



County Counsel

FY 22-23 BUDGET PRESENTATION



2021 Major Accomplishments

AREA	DESCRIPTION
Litigation	<ul style="list-style-type: none"> County Counsel's Office received and oversaw the investigation of 26 tort claim notices and defended 34 active litigation cases in the state and federal courts. County Counsel's Office managed and entered appearances in 7 land use appeals. County Counsel's Office provides post-dismissal case briefings to impacted county departments in all cases where settlements were in excess of \$50,000.
Labor & Employment	<ul style="list-style-type: none"> County Counsel's Office worked with a variety of departments, including HR, the Sheriff's Office, and County Administration, to implement the state's vaccination mandate for healthcare workers in a legally compliant manner that satisfied the BCC's objectives in responding to the pandemic. County Counsel's Office advised county-wide on all aspects of a large-scale public employer responding to the Covid pandemic-related matters affecting daily operations, including face coverings, vaccines, sick leave, religious exemptions, and remote working arrangements. County Counsel's Office worked with the Sheriff's Office to develop a Suicide Prevention Program for Clackamas County Jail that is grounded in national standards and is up-to-date in best practices.
Transactional	<ul style="list-style-type: none"> County Counsel's Office facilitated contract negotiations related to the construction for the new Transportation Maintenance facility. County Counsel's Office successfully negotiated the Supportive Housing Services Intergovernmental Agreement with Multnomah and Washington Counties, Metro and the Joint Office of Homeless Services. County Counsel's Office assisted WES in the development of design-build construction contract documents. County Counsel's Office facilitated the re-conveyance of a portion of the Blue Heron parcel to WES, which was the final step in a two-year process of completing the sale of a 34-acre parcel in West Linn. County Counsel's Office reviewed 1,174 contracts, Intergovernmental Agreements, and Memorandums of Understanding for county departments.
Advisory	<ul style="list-style-type: none"> County Counsel's Office advised the procurement efforts related to the Courthouse Project resulting in multiple qualified bidders competing to be selected to implement the Courthouse Replacement Project. Initiated efforts for more coordinated and comprehensive county response to abandoned recreation vehicles, trailers and vehicles on county property and within county rights of way; secured limited funding from Board of County Commissioners; work closely with Sheriff's office, DTD, tow companies and community members to clear out derelict vehicles. County Counsel's Office provided new employee orientation training on public records, public meetings, ethics law, and political campaigning by public employees. County Counsel's Office provided training to County Departments on mandatory reporting requirements for child abuse, elder abuse, developmental disabilities abuse, and long-term care abuse.

Performance Clackamas

Results Measures

Line of Business/Program	Results Measure	FY 20-21 Actual	FY 21-22 Target	FY 21-22 Projected Performance	FY 22-23 Target
Litigation & Labor / Litigation	% of directors, managers or supervisors will receive post-event debriefing from County Counsel for cases in which verdicts or settlements exceed \$50,000	100%	90%	100%	90%
Litigation & Labor / Labor & Employment	# Trainings on emerging labor and employment issues	0	5	3	5
Legal Support / Transactional	% of contracts receive initial review by County Counsel within 14 days of receipt	99%	90%	97%	90%
Legal Support / Advisory	% of clients receive an initial response from County Counsel to requests for advice within 7 business days	100%	90%	100%	90%
Office of County Counsel / Administration	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	80%	100%	100%	100%
	% of County Counsel staff will attend educational programs on emerging legal issues	48%	80%	80%	100%

Program Profiles: FY22-23 Summary

Line of Business	Program Name	Total Funds	% County General Funds	% Restricted Funds	Mandate: Fed/State/Cty /IGA/None	% Program Operated by County	Metrics: % Target Meet/Exceed and Improve
Legal Support	Advisory	\$695,007	60%	N/A	ORS 468B, OAR Chapter 340, HIPAA 45 CFR 165, ORS 197.175	100%	100%
Legal Support	Transactional	\$275,790	100%	N/A		100%	100% / 1%
Legal Support	Regulatory	\$67,934	100%	N/A	ORS 468B, OAR Chapter 340, HIPAA 45 CFR 165, ORS 197.175	100%	100%
Litigation and Labor	Litigation	\$1,374,778	63%	N/A		100%	100%
Litigation and Labor	Labor & Employment	\$178,252	100%	N/A		100%	50%
Office of County Counsel	County Counsel Administration	\$710,174	94%	N/A	CCC 2.12.010	100%	75%



