



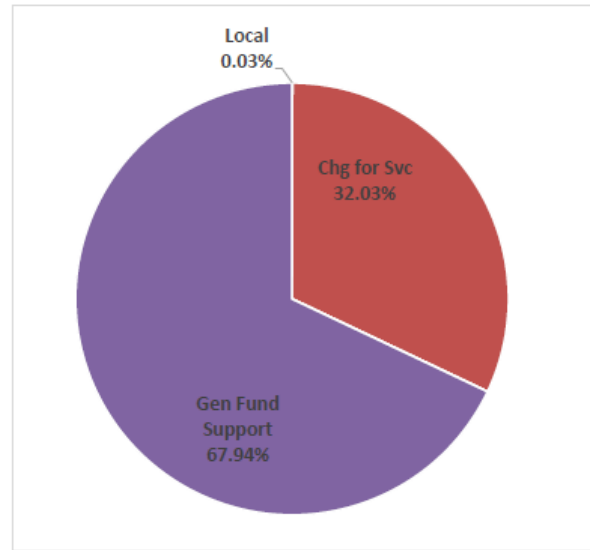
# County Counsel

2020-2021 BUDGET PRESENTATION

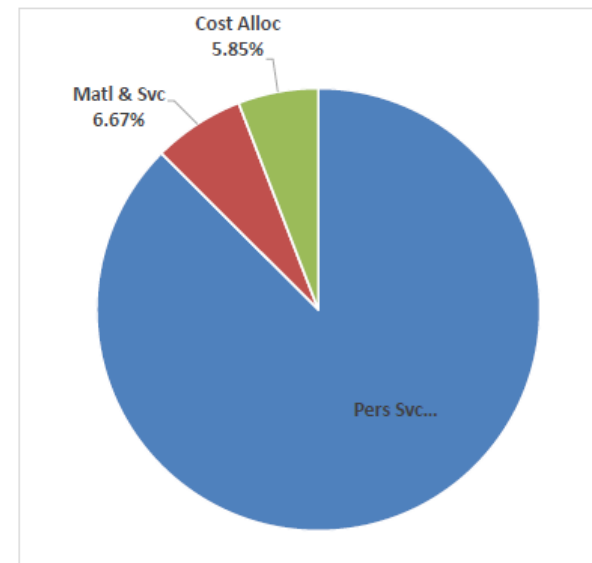


# County Counsel

## 2020/21 Revenue and Expenses



Resources



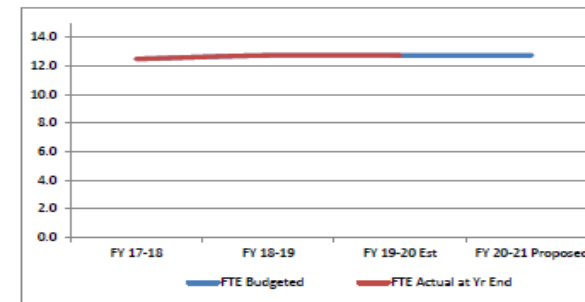
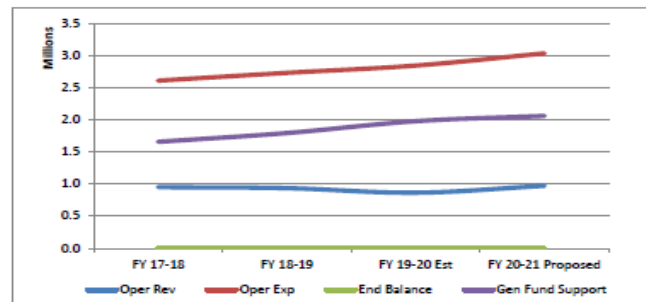
Requirements

