

**IMPACT STATEMENT**

**Legislation title:** Authorize the City Attorney to Institute Proceedings to Challenge the District Attorney’s Order in the Petition of Mark Bartlett. (Resolution).

**Contact name:** Jenifer Johnston

**Contact phone:** (503) 823-3077

**Presenter name:** Jenifer Johnston

**Purpose of proposed legislation and background information:**

The Multnomah County District Attorney ordered that the City of Portland disclose certain City Attorney opinions and advice given to the City Council. These attorney-client privileged communications were requested by Mark Bartlett. After the City denied Mr. Bartlett’s request, he petitioned the District Attorney to compel the City disclose the records. The District Attorney determined that because the records are older than 25 years, Oregon Public Records law requires disclosure under ORS 192.495. Members of the Council believe that the City is entitled to attorney-client privileged communication. Furthermore, members of the Council recognize that this right should not be limited to a period of 25 years. This Resolution would authorize the City Attorney to challenge the District Attorney’s order.

**Financial and budgetary impacts:**

There will be minor out-of-pocket expenses for the appeal, primarily the docketing fee. Attorney time will be provided by in-house lawyers in the City Attorney’s Office, for whom there is no incremental expense.

**Community impacts and community involvement:**

This Resolution involves direction from the Council to its lawyers in the City Attorney’s Office, based on privileged attorney-client communications, so there was no public outreach or input.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

MATTERS TO BE CONSIDERED BY THE COUNCIL AT THE MEETING <sup>371 83</sup>  
TO BE HELD WEDNESDAY, JANUARY 13, 2016 AT 9:30 AM.

FOUR-FIFTHS AGENDA

MAYOR CHARLIE HALES

City Attorney

Agenda No.

Title

51- A Authorize the City Attorney to institute proceedings challenging the District Attorney's Order in the petition of Mark Bartlett (Resolution)