

IMPACT STATEMENT

Legislation title: *Pay claim of Mel Shulevitz in the sum of \$88,000 involving Bureau of Environmental Services. (Ordinance)

Contact name: John W. Buehler, Sr. Claims Analyst

Contact phone: 503-823-5256

Presenter name: John Buehler, Sr. Claims Analyst (as needed)

Purpose of proposed legislation and background information:

This Ordinance settles a bodily injury lawsuit brought by Mel Shulevitz, through his attorney Steven Kahn, for injuries arising from a bicycle fall. The injury occurred on a City sidewalk that abuts property owned by the Bureau of Environmental Services. The sidewalk was in defective condition, with a sunken utility vault that had a tilted lid.

Financial and budgetary impacts:

This legislation will have no impact on City revenue.

Total cost to the City to settle the claim is \$88,000.00. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year. This Ordinance does not amend the budget.

Community impacts and community involvement:

This Ordinance settles a tort claim resulting from a defective City of Portland sidewalk abutting property owned by the Bureau of Environmental Services. The sidewalk was repaired by the City shortly after this occurrence. No public involvement or input was sought regarding this Ordinance. 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.

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.

Budgetary Impact Worksheet**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



CITY OF PORTLAND
OFFICE OF MANAGEMENT AND FINANCE

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Memorandum

Date: January 20, 2015

To: City Council

From: John Buehler – Risk Management
Bureau of Internal Business Services

RE: Amendment request for Council Agenda Item 84.

***Pay claim of Mel Shulevitz in the sum of \$88,000 involving Bureau of
Environmental Services (Ordinance)**

Due to an oversight, the following additional wording is needed in Directive 'a' on Agenda Item 84. The amendment will be presented at the Council meeting on January 21, 2015.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$88,000.00 made payable to Mel Shulevitz and Steven Kahn, his Attorney.

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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.