



[Home](#) / [Council Clerk](#) / [Council Documents](#) / [Ordinance](#)

191849

Emergency Ordinance

*Pay settlement of Rowena Pacheco employment discrimination lawsuit for \$135,000 involving Portland Fire & Rescue

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. Rowena Pacheco, through attorney Samuel Hernandez, has filed a lawsuit against the City for employment discrimination and retaliation involving Portland Fire & Rescue on August 3, 2023.
2. The lawsuit has been investigated by Risk Management Services. The investigation indicates there is risk the City may be found liable. Therefore, in order to avoid the risk of an adverse jury award, it is prudent to compromise the lawsuit at this time.
3. City Attorney, Risk Management Services, and Portland Fire & Rescue recommend the lawsuit be compromised for the total sum of \$135,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- A. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$81,000 made payable to AmicusPoint Law Trust.
- B. The Mayor and the Auditor are hereby authorized to draw and deliver a payroll check in the amount of \$54,000, less deductions withheld, made payable to Rowena Pacheco.
- C. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (A) above.
- D. Payroll will execute a payment authorization in the amount set forth in sub-paragraph (B) above.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Risk Management](#)

Contact

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Sr. Claims Analyst

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

July 31, 2024

Time Requested

10 minutes

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this employment lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Amended Ordinance - Strikethrough / Underline Version](https://www.portland.gov/sites/default/files/council-documents/2024/item-696-proposed-amendment_0.pdf)

(https://www.portland.gov/sites/default/files/council-documents/2024/item-696-proposed-amendment_0.pdf) 59.51 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
July 31, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles an employment discrimination lawsuit brought by Rowena Pacheco, resulting from her employment with Portland Fire & Rescue.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$135,000. 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 lawsuit resulting from Plaintiff's employment with Portland Fire & Rescue. 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.

100% Renewable Goal

This legislation will have no impact on City energy use.

Budget Office Financial Impact Analysis

Total cost to the City to settle the lawsuit is \$135,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.

Document History

Item 696 Regular Agenda in [July 31, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/7/31)
(<https://www.portland.gov/council/agenda/2024/7/31>)

City Council

Passed As Amended

Motion to amend Directive A to update payee to AmicusPoint Law Trust:
Moved by Gonzalez and seconded by Mapps. (Y-4; Wheeler absent)

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Absent