

meeting. A decision to remove the General Counsel shall not be subject to review by any court or tribunal.

2.08.030 Powers: The General Counsel shall have:

(a) General control and supervision of all civil actions and legal proceedings in which the District may be a party or may be interested.

(b) Full charge and control of all the legal business of all departments and commissions of the District, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of the District. No District officer, board, Council, commission, or department shall employ or be represented by any other counsel or attorney at law except as may be provided for in this chapter.

2.08.040 Duties: The General Counsel shall have the following duties:

(a) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which the District is interested in when ~~required~~ requested by the Council, the Executive Officer, ~~the Auditor~~ or any Metro commission;

(b) Review and approve as to form all written contracts, ordinances, resolutions, executive orders, bonds, or other legally binding instruments of the District;

(c) Except as provided by any insurance policy obtained by the District appear for, represent, and defend the District, and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters except legal matters involving persons who after investigation by the office of the General Counsel, are found by the General Counsel to have been acting outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty.

(d) Submit to the Council, ~~and Executive Officer,~~ ~~and Auditor~~ quarterly, a formal report of all suits or actions in which the District is a party. The report shall state the name of each pending suit or action and a brief description of the suit or action and the status of the suit or action at the date of the report. The report shall also state the name of each suit or action closed during the preceding calendar year and a brief description of the suit or action and the disposition of the suit or action including the amount of any money paid by the District. At any time the General Counsel shall at the request of the Council, ~~Auditor~~ or the Executive report on the status of any or all matters being handled by the General Counsel.

(e) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when ~~mutually~~ requested by the Executive Officer;

~~[and] the Council or any Metro commission when, in the discretion of the General Counsel, the same may be necessary or advisable to protect the interests of the District. [The General Counsel shall not appear on behalf of the District, without the mutual consent of the Executive Officer and Council as appropriate in any action, suit, matter, cause or proceeding in any court or tribunal.]~~

~~[The Executive Officer may authorize Metro's General Counsel to commence litigation or settlement for the collection of a continuously delinquent credit account more than forty five (45) days past due when litigation or settlement is advisable to protect the interests of the District. General Counsel shall report all collection litigation or settlement activities to the Executive Officer and Council at the earliest opportunity.]~~

2.08.050 Records:

(a) The General Counsel shall have charge and custody of the Office of General Counsel and of all legal papers pertaining thereto, which shall be arranged and indexed in such convenient and orderly manner as to be at all times readily accessible;

(b) The General Counsel shall keep in the office a complete docket and set of pleadings of all suits, actions, or proceedings in which the District, the Executive Officer, ~~the Auditor,~~ Council, or any Metro commission or employee thereof is a party, pending in any court or tribunal, unless the suits, actions, or proceedings are conducted by private legal counsel retained by the District in which case the General Counsel shall keep those records as the General Counsel deems advisable;

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(b) Neither the Executive Officer nor any member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the General Counsel in the preparation of any requested opinion. The General Counsel shall not be removed because of the rendering of any opinion. Nothing in this section prohibits, however, the Executive Officer or the Council from fully and freely discussing with the General Counsel the legal affairs of Metro.

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~~[(c)] Prior to commencing to prepare any requested opinion subject to the provisions of paragraph (b) this section, the General Counsel shall refer the request to both the Executive Officer and the Council. The issuance of an opinion shall require the concurrence of both the Council and the Executive Officer in the question to be answered.~~

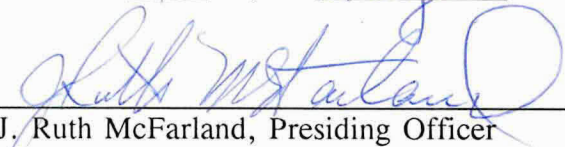
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~~[(e) — Nothing contained herein shall restrict the Office of General Counsel from effectively advocating the legal interests of the District in appearing before courts or tribunals. Such advocacy shall be consistent with opinions rendered pursuant to this section but the advocacy efforts of attorneys for the District shall not constitute official guidance to the District.]~~

Section 2. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that it is necessary to avoid additional expense and litigation, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 4 day of May, 1995.



J. Ruth McFarland, Presiding Officer

ATTEST:


Recording Secretary

gl
1222B

meeting. A decision to remove the General Counsel shall not be subject to review by any court or tribunal.

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ADOPTED by the Metro Council this ____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

ATTEST:

Recording Secretary

gl
1222A

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ADOPTED by the Metro Council this ____ day of _____, 1995.

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ATTEST:

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M E M O R A N D U M

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TEL 503 797 1700 | FAX 503 797 1797



METRO

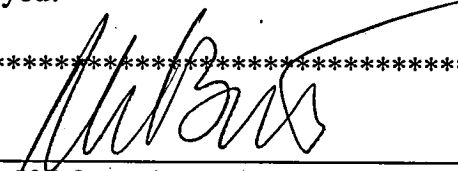
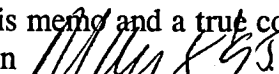
DATE: May 5, 1995 .
TO: Mike Burton, Executive Officer
FROM: Cathy Ross, Assistant to the Presiding Officer
RE: Transmittal of Ordinance No. 95-601B

Attached for your consideration is a true copy of the ordinance referenced above adopted by the Council on May 4, 1995.

If you wish to veto the ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, May 11, 1995. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, this ordinance will be considered finally adopted.

Please complete the acknowledgment below and return to me.

Thank-you.

I, , received this memo and a true copy of Ordinance No. 95-695 from the Assistant to the Presiding Officer on  May 8 1995