlement, and an agreement has been reached. Risk

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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.

Management Services and the City Attorney's Office have proposed the City pay \$75,000 to Mr. Harris and his attorney, while the other defendant's insurance company has agreed to pay considerably more. The City has already paid Mr. Harris' insurance company \$3,685.10 to reimburse for medical expenses paid under the auto policy. Combined with the \$75,000 proposed for Mr. Harris, the total city cost of resolving this injury claim is \$78,685.10.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$75,000 from the liability fund. Added to the \$3,685.10 payment previously made to Wawanesa Insurance, the total cost of the injury claim for Mr. Harris is \$78,685.10

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Cleon Harris bodily injury lawsuit in the sum of \$75,000. Added to the \$3,685.10 payment previously made to Wawanesa Insurance, the total cost of the injury claim for Mr. Harris is \$78,685.10.