

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 11-4242
APPOINTMENT OF ALISON KEAN)
CAMPBELL AS ACTING METRO ATTORNEY) Introduced by Council President Tom Hughes

WHEREAS, due to the vacancy in the office Chief Operating Officer effective March 15, 2011, the Metro Council President has appointed and the Metro Council has confirmed by resolution the appointment of Daniel B. Cooper to serve as the Acting Chief Operating Officer effective March 15, 2011; and

WHEREAS, as a result of Mr. Cooper's appointment to the position of Acting Chief Operating Officer, there will be a vacancy in the office of Metro Attorney effective March 15, 2011 during Mr. Cooper's position as Acting Chief Operating Officer; and

WHEREAS, the duties and responsibilities of the Metro Attorney are described and provided for in the Metro Charter and the Metro Code; and

WHEREAS, Section 2.08.100 of the Metro Code provides that during any vacancy in the office of Metro Attorney, such vacancy shall be filled with all due speed and that the Council President has the authority to appoint an Acting Metro Attorney subject to confirmation by the Metro Council by resolution; and

WHEREAS, the Metro Council President has appointed Alison Kean Campbell to serve as Acting Metro Attorney subject to Council confirmation; and

WHEREAS, Ms. Kean Campbell is qualified to be the Acting Metro Attorney and has stated her intent to accept the position during the period of time in which the position is vacant; and

WHEREAS, the Metro Code provides that the employment of the Metro Attorney shall be subject to the terms of an employment agreement and the Metro Council President has negotiated an employment agreement with Alison Kean Campbell, subject to approval by the Council; now therefore

BE IT RESOLVED by the Metro Council:

1. The appointment of Alison Kean Campbell as Acting Metro Attorney is confirmed; and
2. The Metro Council President is authorized to execute an employment agreement with Alison Kean Campbell substantially similar in form to Exhibit A attached herein.

ADOPTED by the Metro Council this 24th day of February 2011

Approved as to Form:


Metro Attorney

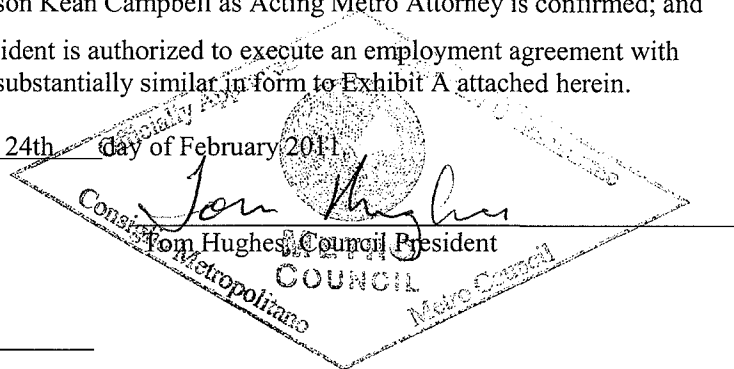


EXHIBIT A TO RESOLUTION NO. 11-4242

**EMPLOYMENT AGREEMENT FOR ALISON KEAN CAMPBELL
AS ACTING METRO ATTORNEY**

This Employment Agreement for Alison Kean Campbell as Acting Metro Attorney ("Agreement") is entered into by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter (herein referred to as "Metro") and Alison Kean Campbell (herein referred to as "Ms. Campbell").

RECITALS

- A. Due to a vacancy in the position of Metro Attorney, Metro requires the services of an Acting Metro Attorney.
- B. Alison Kean Campbell currently serves Metro as the Deputy Metro Attorney and has been an attorney in the Office of Metro Attorney since 1996.
- C. On February 24, 2011, in accordance with the Metro Charter and the Metro Code, the Metro Council confirmed via Resolution 11-4242 the Metro Council President's appointment of Alison Kean Campbell to serve as Metro's Acting Metro Attorney until that position is no longer vacant. The Metro Council finds that Ms. Campbell has the legal ability and qualifications to serve Metro as the Metro Attorney as provided for in the Metro Charter and the Metro Code.
- D. Ms. Campbell has stated her agreement to accept the position of Acting Metro Attorney, and Ms. Campbell intends to take a temporary leave of absence from her position as Deputy Metro Attorney to accept the position as Acting Metro Attorney. The parties intend that Ms. Campbell will return to the position of Deputy Metro Attorney after the Metro Attorney position is no longer vacant or if this Agreement is otherwise terminated.
- E. This Agreement shall be effective March 15, 2011 and shall be referred to as the "Acting Metro Attorney Employment Agreement."

