

ORDINANCE No. 189426

*Amend City Code Office of the City Attorney duties and responsibilities. (Ordinance; amend Code Section 3.10.030).

The City of Portland ordains:

Section 1. The Council finds:

1. City Code Section 3.10.030 concerning the Office of the City Attorney has not been amended since 2008. Since that time, revisions have been identified that would allow the Office of the City Attorney to better serve the legal needs of the City.
2. The safety of City employees is a top priority. Code Section 3.10.030 should be clarified to provide the Office of the City Attorney express authority to meet the current needs of City employees for legal representation in proceedings that are connected to their City employment and related to their personal safety. Such current needs include but are not limited to City employees affirmatively petitioning courts for restraining orders and other injunctive relief, legal protections and remedies. Given the urgency with which these needs can arise and the safety issues involved, it is appropriate for the City Attorney's Office to act on these matters with the approval of the Commissioner in Charge and for good cause shown.
3. The City should be able to quickly respond when the City's interests could be affected by appeals or other legal proceedings to which the City is not a party. In those instances, the City often needs to act under short deadlines to file *amicus curiae*, or "friend of the court," briefs and related motions to ensure the City's perspective is adequately considered in the appeal or other legal proceeding. Given the short deadlines, it is appropriate for the City Attorney's Office to file these *amicus curiae* briefs and related motions with the approval of the Commissioner in Charge and for good cause shown.
4. In addition, there are some instances when it is necessary for the City Attorney to file a notice of appeal to protect the City's legal rights, but it is not practicable to obtain Council approval in the timeline required to perfect the appeal. In those instances, the City Attorney should be permitted to file a notice of appeal upon the approval of the Commissioner in Charge, provided that the City Attorney then seek Council authorization as soon as practicable to continue the appeal. If Council does not approve continuing the appeal, then the appeal should be dismissed immediately.
5. Finally, City Code Section 3.10.030 should be reorganized to clearly list the instances where the City Attorney's Office can take action upon the approval of the Commissioner in Charge and for good cause shown.

189426

NOW, THEREFORE, the Council directs:

- a. City Code Section 3.10.030 is amended as shown in Exhibit A.

Section 2. The Council declares that an emergency exists because a delay may adversely affect the ability of the Office of the City Attorney to adequately represent the legal interests of the City; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAR 20 2019

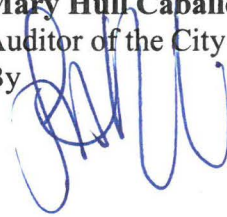
Commissioner: Mayor Ted Wheeler

Prepared by: Tracy Reeve

Date Prepared: 2/13/19

Mary Hull Caballero
Auditor of the City of Portland

By

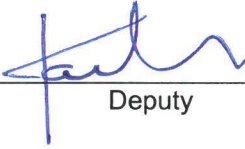



Deputy

Agenda No.
ORDINANCE NO. 189426

Title

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>MAR 12 2019</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler <i>MP</i>	By:  Deputy
Position 1/Utilities - Fritz <i>TZ</i>	
Position 2/Works - Fish <i>SMS for Nick Fish</i>	
Position 3/Affairs - Hardesty <i>Hardesty</i>	
Position 4/Safety - Eudaly <i>COSE</i>	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: City Attorney's Office Bureau Head: Tracy Reeve	
Prepared by: Tracy Reeve Date Prepared: 2/13/19	
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 type="checkbox"/> No <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>Toni/Kal</i>	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>RW</i>	
Council Meeting Date <i>3/20/19</i>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input checked="" type="checkbox"/>	1. Fritz	1. Fritz	
REGULAR <input checked="" type="checkbox"/> <i>20 min</i>	2. Fish	2. Fish	✓
Total amount of time needed: _____ (for presentation, testimony and discussion)	3. Hardesty	3. Hardesty	✓
	4. Eudaly	4. Eudaly	✓
	Wheeler	Wheeler	✓