

## ORDINANCE No. 187088

\*Authorize continuation of benefit of reimbursement of legal fees for police officers at the rank of Captain or above under certain conditions in accordance with Settlement Agreement (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On or about October 22, 2014, the City and Portland Police Commanding Officers Association (PPCOA) entered into an agreement (Settlement Agreement) to settle a unit clarification proceeding filed by the City with the Employment Relations Board (ERB) to clarify whether commanding officers in the Portland Police Bureau are supervisors and, therefore, should be excluded from the PPCOA bargaining unit. A copy of the Settlement Agreement is attached to this ordinance as Exhibit "A" and is incorporated herein by reference.
2. Under the terms of the Settlement Agreement, all Captains and Commanders, regardless of assignment, are excluded from the PPCOA bargaining unit.
3. As part of the Settlement Agreement, the City agreed to carry over certain benefits that were provided to Captains and Commanders under the PPCOA collective bargaining agreement. One of these benefits is the reimbursement of legal fees incurred by an officer to defend criminal charges or a criminal investigation arising out of the officer's performance of his or her duties as a police officer when the officer is acquitted, does not plead to any criminal charge or plead no contest and there is no sustained discipline arising out of the officer's actions that formed the basis for the criminal charge or charges.

NOW, THEREFORE, the Council directs:

- a. Effective from and after the date of passage of this ordinance, except as provided below, the City will reimburse any sworn police officer at the rank of Captain or above for all reasonable, usual and customary legal fees charged by an attorney as a direct result of criminal charges or a criminal investigation arising out of the officer's involvement in actions in the performance of his or her duty as a police officer.

The reimbursement shall not be made if:

1. The officer is convicted by verdict or plea or pleads no contest to criminal charges arising out of the subject incident; or

2. The Police Bureau sustains disciplinary charges on the basis of the officer's actions that formed the basis for the possible criminal liability and, if the discipline is appealed, the Bureau's sustaining of the charges is upheld in any disciplinary appeals process.

To receive reimbursement for legal fees, the Captain or Commander must use an attorney approved by the City Attorney and the amount of the defense fees must be approved by the City Attorney.

Section 2. The Council declares that an emergency exists because delay would unnecessarily delay the ability of certain employees to potentially obtain reimbursement of legal fees; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 15 2015

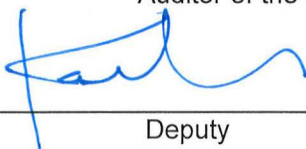
Mayor Charlie Hales  
Prepared by: Mark Amberg  
Date Prepared: April 9, 2015

**Mary Hull Caballero**  
Auditor of the City of Portland

By:   
Deputy

381 -  
Agenda No.  
**ORDINANCE NO. 187088**  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b> Bureau: Office of the City Attorney Bureau Head: Tracy Reeve</p> <p>Prepared by: Mark Amberg Date Prepared: April 8, 2015</p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> Mark Amberg, Chief Deputy City Attorney required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date: April 15, 2015</p>	<p>CLERK USE: DATE FILED <u>APR 10 2015</u></p> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p><b>Start time:</b> _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input checked="" type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

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