NOW, THEREFORE, IN CONSIDERATION of the compensation to be paid by Metro to Ms. Campbell as specified in this Agreement, and in consideration of the mutual promises contained in this Agreement, the parties hereby agree as follows:

1. Engagement. Metro hereby employs and Ms. Campbell hereby accepts employment from Metro for the position and duties of Acting Metro Attorney.
2. Term of Agreement. Ms. Campbell's employment as Acting Metro Attorney under this Agreement shall begin on March 15, 2011, and shall continue until terminated as provided herein.
3. Services. Ms. Campbell shall faithfully, industriously and to the best of her ability provide her services as Acting Metro Attorney, and shall have all powers and perform all duties as may be required of her by the Metro Charter, the Metro Code, and the Council.
4. Termination. The Metro Code provides that the Metro Attorney serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council by resolution. This Agreement shall terminate on the earliest of the following occurrences:

- (a) On the first regularly scheduled day of work that the position of Metro Attorney is no longer vacant.
- (b) 72 hours after the Metro Council concurs by resolution a written notice of termination by the Metro Council President.

Upon termination Ms. Campbell shall resume her position as Deputy Metro Attorney.

5. Compensation.

- A. Salary. As compensation for Ms. Campbell's services, Metro shall pay Ms. Campbell the sum of One Hundred Sixty Two Thousand Three Hundred Fifty Five Dollars (\$162,355) per year, payable in the same frequency and manner as other Metro employees. Ms. Campbell's performance and salary shall be reviewed annually by Metro as provided below. Any salary increases shall be based on Metro's annual evaluation of Ms. Campbell's performance, availability of funding, and on Metro's assessment of inflation and a survey of annual salaries paid to comparable positions in the Metro region. The compensation paid to Ms. Campbell shall be subject to customary withholding taxes and other taxes as required with respect to compensation paid by Metro to an employee.
- B. Benefits. Ms. Campbell shall receive all normal and regular benefits accruing to Metro non-represented employees as provided in the Metro Code. Ms. Campbell's leave of absence as Deputy Metro Attorney and term of service as Acting Metro Attorney shall not constitute a break in service for insurance or any other purposes.

6. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

IT IS SO AGREED:

Alison Kean Campbell

Tom Hughes
Metro Council President

APPROVED AS TO FORM:

Nathan S. Sykes
Senior Metro Attorney

STAFF REPORT

FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF ALISON KEAN CAMPBELL AS ACTING METRO ATTORNEY

Date: February 24, 2011

Prepared by: Andy Shaw,
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503-797-1878

BACKGROUND

Chief Operating Officer Michael Jordan has submitted his resignation effective March 15, 2011, which will result in a vacancy in the Office of the Metro Chief Operating Officer. The Metro Council President has appointed Daniel B. Cooper as Acting Chief Operating Officer, subject to Council confirmation by resolution in accordance with the Metro Code. If Mr. Cooper is confirmed, a vacancy will exist in the position of Metro Attorney during Mr. Cooper's service as Acting Metro Chief Operating Officer.

The Metro Council President and Council intend to permanently fill the vacancy after a competitive recruitment process for selection for the position of Chief Operating Officer, at which time Mr. Cooper would resume his duties as Metro Attorney. In the interim, the Council President wishes to appoint an Acting Metro Attorney to serve in the role until the vacancy no longer exists.

Metro Code Section 2.08.100 directs the Council President to appoint an Acting Metro Attorney "with all due speed", which appointment is then subject to confirmation by the Metro Council by resolution.

Council President Hughes has appointed Alison Kean Campbell to serve as Acting Metro Attorney subject to Council confirmation by resolution as required by Metro Code. As of February 24, 2011, Ms. Campbell is the current Deputy Metro Attorney. Council President Hughes has determined that Ms. Campbell is qualified to serve as Acting Metro Attorney.

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Metro Charter Chapter V, Section 25(2) and Metro Code Chapter 2.08 govern the creation, duties, powers, and other functions of the Metro Attorney. Section 2.08.100 of the Metro Code states that during any vacancy in the position of Metro Attorney, the vacancy shall be filled with all due speed and that the Council President has the authority to appoint an Acting Metro Attorney subject to confirmation by the Metro Council by resolution.
3. **Anticipated Effects** This appointment will fill the vacancy in the position of Metro Attorney by Alison Kean Campbell, the current Metro Deputy Attorney, which vacancy will be created if the current Metro Attorney is confirmed as Acting Chief Operating Officer.
4. **Budget Impacts** Due to the transfer of the current Metro Attorney to the position of Acting Metro Chief Operating Officer, and the subsequent transfer of the current Deputy Metro Attorney to the position of Acting Metro Attorney, there will be no new hire required to fill the vacancy created by the resignation of the current Chief Operating Officer, thus resulting in a net budget savings to Metro during the interim period. The Metro Code requires that an employment agreement be executed setting the compensation for the Metro Attorney. The proposed compensation for Ms. Campbell as set forth in Exhibit A to Resolution #11-4242, "Acting Metro Attorney Employment Agreement," is less than the current salary for Mr. Cooper, resulting in a further net savings to Metro.

RECOMMENDED ACTION

Council President Hughes and staff recommend adoption of Resolution No. 11-4242.