

**Agenda No. 260**

**ORDINANCE No.**

\*Pay settlement of Dana Whitley employment lawsuit for the sum of \$45,000 involving the Portland Bureau of Transportation (Ordinance)

The City of Portland ordains:

**Introduced by**  
Mayor Ted Wheeler

Section 1. The Council finds:

**Bureau**  
Management and  
Finance  
Revenue and Financial  
Services  
Risk Management

1. Dana Whitley, through attorney Richard Myers, has filed a lawsuit against the City for employment discrimination involving the Portland Bureau of Transportation.

**Prepared by**  
Rosalia Radich

2. The allegations have 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, we feel it is prudent to compromise the lawsuit at this time.

**Date Prepared**  
March 24, 2021

3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$45,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

**Requested Council  
Date**  
April 21, 2021

NOW, THEREFORE, the Council directs:

**Requested Agenda  
Type**  
Consent

a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$45,000 made payable to Bennett Hartman Client Trust Account.

b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

**Date Filed with Clerk**  
April 13, 2021

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.

Passed by Council:

**MARY HULL CABALLERO**

Auditor of the City of Portland

By

Deputy

Action taken:

Commissioners voted as follows (Yea or Nay)

Rubio -

Ryan -

Hardesty -

Mapps -

Wheeler -

### IMPACT STATEMENT

**Legislation title:** \*Pay settlement of Dana Whitley employment lawsuit for the sum of \$45,000 involving the Portland Bureau of Transportation (Ordinance)

**Contact name:** Rosalia Radich

**Contact phone:** 503-823-6124

**Presenter name:** Rosalia Radich

**Purpose of proposed legislation and background information:**

This Ordinance settles an employment lawsuit brought by Dana Whitley, resulting from his employment with the Portland Bureau of Transportation.

**Financial and budgetary impacts:**

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$45,000. 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 Whitley's employment with the Portland Bureau of Transportation. 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.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount