

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING A LEGAL) RESOLUTION NO. 88-828
COUNSEL POSITION TO THE OFFICE OF)
GENERAL COUNSEL) Introduced by the
) Executive Officer

WHEREAS, Resolution No. 87-744 adopted the FY 1987-88
budget; and

WHEREAS, The need has been established to add a Legal
Counsel to the Office of General Counsel budget; and

WHEREAS, Under the Metropolitan Service District Code
Section 2.02.125, the Council of the Metropolitan Service District
must authorize new positions; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District
authorizes a new position of Legal Counsel to be added to the Office
of General Counsel effective immediately.

ADOPTED by the Council of the Metropolitan Service District
this 14th day of January, 1988.


Mike Ragsdale, Presiding Officer

DBC/RB/sm
8536C/525
11/16/87

Metro
Class No.: 103

Established: 07/01/84
Revised:
EEO:
AA: Professional

LEGAL COUNSEL

MISSION STATEMENT

To provide the majority of legal services and proceedings for the Metro Council, the Executive Officer and staff; to provide in-house advice and counsel on a variety of legal issues and problems; and to perform other work as required.

DISTINGUISHING CHARACTERISTICS

The position of Legal Counsel is responsible for rendering legal advice and representation for the Metropolitan Service District, and is primarily oriented to performing legal research, consultative, interpretive and investigative functions. This position differs from that of General Counsel in that the latter position is capable of providing technical direction in several functional/specialty areas and is typically regarded as a legal expert/leader in one or more of these functional areas.

PRINCIPAL FUNCTIONS

Duties include but are not limited to:

1. LEGAL COUNSEL SERVICES

Typical Activities

- Attends Council meetings to provide legal counsel and advice.
- Provides legal advice regarding labor/employee relations and negotiations, as requested or needed.
- Drafts/provides legal opinions and advice for the Council, the Executive Officer and staff on Metro activities, functions, issues, etc. as needed.
- Prepares, reviews and revises a variety of legal documents, instruments, and procedures including joint exercise of powers agreements, ordinances, resolutions, legislative bills, policy development, conveyances, etc.

2. LEGAL RESEARCH AND ADMINISTRATION

Typical Activities

- Researches, reviews and evaluates environmental issues for legal impact and potential risk.
- Reviews, drafts the preparation of contracts; monitors, administers and interprets contracts as needed.
- Reviews and keeps abreast of legal work performed by outside law firms hired on contractual basis.

- Studies, researches, interprets and applies statutes, ordinances, court decisions and legal opinions in the preparation of opinions and briefs.
- May organize and supervise staff projects and assignments of other professional staff; as a team participant with other staff or Council members, helps develop strategies for staff as sensitive, problematic cases or issues are undertaken.

3. AGENCY REPRESENTATION

Typical Activities

- Confers/works with other legal counsels of local jurisdictions and other agencies within Metro's jurisdiction.
- Reviews legislative bills for impact on Metro operations and provides legal representation in person when needed.
- Prepares pleadings and other papers in connection with lawsuits, trials, hearings and other legal proceedings, and represents the agency when feasible and appropriate.
- Attends meetings of other agencies/community boards and commissions as requested in order to represent Metro or to offer legal advice.

REQUIRED KNOWLEDGE AND SKILLS

Knowledge Of:

Legal principles, practices and terminology, particularly as they relate to municipal and civil law; administrative programs relating to legal practice; land use laws; rules of evidence; legal research methods.

Working Knowledge Of:

Contract administration principles; labor relations laws; the duties, powers, limitations and authority of the Metropolitan Service District; the conduct of court proceedings including trial and hearing procedures.

Substantial Skill To:

Research, draft and interpret moderately complex legal opinions and documents; analyze and apply ordinances and other regulations as they relate to Metro or related agencies; analyze difficult legal problems and issues, anticipate legal impact and consequences, and apply effective legal principles and practices to said problems; prepare, present, and conduct cases of law, and appeal thereof effectively; analyze facts, evidence and precedents and arrive at logical conclusions; set forth findings of fact and decisions clearly in writing; prepare legal briefs for appellate proceedings; argue, mediate clearly and logically in written and verbal form; maintain professional, cooperative relationships with fellow staff members, the Council, Executive Management, and the public.

WORKING CONDITIONS

The majority of duties are performed indoors and are of a staff support, administrative nature with some exposure to adversative, antagonistic situations requiring diplomacy, sensitivity and/or assertiveness.

RECRUITING INFORMATION

1. Sources

Oregon State Bar Association.
Local Jurisdiction's Office of General/Legal Counsel.

2. Minimum Recruiting Standards

One to three years active membership in the Oregon State Bar Association, and any satisfactory combination of experience and training that demonstrate possession of the required knowledge and skill levels.

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STAFF REPORT

Agenda Item No. 11.1

Meeting Date Jan. 14, 1988

CONSIDERATION OF RESOLUTION NO. 88-828 FOR THE
PURPOSE OF ADDING A LEGAL COUNSEL POSITION TO THE
OFFICE OF GENERAL COUNSEL

Date: November 16, 1987

Presented by: Daniel B. Cooper
Ray Phelps

FACTUAL BACKGROUND AND ANALYSIS

The General Counsel has identified a need to expand the legal services provided on an in-house basis and to improve the coordination of Metro's legal research, consultive, interpretive and investigative functions. Additional legal staff is required to perform these duties.

Since commencing employment, the General Counsel has been "borrowing" the services of Finance & Administration's Contracts Officer. The Contracts Officer has been functioning as a Legal Counsel in preparation of contract documents and overseeing legal research performed by the Law Clerk. The purpose of this request is to in effect realize the present arrangement whereby the existing "Legal Counsel" will work directly for and report to the General Counsel, thus freeing up a position of a Contracts Officer to perform administrative functions.

Increased use of in-house counsel will save money by decreasing the use of contracted legal assistance. The cost of contracted legal help is expensive. Increased centralization will also make it easier to monitor how the outside legal firms allocate their time and effort and to monitor how the departments use this outside help.

In the current Class Plan is a Legal Counsel classification (Attachment A). This class is designed to provide general legal services with the more complex problems going to the General Counsel. In the past there has been someone in this position. Since 1982 this position has been vacant. The elimination of this position is one of the factors that has resulted in the increased use of outside legal services.

Also, the legal demands at Metro have increased with the addition of the Convention Center Project and the additional projects that the Solid Waste Department is involved with such as Bacona Road, AT, and other issues.

The recommendation is to establish a position to perform the above-referenced duties. The recommendation is to establish the

position at Legal Counsel at the 11.5 salary range (\$30,202 - \$37,835). A new position at this level would address the need for less use of outside consultants and provide for better internal control in handling Metro's legal needs as identified by the General Counsel.

The Legal Counsel position would be added to the Executive Management Department. Assuming a start date of November 1, 1987, the FY 1987-88 budget impact of this position will be \$24,202 including fringe benefits. Of the amount required for this position, \$2,650 will be transferred from Contingency to Executive Management, and \$21,552 will come from savings in Executive Management due to vacancies.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Resolution No. 88- 828 which authorizes a Legal Counsel position in the Executive Management Department. The budget action necessary to implement this recommendation is scheduled later on this agenda.

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11/16/87

Motion carried and items 6.1 and 6.2 were approved.

8.1 Consideration of an Intergovernmental Agreement with the Portland Development Commission for Phase II of Aquarium Feasibility Study Services.

Councilor Kirkpatrick reported that the Zoo Planning Committee requested this agenda item be deferred until January, 1988. She stated the committee is working with Commissioner Lindberg's staff on an intergovernmental agreement and the task force will act on that agreement. The committee will have the proposal to Council in January.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Knowles, to have item 8.1 concerning Phase I of the feasibility of the aquarium study deferred until January, 1988.

Vote: A vote on the motion resulted in all Councilors present voting aye.

The motion carried.

9.1 Consideration of Resolution No. 87-828, for the Purpose of Adding a Legal Counsel Position to the Executive Management Department.

Ray Phelps and Dan Cooper discussed the need for the Legal Counsel position as outlined in staff's written report.

Councilor Knowles raised the question, if this person would be an exempt employee under Senate Bill 629. Mr. Cooper stated the person would report to General Counsel as part of the Executive Management structure and the position was exempt. Councilor Knowles thought it would be awkward for legal personnel to be employed under the Personnel Rules.

Councilor Kirkpatrick suggested changing the job description of the Contracts Specialist to accommodate the existing situation. She recommended this position be referred to the Management Committee along with a six-month review of the budget and to have the Executive Officer present it with other anticipated new positions, for recommendation for Council. Mr. Cooper volunteered to meet the Management Committee to discuss the need for the new position. Councilor Gardner stated he had the same concerns as

Councilor Kirkpatrick and suggested the Management Committee look at the numbers more closely.

Motion: Councilor Ragsdale moved, seconded by Councilor Kirkpatrick, to refer Resolution No. 87-828 to the Management Committee for recommendation.

Vote: A vote on the motion resulted in all 12 Councilors voting aye.

The motion carried.

7. Consideration of Design Development for the Oregon Convention Center.

Mr. Tuck Wilson, Project Director of the Convention Center Project, gave a nine-month history of the design development process. He then introduced Mr. Bob Frasca, architect, who presented Council with a slide show and visual aids of the final exciting design of the convention center.

Mr. Tom Walsh, Chairman of the Advisory Committee on Design and Construction, presented the committee's report with a summary of the final design. The \$52 million dollar construction budget had not varied since last April. He complimented Turner Construction Company and ZGF for the discipline and quality work which brought this project on time and on budget.

Discussion was led by Councilor Hansen who had concern about accessibility to the building. Mr. Frasca said the architects met with members of the handicapped community and the building would respond to all code requirements.

Presiding Officer invited comments from the public regarding the Oregon Convention Center design.

Mr. Steve Weed, Irvington Neighborhood Association, indicated he was concerned about the additional traffic that would be in the area. He also had concerns regarding changes in the Lloyd Center. Professional services and shops could be displaced and cause hardship on the residents of the area.

Councilor Ragsdale referred him to the Portland Development Commission. Neil MacFarlane, Public Facilities Analyst,

December 22. Because there were no citizens in attendance, no second public hearing was announced.

Councilor Gardner, Chair of the former Council Management Committee, referred Councilors to the Committee's written report. The Committee recommended adoption of the ordinance which had been cooperatively developed by the Executive Officer's staff, the ad hoc committee to review Metro litigation, and the Council Management Committee.

Executive Officer Cusma reported she had initial concerns with the legislation but after consultation with her staff, supported its adoption.

Vote: A roll call vote on the motion to adopt the ordinance resulted in all twelve Councilors present voting aye.

The motion carried and Ordinance No. 88-237 was adopted unanimously.

11. RESOLUTIONS

11.1 Consideration of Resolution No. 88-828, for the Purpose of Adding a Legal Counsel Position to the Executive Management Department

Councilor Gardner reported the Council Management Committee had unanimously recommended adoption of the resolution.

Motion: Councilor Gardner moved, seconded by Councilor Kelley, to adopt Resolution No. 88-828.

Councilor Kirkpatrick suggested amending the resolution to make it effective the same day as the companion Ordinance No. 88-237. Councilor Collier urged the resolution be adopted unamended so staff could start recruitment immediately.

Motion to Amend: Councilor Gardner moved, seconded by Councilor Collier, to amend the resolution to specify the position was part of the Office of General Counsel.

Vote on the Motion to Amend: A vote on the motion resulted in All twelve Councilors voting aye.

The motion carried.

Vote on the Main Motion: A vote on the main motion, as amended, resulted in all twelve Councilors voting aye.

The motion carried and Resolution No. 88-828 was adopted as amended.