Department Summary by Fund

County Counsel Department (14)

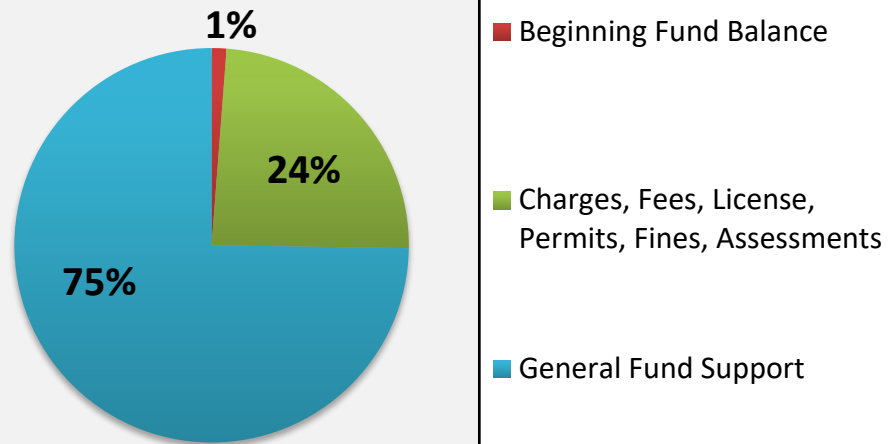
Department Budget Summary by Fund

<i>Line of Business</i>		FY 22-23	FY 22-23	FY 22-23	FY 22-23
<i>Program</i>	<i>Prog #</i>	FTE	General Fund (100)	Total Budget	General Fund Support in Budget**
Office of the County Counsel					
Office of the County Counsel	140101	2.0	710,174	710,174	667,174
County Operations Legal Support					
Advisory	140202	2.7	695,007	695,007	415,007
Regulatory	140203	0.3	67,934	67,934	67,934
Transactional	140204	1.1	275,790	275,790	275,790
Litigation and Labor					
Labor & Employment	140302	1.0	178,252	178,252	178,252
Litigation	140303	5.7	1,374,778	1,374,778	864,578
TOTAL		12.8	3,301,935	3,301,935	2,468,735
FY 21-22 Budget		12.8	3,129,050	3,129,050	2,180,050
\$ Increase (Decrease)		-	172,885	172,885	288,685
% Increase (Decrease)		-	5.5%	5.5%	13.2%

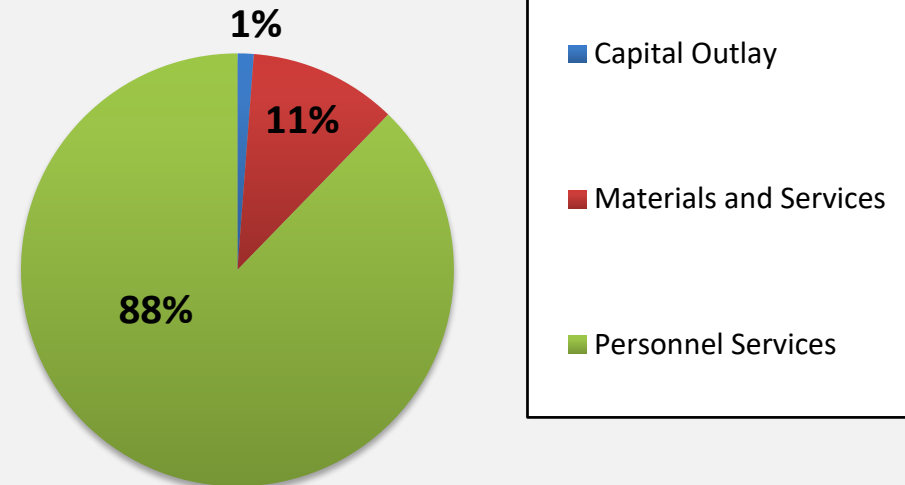
** General Fund Support is the subsidy, net of any other revenue received by the department.