# County Counsel

## Summary of Revenue & Expenses

County Counsel - General Fund  
Summary of Revenue and Expense

	FY 17-18	FY 18-19	FY 19-20 Adopted Budget	FY 19-20 Amended Budget	FY 19-20 Projected Year End	Projected Year End V2	FY 20-21 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Beginning Balance	0	0	0	0	0	0	0	0	0%
Local Grants & Revenues	1,130	634	1,000	1,000	1,000	1,000	1,000	0	0%
Charges for Service	950,270	935,219	964,000	964,000	924,000	864,000	971,000	7,000	0.7%
Operating Revenue	951,400	935,853	965,000	965,000	925,000	865,000	972,000	7,000	0.7%
% Change	NA	-1.6%	3.1%	3.1%	-1.2%	-7.6%	5.1%		
Personnel Services	2,261,165	2,379,907	2,540,131	2,540,131	2,474,913	2,474,913	2,651,744	111,613	4.4%
Materials & Services	177,227	190,174	222,591	222,591	201,741	188,291	202,314	-20,277	-9.1%
Cost Allocation Charges	155,903	158,440	178,551	178,551	178,550	178,550	177,395	-1,156	-0.6%
Capital Outlay	13,450	0	0	0	0	0	0	0	0%
Operating Expenditure	2,607,745	2,728,521	2,941,273	2,941,273	2,855,204	2,841,754	3,031,453	90,180	3.1%
% Change	NA	4.6%	7.8%	7.8%	4.6%	4.1%	6.2%		
Reserve for Future Expenditures	0	0	0	0	0	0	0	0	0%
Contingency	0	0	0	0	0	0	0	0	0%
Total Expenditure	2,607,745	2,728,521	2,941,273	2,941,273	2,855,204	2,841,754	3,031,453	90,180	3.1%
Ending Balance (if applicable) (includes Reserve & Contingency)	0	0	0	0	0	0	0	0	0%
General Fund Support (if applicable)	1,656,345	1,792,668	1,976,273	1,976,273	1,930,204	1,976,754	2,059,453	83,180	4.2%
Full Time Equiv Positions (FTE) Budgeted	12.5	12.75	12.75	12.75	12.75	12.75	12.75	0.0	0%
Full Time Equiv Positions (FTE) Filled at Yr End	12.5	12.75			12.75	12.75			
Full Time Equiv Positions (FTE) Vacant at Yr End	0.0	0.0			0.0				





## County Counsel Department

### Department Budget Summary by Fund

<i>Line of Business</i>	FY 19/20	FY 20-21	FY 20-21	FY 20-21
<i>Program</i>	FTE	General Fund	Total Proposed Budget	General Fund Subsidy Included in Budget**
County Operations Legal Support				
Advisory, Transactional & Regulatory	3.75	867,670	867,670	576,670
Litigation and Labor				
Litigation, Labor & Employment	7.00	1,672,025	1,672,025	992,025
Office of the County Counsel				
Office of the County Counsel	2.00	491,758	491,758	490,758
<b>TOTAL</b>	<b>12.75</b>	<b>3,031,453</b>	<b>3,031,453</b>	<b>2,059,453</b>
<b>FY 19/20 Budget</b>	<b>12.75</b>	<b>2,941,273</b>	<b>2,941,273</b>	<b>1,976,273</b>
<b>\$ Increase (Decrease)</b>	<b>0.00</b>	<b>90,180</b>	<b>90,180</b>	<b>83,180</b>
<b>% Increase ( Decrease)</b>	<b>0.00%</b>	<b>3.07%</b>	<b>3.07%</b>	<b>4.21%</b>

**\*\* General Fund subsidy is support from unrestricted General Fund revenues, primarily property tax  
Subsidy does not include resources generated by operations such as charges for service (including costs allocated to users) and grants**

# County Counsel

## Performance Clackamas Strategic Results

Advisory, Transactional & Regulatory Program:

BCC Priority	Measure	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Projected Perform.	FY 20-21 Target
Build Public Trust Through Good Government	% OF INITIAL CONTRACTS REVIEWED BY COUNTY COUNSEL ARE COMPLETED WITHIN 14 DAYS OF RECEIPT	100%	100%	99%	100%
Build Public Trust Through Good Government	% OF ALL LEGAL SERVICE AGREEMENTS, INCLUDING FOR OUTSIDE REPRESENTATION, ARE REVIEWED AND APPROVED BY COUNTY COUNSEL	NEW FY 20-21	NEW FY 20-21	NEW FY 20-21	100%

