

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):  October 29, 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 the Estate of Gregory Haase in the sum of \$125,000 involving the Portland Bureau of Transportation. (Ordinance)

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

This ordinance will close OMF Risk Management File No. G2013-0082-01

**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 \$125,000. 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.)*

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

**[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 Gregory Haase. 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?**

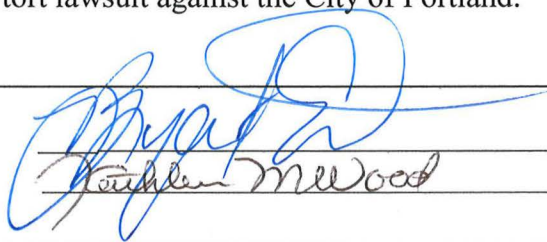
**d) Who designed and implemented the public involvement related to this Council item?**

**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**

186862

**Kate Wood, Manager**  
**Risk Management**

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ONLY**

Reviewed by Bureau Liaison \_\_\_\_\_

**DATE:** October 7, 2014

**TO:** Mayor Charlie Hales

**FROM:** Bryant Enge, BIBS  
Mark Stairiker, Liability Claims Manager, 503-823-5263

**RE: \*Pay claim of the Estate of Gregory Haase in the sum of \$125,000 involving the Portland Bureau of Transportation. (Ordinance)**

- 1. INTENDED WEDNESDAY FILING DATE: October 15, 2014**
- 2. REQUESTED COUNCIL AGENDA DATE: October 29, 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 settles the state circuit court lawsuit brought by the Estate of Gregory Haase v. City of Portland et al. The plaintiff's case concerns a scooter crash. Plaintiff alleges that the public right of way under the SW Naito viaduct was unsafe and lacked adequate street lighting making the City liable for damages. On September 5, 2012 Mr. Haase drove over a depressed phone company manhole and lost control striking a bridge abutment. In a mediation with Judge Sid Brockley the parties and city representatives agreed to settle the case prior to trial for \$125,000 pending City Council approval.

**8. FINANCIAL IMPACT**

Approval of the settlement would result in a payment of \$125,000 from the liability fund.

**9. RECOMMENDATION/ACTION REQUESTED**

Approve settlement of the Estate of Gregory Haase lawsuit in the sum of \$125,000.

*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.*