

IMPACT STATEMENT

Legislation title: Waive potential conflict of interest and authorize City Attorney to jointly represent Mt. Hood Cable Regulatory Commission and the City of Portland in *Joel Ranck v. Mt. Hood Cable Regulatory Commission, et al.* (Resolution).

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Presenter name: Harry Auerbach

Purpose of proposed legislation and background information:

This is a resolution to authorize the City Attorney's Office to provide representation of the City of Portland and the Mt. Hood Cable Regulatory Commission (MHCRC or Commission) in the lawsuit of *Joel Ranck, et al., v. Mt. Hood Cable Regulatory Commission, et al.*, United States District Court (Oregon) No. 3:16-cv-02409-AA. Under an intergovernmental agreement between the City of Portland and the Commission, the City provides administrative support services to the MHCRC, including routine cable regulatory legal services. The IGA separately indicates that litigation is not included within routine services. The City Attorney's Office will be representing the City of Portland in the *Ranck* litigation. The MHCRC has identified that it desires to engage the City Attorney's Office to represent the Commission as well. The rules of attorney conduct require that both parties must provide written consent for this representation. These circumstances have not previously occurred in the City's involvement with the MHCRC.

Financial and budgetary impacts:

The Commission has existing resources in its budget to reimburse the City Attorney's Office for a total amount of \$38,000. The City Attorney's Office would provide legal representation at the City's standard billable rates, up to the total amount of the MHCRC's existing resources. To identify additional resources, the MHCRC would otherwise have to seek funding from the various participating jurisdictions. The City contributes approximately 65% of the administrative funding costs for the Commission, based upon established cost sharing methodologies previously agreed upon by the jurisdictions.

Community impacts and community involvement:

There has been no public involvement, because this is a litigation matter. By providing competent, diligent representation to both the MHCRC and the City of Portland, we hope to achieve efficiencies and savings. The alternative would be for the Commission to engage separate counsel, which would increase the Commission's costs and decrease the efficiency of the litigation.

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