# County Counsel

## Performance Clackamas Strategic Results

Litigation, Labor & Employment Program:

BCC Priority	Measure	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Projected Perform.	FY 20-21 Target
Build Public Trust Through Good Government; Build a strong infrastructure, grow a vibrant economy, and ensure safe, healthy and secure communities	% OF DIRECTORS, MANAGERS OR SUPERVISORS WILL RECEIVE POST-EVENT DEBRIEFING FROM COUNTY COUNSEL FOR CASES IN WHICH VERDICTS OR SETTLEMENTS EXCEED \$50,000	NEW FY 20-21	NEW FY 20-21	NEW FY 20-21	90%



# County Counsel

## Performance Clackamas Strategic Results

Office of County Counsel Program:

BCC Priority	Measure	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Projected Perform.	FY 20-21 Target
Build Public Trust Through Good Government	BEGINNING IN 2020, THE OFFICE OF COUNTY COUNSEL WILL HAVE INDIVIDUAL MEETINGS ANNUALLY WITH ALL DEPARTMENT HEADS TO DISCUSS THE DEMAND FOR LEGAL SERVICES, MEASURES OF CONFIDENCE, AND CONVENIENT ACCESS TO LEGAL SERVICES	NEW FY 20-21	NEW FY 20-21	NEW FY 20-21	100%

# County Counsel

## 2019 Major Accomplishments

- The office of County Counsel reviewed 758 contracts in 2019.
- In 2019 the office received 120 tort claims, and 16 risk lawsuits were filed against the county.
- Sarah Foreman successfully defended an employment lawsuit by getting it dismissed by the court on the day of trial. The plaintiff sought \$1,615,000 in damages.
- Shawn Lillegren obtained dismissal of the class action status in the *Dillon* civil rights lawsuit concerning strip search in our jail, and then obtained summary judgment in favor of the county, avoiding trial.
- Andrew Narus won two grievance arbitrations and an unfair labor practice complaint filed against the County.
- Nate Boderman closed over \$6 Million in real estate transactions for the Development Agency, including the remainder of the CIAO properties, and prevailed in seven LUBA matters.



# County Counsel

## Significant Changes from 2019/20

\$ Amount	Description	Service Level Impact, including citizens & staff
	No Significant Changes	

### Other Issues

Description	Service Level Impact, including citizens & staff



Questions?



# Office of County Counsel

## Department Mission

The Mission of the Office of County Counsel is to provide comprehensive legal services easily accessible to Clackamas County (and its special districts) through its elected officials and departments so that they can effectively implement their policy objectives, achieve success for their operations, and minimize risk and adverse results.

### County Counsel

Stephen L. Madkour, County Counsel

FTE 12.75

Total Proposed \$3,031,453

General Fund Support \$2,059,453

#### County Operations Legal Support

Stephen Madkour - Mgr

FTE 3.75

Total Proposed

\$867,670

Gen Fund \$ 576,670

#### Litigation & Labor

Stephen Madkour - Mgr

FTE 7.0

Total Proposed

\$1,672,025

Gen Fund \$ 992,025

#### Office of the County Counsel

Stephen Madkour - Mgr

FTE 2.0

Total Proposed

\$491,758

Gen Fund \$ 490,758

#### Advisory, Transactional & Regulatory Program

Stephen Madkour - Mgr

FTE 3.75

Total Proposed

\$867,670

Gen Fund \$ 576,670

#### Litigation, Labor & Employment Program

Stephen Madkour - Mgr

FTE 7.0

Total Proposed

\$1,672,025

Gen Fund \$ 992,025

#### Office of the County Counsel Program

Stephen Madkour - Mgr

FTE 2.0

Total Proposed

\$491,758

Gen Fund \$ 490,758



## County Operations Legal Support

### Advisory, Transactional & Regulatory Program

#### Purpose Statement



The purpose of the Advisory, Transactional and Regulatory Program is to provide easy-to-access, easy-to-understand advisory, regulatory and transactional services to the County, its elected officials, departments and special districts so they can make well-advised, timely, legally informed decisions, and keep the delivery of services to the public moving.

