

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

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

1. Name of Initiator Catherine Riffe		2. Telephone No. 3-4047	3. Bureau/Office/Dept. Office of the City Attorney
4a. To be filed (hearing date): May 28 th , 2014	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: May 13 th , 2014
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title: *Amend contract with Ogletree, Deakins, Nash, Smoak & Stewart P.C., for legal counsel (Ordinance; amend Contract No. 30003759

2) Purpose of the Proposed Legislation: Increase the amount of the legal services contract in order to complete the Berkinbine, Lewton and Reyna grievance against the PPB and the City of Portland.

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 checked="" 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 | | | |

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. No.

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.)* Cost will be paid through the Portland Police Bureau.

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.)*

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.

The selection and hiring of outside legal counsel is the responsibility of the Office of the City Attorney and does not require 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. No.

TRACY REEVE

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Tracy Reeve, City Attorney
1221 S.W. 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

DATE: May 13, 2014

TO: Mayor Charlie Hales

FROM: Stephanie Harris *SH*

RE: *Amend contract with Ogletree, Deakins, Nash, Smoak & Stewart P.C., for legal counsel (Ordinance; amend Contract No. 30003759)

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

1. **INTENDED THURSDAY FILING DATE:** May 15th, 2014
2. **REQUESTED COUNCIL AGENDA DATE:** May 28th, 2014
3. **CONTACT NAME & NUMBER:** Stephanie Harris 3-4291
4. **PLACE ON:** X **CONSENT** _____ **REGULAR**
5. **BUDGET IMPACT STATEMENT ATTACHED:** X **Y** _____ **N** _____ **N/A**
6. **(3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** Yes _____ **No** X _____ **N/A**

7. BACKGROUND/ANALYSIS

The City disciplined two sergeants and one officer (employees) for their conduct relating to the shooting death of Aaron Campbell on January 29, 2010. The Portland Police Association (PPA) grieved all three disciplines. An arbitrator determined that the grievances filed by the PPA were not procedurally arbitrable. On October 29, 2012, the employees filed Unfair Labor Practice Complaints against the City and the PPA with the State of Oregon Employment Relations Board (ERB) alleging that the PPA violated its duty of fair representation and that the City violated the labor agreement by imposing discipline without just cause. Howard Rubin, an attorney with Ogletree, Deakins, Nash, Smok & Stewart, was hired to represent the City to defend its disciplinary actions against the employees. The parties settled the claims pending before the ERB and agreed to arbitrate the merits of the grievances in a consolidated hearing before a labor arbitrator. The issue in each case is whether the City had just cause to discipline the employees. The hearing was held January 5 – 9, 2014 and final briefs were submitted on April 18. This amendment is to allow payment for work performed through the arbitration. We do not anticipate that further amendments will be necessary.

8. FINANCIAL IMPACT

The contract will be increased by \$75,000. Funds are available in the Portland Police Bureau Budget.

9. RECOMMENDATION/ACTION REQUESTED

It is recommended by the Office of the City Attorney and the Portland Police Bureau that this ordinance be passed to authorize the amendment to Legal Services Agreement No. 30003759.