

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): November 12, 2014	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/> </div>		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 Johnny Oak in the sum of \$47,500, involving the Portland Police Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2014-5050-01 for a total of \$47,500.

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 \$47,500. 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 Johnny Oak. 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?

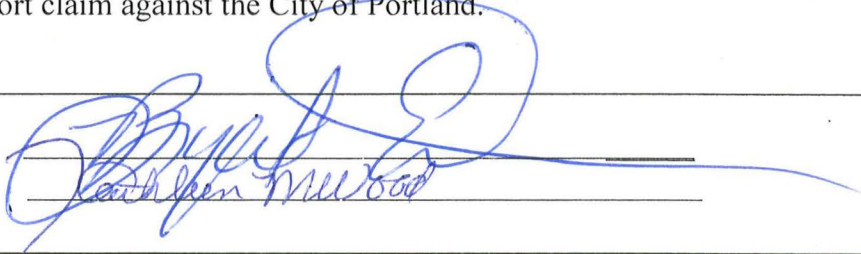
d) Who designed and implemented the public involvement related to this Council item?

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
OFFICE OF MANAGEMENT AND FINANCE

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

Kate Wood, Manager
Risk Management
1120 S.W. Fifth Avenue, Rm. 709
Portland, Oregon 97204-1912
(503) 823-5101
FAX (503) 823-6120
TTY (503) 823-6868

DATE: October 6, 2014

TO: Mayor Charlie Hales

FROM: Bryant Enge, Director of Internal Business Services
John Buehler, 503-823-5256

**FOR MAYOR'S OFFICE USE
ONLY**

Reviewed by Bureau Liaison _____

186878

RE: *Pay claim of Johnny Oak in the sum of \$47,500, involving the Portland Police Bureau (Ordinance)

- 1. INTENDED WEDNESDAY FILING DATE: October 29, 2014**
- 2. REQUESTED COUNCIL AGENDA DATE: November 12, 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 settles a fleet bodily injury claim for a vehicle vs. pedestrian collision that occurred on the night of November 20, 2013. Mr. Oak, a pedestrian wearing dark clothing, was walking westbound in the crosswalk on SE Cherry Blossom Drive crossing SE 106th, in Portland, Oregon. A Portland Police Officer driving a patrol car was eastbound on Cherry Blossom, turning left onto 106th. He had a green light, and was traveling at a slow speed. The officer did not see the dark-clad pedestrian until he was part way through his turn, and was not able to stop in time to prevent a slow-speed impact.

Mr. Oak was treated for a leg injury and back pain. He retained attorney Todd Peterson to represent him on this claim. After substantial negotiation with the claimant's attorney, the parties have reached a recommended settlement of the claim for the total sum of \$47,500. From this total settlement, the claimant's attorney will satisfy the reimbursement claim from Mr. Oak's insurer, as well as any outstanding medical expenses, so that the \$47,500 payment will be the total payment by the City of Portland for this claim.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$47,500 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Johnny Oak bodily injury claim in the sum of \$47,500.

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.