#### Performance Narrative

This program has three main roles:

1. Advisory: Provide advice, consultation, and training services to the County, and its elected officials, departments and special districts so they can make legally informed decisions and deliver services to their customers.
2. Regulatory: Provide research, consultation, strategy, negotiation, technical, regulatory, implantation compliance, and enforcement services to the County, and its elected officials, departments and special districts, so they can implement their technical goals and objectives and conduct their operations in a manner that comports with local, state, and federal regulations and laws.
3. Transactional: Provide strategic drafting, review, and negotiation services for contracts, memorandums of understanding ("MOU"), partnerships, and Intergovernmental Agreements ("IGA") to the County, and its elected officials, departments and special districts so they can make well-advised, timely, legally informed decisions, manage and minimize risk, and keep the delivery of services to the public moving.

#### Key Performance Measures

		FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Actuals as of 12/31/19	FY 20-21 Target
 Result	% Contracts reviewed by County Counsel that meet the County's risk management and contract procurement standards and protect the County in the event of a breach, to be reviewed within 14 days of receipt	80%	100%	100%	99%	100%
 Result	% Land use decisions consistent with County Counsel's recommended positions	100%	NEW	NEW	100%	100%
Output	# of Hours Spent on Review of Contracts/IGAs/MOUs <sup>2</sup>	1456	NEW	NEW	660	1200
Output	# of Contracts/IGAs/MOUs Reviewed by Counsel <sup>2</sup>	900	NEW	NEW	368	900
Result	% Formal client inquires provided a response within 7 working days <sup>1</sup>	80%	100%	100%	Discontinue	Discontinue

<sup>1</sup> Counsel completed a Periodic Plan Review in FY 2018. This measure was removed from the plan because it is not easily measurable.

<sup>2</sup> Counsel completed a Periodic Plan Review in FY 2018. These measures were added to the plan.

Program includes:

Mandated Services ☐ N

Shared Services ☐ N

Grant Funding ☐ N

Explain all "Yes" boxes below

For help with shared services, see AOC Shared State-County Services page on intranet

If grant funding, include length of grant and any match requirement (w/funding source)

Explanation



## County Operations Legal Support

### Advisory, Transactional & Regulatory Program

#### Budget Summary

	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended Budget	FY 19-20 Projected Year End	FY 20-21 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0%
Local Government & Other Agencies Charges for Service	-	79 371,816	288,000	382,720	291,000	3,000	1.0%
<b>Operating Revenue</b>	-	<b>371,895</b>	<b>288,000</b>	<b>382,720</b>	<b>291,000</b>	<b>3,000</b>	<b>1.0%</b>
<b>Total Rev - Including Beginning Bal</b>	-	<b>371,895</b>	<b>288,000</b>	<b>382,720</b>	<b>291,000</b>	<b>3,000</b>	<b>1.8%</b>
Personnel Services	-	617,268	701,479	738,384	750,830	49,351	7.0%
Materials & Services	-	41,615	62,326	52,722	62,255	(71)	-0.1%
Cost Allocation Charges	-	44,363	47,928	47,927	54,585	6,657	13.9%
<b>Operating Expenditure</b>	-	<b>703,246</b>	<b>811,733</b>	<b>839,033</b>	<b>867,670</b>	<b>55,937</b>	<b>6.9%</b>
<b>Total Exp - Including Special Categories</b>	-	<b>703,246</b>	<b>811,733</b>	<b>839,033</b>	<b>867,670</b>	<b>55,937</b>	<b>6.9%</b>
<b>General Fund Support (if applicable)</b>	<b>0</b>	<b>331,351</b>	<b>523,733</b>	<b>456,313</b>	<b>576,670</b>	<b>52,937</b>	<b>10.1%</b>
Full Time Equiv Pos (FTE) Budgeted	-	3.75	3.75	3.75	3.75	-	0%
Full Time Equiv Pos (FTE) Filled at Yr End	-	3.75	-	3.75	-	-	-
Full Time Equiv Pos (FTE) Vacant at Yr End	-	-	-	-	-	-	-

