

NATIONAL MUNICIPAL LEGAL DEFENSE  
FUND OF NIMLO  
LITIGATION PARTICIPATION AGREEMENT

Participating Jurisdiction: \_\_\_\_\_

Name, Title and Address of  
 Attorney to Whom All Fund Correspondence Will Be Sent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Population of Jurisdiction: \_\_\_\_\_

The Jurisdiction hereby agrees to participate in the National Municipal Legal Defense Fund of NIMLO, by enclosing with this Agreement its check in the appropriate amount from the following Contribution Schedule:

<u>Population of Jurisdiction</u>	<u>Contribution</u>
25,000 and Under	\$.05 per capita, with \$250 minimum contribution
25,001 - 50,000	\$ 2,500
50,001 - 200,000	\$ 5,000
200,001 - 500,000	\$ 7,500
500,001 - 1,000,000	\$10,000
over 1,000,000	\$25,000

This amount will be held and invested by NIMLO for use in the litigation activities of the Fund, all expenses to be approved by the Trustees of the Fund under the NIMLO Executive Committee.

No litigation concerning a Fund member jurisdiction will be commenced or entered by the Fund without the invitation of the attorney for the jurisdiction. Cases for which Fund participation is invited will be selected by the Fund Trustees, and all litigation activity will be conducted with the full cooperation of the attorney for the jurisdiction.

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Signature of Attorney or Other  
Authorized Jurisdiction Official

Return with check to:

National Municipal Legal Defense  
Fund of NIMLO  
Suite 800  
1000 Connecticut Avenue, N. W.  
Washington, D. C. 20036

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## ORDINANCE NO. 151694

An ordinance authorizing participation by the City of Portland in the National Municipal Legal Defense Fund of the National Institute of Municipal Law Offices; authorizing execution of a Legal Participation Agreement; authorizing the drawing and delivery of a warrant in the amount of \$7,500; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The National Institute of Municipal Law Officers is in the process of conducting a survey to determine the dollar amount and characteristics of federal civil rights claims pending against municipalities. The initial information gained, representing one-third of the Institute's membership, shows that there are over \$4.2 billion in claims pending against 194 municipalities, which amounts to nearly \$7,000 in claims per resident. This amount is far in excess of amounts previously claimed against municipalities based on traditional tort theories. Unless recoveries can be limited, federal civil rights liability may seriously impair the ability of municipalities to provide essential municipal services.
2. There are a number of undecided legal issues that are pending or can be raised in federal courts in an effort to limit municipal liability in these cases, particularly regarding attorney's fees, punitive damages, the types of wrongs for which a person may seek damages, and defenses against claims.
3. There is a need for expert preparation of trial records in federal civil rights cases that will have a national impact so that court rulings in those cases will be based on the best possible record. It is desirable in such cases to have the participation of expert legal counsel who specialize in municipal defense of landmark civil rights cases.
4. The National Institute of Municipal Law Officers, based on the results of its study to date, has established a National Municipal Legal Defense Fund to provide legal assistance to municipalities in selected federal civil rights and similar cases of

## ORDINANCE No.

national importance involving fund members. It is desirable that the City of Portland be a member of the fund in order to provide financial support for the legal assistance, as well as to qualify as a potential beneficiary of the assistance in nationally important cases.

NOW, THEREFORE, the Council directs:

- a. The City Attorney is authorized to execute a National Municipal Legal Defense Fund of NIMLO Litigation Participation Agreement substantially similar in form to that attached hereto as Exhibit "A."
- b. The Mayor and Auditor are authorized to draw and deliver a warrant in the amount of \$7,500 chargeable to the Bureau of Risk Management, BUC 57200120, Object Code 490, for payment of the City's contribution to the Fund.

Section 2. The Council declares that an emergency exists in that it is essential that expert legal counsel participate in cases of national importance affecting the City of Portland as soon as possible; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUN 4 1981**

Commissioner Schwab  
Christopher P. Thomas:caw  
5/26/81

Attest:

  
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	<u>      </u>	
LINDBERG	<u>  1  </u>	
SCHWAB	<u>  1  </u>	
STRACHAN	<u>  1  </u>	
IVANCIE	<u>  1  </u>	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Calendar No. 1778

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**JUN 3 1981**

**CONTINUED TO JUN 4 1981**

Filed **MAY 28 1981**

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *George Yerkovich*

Deputy

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
Prepared By: Christopher Thomas      Date: 5/26/81
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

CALENDAR
Consent
Regular <i>X</i>

NOTED BY
City Attorney <i>CPT</i>
City Auditor
City Engineer

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	<u>      </u>	
LINDBERG	<u>  1  </u>	
SCHWAB	<u>  1  </u>	
STRACHAN	<u>  1  </u>	
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Works	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
Christopher Thomas 5/26/81	
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
CALENDAR	
Consent	Regular <i>X</i>
NOTED BY	
City Attorney <i>CPT</i>	
City Auditor	
City Engineer	