

RESOLUTION No. 36883

Authorize the City Attorney to join and participate in court proceedings in *Dep't. of Human Servs. et al. v. AFSCME Local 3295* as *amicus curiae*. (Resolution).

WHEREAS, the City of Portland has an interest in being able to appeal arbitration awards or rulings when arbitrators have exceeded their legal authority in making such awards or rulings;

WHEREAS, in *Dep't. of Human Servs. et al. v. AFSCME Local 3295*, the State of Oregon Employment Relations Board concluded that it generally could not review whether an arbitrator exceeded his or her legal authority in making an award;

WHEREAS, the Oregon Court of Appeals affirmed the decision of the Employment Relations Board in that case without opinion;

WHEREAS, the Oregon Department of Justice is seeking review of that decision in the Oregon Supreme Court;

WHEREAS, the decisions of the Employment Relations Board and Court of Appeals, if not reversed by the Oregon Supreme Court, may preclude any future attempts by the City of Portland to appeal arbitration awards or rulings when arbitrators exceed their legal authority;

WHEREAS, an appearance by the City of Portland as *amicus curiae* may persuade the Oregon Supreme Court to review and reverse the decisions of the Employment Relations Board and Court of Appeals;

WHEREAS, it is in the best interests of the City of Portland to participate in this court proceeding;

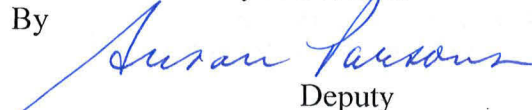
NOW, THEREFORE, BE IT RESOLVED, that the City Attorney or her designee is authorized to participate as *amicus curiae* in the Oregon Supreme Court, in *State of Oregon et al. v. AFSCME Local 3295*, on behalf of the City of Portland.

Adopted by the Council: OCT 05 2011

Commissioner: Mayor Adams  
Prepared by: Denis Vannier  
Date Prepared: September 29, 2011

LaVonne Griffin-Valade  
Auditor of the City of Portland

By

  
Deputy

Agenda No.  
**RESOLUTION NO. 36883**  
Title

Authorize the City Attorney to join and participate in court proceedings in *Dep't of Human Servs. et al. v. AFSCME Local 3295 as amicus curiae. (Resolution)*

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Adams</b>	CLERK USE: DATE FILED <u>SEP 30 2011</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams <i>[Signature]</i>	By: <u><i>[Signature]</i></u> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
Bureau: City Attorney's Office Bureau Head: Linda Meng <i>[Signature]</i>	
Prepared by: Denis M. Vannier Date Prepared: 9/29/11	
Financial Impact Statement & Public Involvement 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"/>	
Council Meeting Date 10/6/11	
<b>City Attorney Approval</b>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	