#### Significant Issues and Changes

\$3000 in personnel services added for an intern.

□



## Litigation & Labor

### Litigation, Labor & Employment Program

#### Purpose Statement

The purpose of the Litigation, Labor & Employment Program is to provide pleadings, court appearance, negotiation, representation, and comprehensive legal services to the County, elected officials and employees when named in their official capacities, departments, and special districts so that they can be represented in all lawsuits and settle cases when appropriate.

#### Performance Narrative

This program has two main roles:

1. Litigation: Provide pleadings, court appearances, negotiation, representation, and comprehensive legal services to the County, elected officials and employees when named in their official capacities, departments, and special districts so that they can be represented in all lawsuits and settle cases when appropriate.
2. Labor and employment: Provide consultation, advice, representation, and negotiation services to elected officials, departments, and special districts so that they appropriately administer and negotiate agreements consistent with labor and employment laws, regulations, ordinances, and County codes and policies.

#### Key Performance Measures

		FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Actuals as of 12/31/19	FY 20-21 Target
Result	% Grievance arbitrations found in the County's favor	-	-	NEW	100%	100%
Result	% of cases won as defined by payments made which are less than 50% of the amount sought	100%	100%	NEW	100%	100%
Output	# of tort claims and accident reports reviewed <sup>2</sup>	112	112	NEW	62	75
Result	% Involuntary employment terminations and separations that result in a lawsuit or arbitration <sup>1</sup>	25%	25%	50%	Under Dev.	Under Dev.
Result	% Cases dismissed by the Court or dropped by complainants <sup>1</sup>	50%	50%	50%	Under Dev.	Under Dev.

<sup>1</sup> Counsel completed a Periodic Plan Review in FY 2018. These measures are under development.

<sup>2</sup> Counsel completed a Periodic Plan Review in FY 2018. This measure was added to the plan.

Program includes:

Mandated Services ☐ N

Shared Services ☐ N

Grant Funding ☐ N

Explain all "Yes" boxes below

For help with shared services, see AOC Shared State-County Services page on intranet

If grant funding, include length of grant and any match requirement (w/funding source)

Explanation



Litigation Program

Budget Summary

	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended Budget	FY 19-20 Projected Year End	FY 20-21 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0.0%
Local Grants & Revenues	-	555	1,000	1,000	1,000	-	0%
Charges for Service	-	561,761	675,000	480,780	679,000	4,000	0.6%
<b>Operating Revenue</b>	-	<b>562,316</b>	<b>676,000</b>	<b>481,780</b>	<b>680,000</b>	<b>4,000</b>	<b>0.0%</b>
<b>Total Rev - Including Beginning Bal</b>	-	<b>562,316</b>	<b>676,000</b>	<b>481,780</b>	<b>680,000</b>	<b>4,000</b>	<b>0.0%</b>
Personnel Services	-	1,388,001	1,423,873	1,364,767	1,467,552	43,679	3.1%
Materials & Services	-	117,314	124,651	105,443	108,945	(15,706)	-12.6%
Cost Allocation Charges	-	89,739	101,595	101,600	95,528	(6,067)	-6.0%
<b>Operating Expenditure</b>	-	<b>1,595,054</b>	<b>1,650,119</b>	<b>1,571,810</b>	<b>1,672,025</b>	<b>21,906</b>	<b>1.3%</b>
<b>Total Exp - Including Special Categories</b>	-	<b>1,595,054</b>	<b>1,650,119</b>	<b>1,571,810</b>	<b>1,672,025</b>	<b>21,906</b>	<b>1.3%</b>
<b>General Fund Support (if applicable)</b>	-	<b>1,032,738</b>	<b>974,119</b>	<b>1,090,030</b>	<b>992,025</b>	<b>17,906</b>	<b>1.8%</b>
Full Time Equiv Pos (FTE) Budgeted	-	7.00	7.00	7.00	7.00	-	0%
Full Time Equiv Pos (FTE) Filled at Yr End	-	7.00	-	7.00	-	-	-
Full Time Equiv Pos (FTE) Vacant at Yr End	-	-	-	-	-	-	-

