

ORDINANCE No. 187984

Expand the authority of the Risk Manager and designees to serve as agents of the City Attorney to investigate and settle tort claims and clarify the scope of fair and moral claims for which the Risk Manager is authorized to investigate and settle (Ordinance; amend Code Section 3.15.020 G.)

The City of Portland ordains:

Section 1. The Council Finds:

1. Subsection 4 of Portland City Code Section 3.15.020 G. authorizes the Risk Manager to investigate complaints of discrimination filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries or the Equal Employment Opportunity Commission; and states that during the investigation, the Risk Manager and their designees are agents of the City Attorney for purposes of representing the City.
2. Other subsections of PCC 3.15.020 G. authorize the Risk Manager to act on behalf of the City on all matters related to workers' compensation, and in the settlement of tort claims and court actions alleging discrimination and violations of civil rights.
3. Existing City Code language does not specifically state that, during the investigation of tort claims, the Risk Manager and their designees are agents of the City Attorney, except in complaints of discrimination as discussed above.
4. The City Attorney recommends that it is in the City's interest to expand the authority of the Risk Manager and their designees as agents of the City Attorney to include all tort claims for which they are responsible for investigating, evaluating, settling and or making recommendations regarding settlement.
5. Charter Section 1-107 establishes the authority of the City to evaluate and settle fair and moral claims brought against the City.
6. Subsection 5 of City Code Section 3.15.020 G. authorizes the Risk Manager to investigate and enter into settlements on fair and moral claims not covered by insurance, but does not otherwise describe or limit fair and moral claims.
7. PCC 3.15.020 G. should be amended to clarify that the Risk Manager has the authority to investigate and settle fair and moral claims as they are described in the Charter.

NOW, THEREFORE, the Council directs:

- a. PCC 3.15.020 G. is amended as shown in Exhibit A.

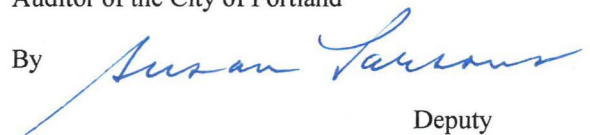
Passed by the Council,

SEP 14 2016

Mayor Charlie Hales
Prepared by: Celia Heron
Date Prepared: August 22, 2016

Mary Hull-Caballero
Auditor of the City of Portland

By



Deputy

Agenda No. **187984**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>AUG 30 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: OMF/Bur of Internal Business Services <i>[Signature]</i> Bureau Head: Miller, Enge <i>[Signature]</i>	ACTION TAKEN: SEP 07 2016 PASSED TO SECOND READING SEP 14 2016 9:30 A.M.
Prepared by: Celia Heron Date Prepared: August 19, 2016	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances <i>[Signature]</i>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i>	
Council Meeting Date Sept 7, 2016	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	