

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

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

1. Name of Initiator Randy Stenquist		2. Telephone No. 503-823-6000	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): May 17, 2012	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 FPD Budget Analyst: May 9, 2012
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 Raymond Sveta, involving Parks Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2010-0020-01 for a total of \$25,500.

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 \$25,500. 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 lawsuit filed against the City of Portland by Raymond Svela. 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

Kathleen M Wood

APPROPRIATION UNIT HEAD (Typed name and signature)

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

Sam Adams, Mayor
Kate Wood, Risk Manager
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www.portlandonline.com

DATE: May 9, 2012
TO: Mayor Sam Adams
FROM: Randy Stenquist
503-823-6000

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay claim of Raymond Svela, involving Parks Bureau (Ordinance)

1. **INTENDED THURSDAY FILING DATE:** May 17, 2012
2. **REQUESTED COUNCIL AGENDA DATE:** May 23, 2012
3. **CONTACT NAME & NUMBER:** Randy Stenquist, 503-823-6000
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

Raymond Svela, age 84 at the time, was with his family in downtown Portland on July 19, 2009. One of their destinations that day was to view the Sand in the City event, organized and sponsored annually by Kids on the Block (KOB) Awareness Project. Pioneer Courthouse Square, Inc. (PCS), the City's agent that manages the Square, had issued KOB a permit to use the Square for the sand castle event. Minutes after entering the Square, Mr. Svela fell on the steps leading down to the KGW studio, suffering injuries. Mr. Svela filed a tort claim notice weeks later, and the City denied the claim and attempted to tender it to PCS and KOB. Subsequently, Mr. Svela hired an attorney, who ultimately filed a lawsuit in February 2011, alleging negligence by all three parties. The negligence attributed to the City was for the alleged 'unreasonably dangerous condition' of the steps near the KGW studio, which plaintiff contends arise from a failure to design and build the steps in conformance with building codes. Plaintiff further alleged the City had responsibility in positioning an entrance to the event in a manner that forced persons to encounter these steps. The City denied all allegations.

The case was set for trial in May 2012, and in an extended mediation session spanning the course of several weeks in March and April, the parties reached a settlement to resolve the litigation. The three named defendants (KOB, PCS and City) have agreed to pay proportional shares of the settlement, with the primary permittee / event holder KOB taking 60%, PCS 20% and the City 20%. Accordingly, the City's contribution in this matter will be \$25,500.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$25,500 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Raymond Svela bodily injury lawsuit in the sum of \$25,500.

Please notify the City of Portland no less than five (5) business days prior to events for ADA accommodation at 503-823-5101, TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.