Significant Issues and Changes

NA





# Office of the County Counsel

## Office of County Counsel Program

### Purpose Statement




The purpose of the Office of the County Counsel is to provide leadership, oversight and legal consultation services to Clackamas County (and its special districts) through its elected officials and departments so that they can effectively implement their policy objectives, achieve success for County operations, and minimize risk and adverse results for the County.

### Performance Narrative

This program's services include the following:

- Board and Elected Official Consultations
- Board Briefings
- Client Department Consultations
- County Administration Consultations
- County Counsel Policies
- Performance Reports
- Policy Recommendations
- Public Presentations
- Special District Consultations
- Staff Evaluations

### Key Performance Measures

		FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Target	FY 19-20 Actuals as of 12/31/19	FY 20-21 Target
 Result	% Annual staff evaluations completed <sup>2</sup>	93%	93%	NEW	100%	100%
 Output	# of presentations and trainings provided to employees and the public <sup>2</sup>	5	5	NEW	11	7
 Result	% contested issues settled through negotiation, IGA's and other means not involving litigation or appeals <sup>1</sup>	75%	75%	75%	Discontinue	Discontinue

<sup>1</sup> Counsel completed a Periodic Plan Review in FY 2018. This measure was removed from the plan.

<sup>2</sup> Counsel completed a Periodic Plan Review in FY 2018. These measures were added to the plan.

Mandated Services ☐ N

Shared Services ☐ N

Grant Funding ☐ N

Explain all "Yes" boxes below

For help with shared services, see AOC Shared State-County Services page on intranet

If grant funding, include length of grant and any match requirement (w/funding source)

Explanation



Office of the County Counsel  
Office of the County Counsel Program

**Budget Summary**

	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended Budget	FY 19-20 Projected Year End	FY 20-21 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0%
Charges for Service	-	1,353	1,000	1,000	1,000	-	0%
<b>Operating Revenue</b>	-	<b>1,353</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	-	0%
<b>Total Rev - Including Beginning Bal</b>	-	<b>1,353</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	-	0%
Personnel Services	-	370,274	414,779	371,762	433,362	18,583	4.5%
Materials & Services	-	23,823	35,614	30,126	31,114	(4,500)	-12.6%
Cost Allocation Charges	-	24,338	29,028	29,023	27,282	(1,746)	-6.0%
<b>Operating Expenditure</b>	-	<b>418,435</b>	<b>479,421</b>	<b>430,911</b>	<b>491,758</b>	<b>12,337</b>	<b>2.6%</b>
<b>Total Exp - Including Special Categories</b>	-	<b>418,435</b>	<b>479,421</b>	<b>430,911</b>	<b>491,758</b>	<b>12,337</b>	<b>2.6%</b>
<b>General Fund Support (if applicable)</b>	-	<b>417,082</b>	<b>478,421</b>	<b>429,911</b>	<b>490,758</b>	<b>12,337</b>	<b>2.6%</b>
Full Time Equiv Pos (FTE) Budgeted	-	2.00	2.00	2.00	2.00	-	0%
Full Time Equiv Pos (FTE) Filled at Yr End	-	2.00	-	2.00	-	-	-
Full Time Equiv Pos (FTE) Vacant at Yr End	-	-	-	-	-	-	-

**Significant Issues and Changes**

NA