

## FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Mark M. Stairiker	2. Telephone Number 503-823-5263	3. Bureau/Office/Department OMF/Risk Management
4a. To be filed (date) February 16, 2011	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to FPD Budget Analyst February 9, 2011

**1) Legislation Title:** \* Pay Claim of Gregory Benton involving Portland Police Bureau.

**2) Purpose of the Proposed Legislation:** This ordinance will close OMF Risk Management File No. G2007-0244-01 for a total of \$25,000.

**3) Revenue:**

**Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.**

This legislation will have no impact on City revenue.

**4) 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)**

Cost to the City is \$25,000. The source of funding is the City's Insurance and Claims Fund. All cost is in the current fiscal year.

**Staffing Requirements:**

**5) 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.

**6) Will positions be created or eliminated in future years as a result of this legislation?**

No.

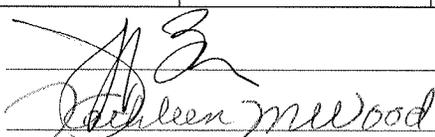
**Complete the following section only if an amendment to the budget is proposed.**

**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 Center Code column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Jeff Baer, Director, BIBS

Kate Wood, Risk Manager



APPROPRIATION UNIT HEAD (Typed name and signature)



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**CITY OF PORTLAND, OREGON****Office of Management and Finance  
Risk Management Services**

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Kate Wood, Risk Manager  
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**DATE:** February 1, 2011**TO:** Mayor Sam Adams**FROM:** Mark M. Stairiker  
503-823-5263 **FOR MAYOR'S OFFICE USE ONLY**

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

**RE:** \*Pay Claim of Gregory Benton involving Portland Police Bureau (emergency)

1. **INTENDED THURSDAY FILING DATE:** February 16, 2011
2. **REQUESTED COUNCIL AGENDA DATE:** February 23, 2011
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

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**7. BACKGROUND/ANALYSIS**

This is a police liability claim for alleged civil rights violations sustained by Gregory Benton in September 2006 during the Police Bureau's search of his apartment complex at 1621 NE Killingsworth, Portland. Officers may have exceeded the scope of a community caretaking statute when they entered Mr. Benton's apartment. After mediation with a federal judge, Risk Management and the City Attorney recommended this case be settled in the amount of \$25,000, including plaintiff's attorney's fees.

**8. FINANCIAL IMPACT**

Approval of the settlement would result in a payment of \$25,000 from the liability fund.

**9. RECOMMENDATION/ACTION REQUESTED**

Approve settlement of Gregory Benton civil rights lawsuit.