

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

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

1. Name of Initiator Susan Dorn for Jenifer Johnston	2. Telephone No. 3-4047	3. Bureau/Office/Dept. City Attorney for Risk
4a. To be filed (hearing date):	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/> </div>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: 4/26/12
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input type="checkbox"/> Public involvement section completed

1) Legislation Title:

*Amend contract with Hoffman, Hart & Wagner LLP for outside legal counsel (Ordinance; amend Contract No. C30000176)

2) Purpose of the Proposed Legislation:

Amend contract increasing amount by \$50,000 to allow for continued representation through litigation.

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 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 | | | |
| <input checked="" type="checkbox"/> Not applicable | | | |

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 does not create or reduce 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.)*

It is the estimate of our outside counsel provider that the additional \$50,000 should be adequate to cover the costs leading up to and including litigation.

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.)*

No change

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.

Outside Counsel is retained at the discretion of the City Attorney's Office to support, represent or otherwise assist this office in defending the City of Portland and its employees due to conflicts of interests, the need for specialized legal knowledge, or workload considerations. The work is considered attorney-client privilege and thus not within the scope of public involvement.

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.

See description above.



James Van Dyke, City Attorney

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

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185292

DATE: April 26, 2012

TO: Mayor Sam Adams

FROM: Susan Dorn on behalf of Harry Auerbach

RE: *Amend contract with Hoffman, Hart & Wagner LLP for outside legal counsel (Ordinance; amend Contract No. C30000176)

1. **INTENDED THURSDAY FILING DATE:** 4/26/12
2. **REQUESTED COUNCIL AGENDA DATE:** 5/2/12
3. **CONTACT NAME & NUMBER:** Susan Dorn, 33097
4. **PLACE ON:** X **CONSENT** **REGULAR**
5. **BUDGET IMPACT STATEMENT ATTACHED:** Y X N X N/A (Bureau to provide)
6. **(1) ORIGINAL DRAFT COPY OF AMENDMENT ATTACHED.**
FINAL AMENDMENT WILL BE APPROVED TO FORM PENDING COUNCIL'S APPROVAL.

7. **BACKGROUND/ANALYSIS**

Outside Counsel was required in the matter of Kelly Shepard v City of Portland et al, due to a conflict of interest.

Due to partnership agreements within the firm of Hoffman Hart LLC, the name has been changed to reflect these agreement. The new name of the firm is Hart Wagner LLC.

As the case has progressed, we find that it will be going to trial To continue paying outside counsel for their representation, it is necessary to increase the amount of the contract by \$50,000, for a total not to exceed \$230,000. Barring unforeseen activities, it is anticipated that this increase will be sufficient through the conclusion of the matter.

8. **FINANCIAL IMPACT**

Risk Management has funds available for this matter.

9. **RECOMMENDATION/ACTION REQUESTED:**

Passage of Ordinance will allow for continued payment of outside counsel services.