

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

(Deliver original to City Budget Office. 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): September 4, 2013	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		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 Joseph McDonnell in the sum of \$17,595 involving the Water Bureau.(Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. F2013-5084-01

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)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 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 \$17,595.20. 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 Joseph McDonnell. 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.

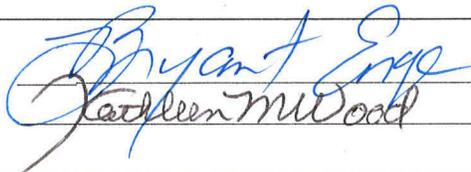
9) If "YES," please answer the following questions:

- 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, OREGON

**Office of Management and Finance
Risk Management Services**

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186251

DATE: August 20, 2013
TO: Mayor Charlie Hales
FROM: Randy Stenquist
503-823-6000

FOR MAYOR'S OFFICE USE ONLY
Reviewed by Bureau Liaison _____

RE: *Pay claim of Joseph McDonnell in the sum of \$17,595 involving the Water Bureau. (Ordinance)

- 1. **INTENDED WEDNESDAY FILING DATE:** September 4, 2013
- 2. **REQUESTED COUNCIL AGENDA DATE:** September 18, 2013
- 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

Joseph McDonnell was driving his 2011 Infiniti sedan northbound on SW 12th Avenue on Saturday, February 9, 2013. He was approaching the intersection of SW Clay in the right lane, at or near the posted 20 MPH speed limit, and he had a green light. At the same time, a Portland Water Bureau employee driving a Ford F-450 pickup was westbound on SW Clay, and he proceeded through the intersection of SW 12th Avenue against the red light. The two vehicles collided in the intersection, with the McDonnell vehicle suffering substantial damage to the right rear portion. An eyewitness was in a vehicle stopped at the red light on SW Clay next to the City driver, and watched the incident unfold before him. He confirmed the City truck began moving through the intersection while the light was still red. The McDonnell vehicle was towed from the scene, and repairs were paid for by Mr. McDonnell's auto insurance carrier, Safeco. Safeco now seeks reimbursement of \$17,595.20 for auto repairs, rental car charges, damaged personal property and Mr. McDonnell's deductible.

This ordinance is to resolve only the property damage component of this claim. Mr. McDonnell sustained injuries, and is receiving medical care, which is also covered by his auto insurance. Once his treatment is complete, Risk will be working with McDonnell's attorney and insurance carrier to resolve the remaining injury claim

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$17,595.20 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Joseph McDonnell property damage claim in the sum of \$17,595.20.