FY22-23 Revenue and Expense

Revenues



Expenses



Summary of Revenue & Expenses

County Counsel (14)

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Beginning Fund Balance	-	-	-	-	40,000	40,000	-
Federal, State, Local, All Other Gifts & Donations	14,428	24,967	-	-	-	-	-
Charges, Fees, License, Permits, Fines, Assessments	820,929	766,795	949,000	791,200	793,200	(155,800)	-16.4%
All Other Revenue Resources	2,247	-	-	-	-	-	-
General Fund Support	-	-	2,180,050	2,343,181	2,468,735	288,685	13.2%
Operating Revenue	837,604	791,762	3,129,050	3,134,381	3,261,935	132,885	4.2%
Total Revenue	837,604	791,762	3,129,050	3,134,381	3,301,935	172,885	5.5%
Personnel Services	2,497,976	2,636,915	2,702,792	2,702,793	2,896,985	194,193	7.2%
Materials and Services	365,521	356,197	362,258	367,588	364,950	2,692	0.7%
Capital Outlay	-	-	64,000	24,000	40,000	(24,000)	-37.5%
Operating Expenditure	2,863,497	2,993,112	3,129,050	3,094,381	3,301,935	172,885	5.5%
Total Expense	2,863,497	2,993,112	3,129,050	3,094,381	3,301,935	172,885	5.5%
Ending Fund Balance - Restricted				40,000			
Revenue Less Expense**	(2,025,893)	(2,201,350)	-	-	-	-	-
Full Time Equiv Positions (FTE) Budgeted	12.8	12.8	12.8	12.8	12.8	-	0%

**General Fund Departments: Starting in FY21-22, amounts in Revenue Less Expenses will be moved into General Fund Non-Departmental at year-end.

Significant Policy and/or Financial Issues

DESCRIPTION	IMPACT
The Office of County Counsel has not increased its hourly billing rates in over 12 years. The office has also seen an increase in the work demands from non-billable matters, such as Covid, emergencies, and the Courthouse.	Continued decreased revenues and increased reliance on the general fund.
The Office of County Counsel is involved in many aspects of the County's current capital projects, such as the Courthouse and associated relocations, the new Transportation Maintenance facility, and libraries, among others.	Demands on staff with subject matter expertise will increase.

End of Presentation



County Counsel Department (14)

Department Budget Summary by Fund

<i>Line of Business</i>		FY 22-23	FY 22-23	FY 22-23	FY 22-23
<i>Program</i>	<i>Prog #</i>	FTE	General Fund (100)	Total Budget	General Fund Support in Budget**
Office of the County Counsel					
Office of the County Counsel	140101	2.0	710,174	710,174	667,174
County Operations Legal Support					
Advisory	140202	2.7	695,007	695,007	415,007
Regulatory	140203	0.3	67,934	67,934	67,934
Transactional	140204	1.1	275,790	275,790	275,790
Litigation and Labor					
Labor & Employment	140302	1.0	178,252	178,252	178,252
Litigation	140303	5.7	1,374,778	1,374,778	864,578
TOTAL		12.8	3,301,935	3,301,935	2,468,735
FY 21-22 Budget		12.8	3,129,050	3,129,050	2,180,050
\$ Increase (Decrease)		-	172,885	172,885	288,685
% Increase (Decrease)		-	5.5%	5.5%	13.2%

**** General Fund Support is the subsidy, net of any other revenue received by the department.**



County Counsel (14)

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 (14)

Stephen L. Madkour, County Counsel

FTE 12.8

Total Budget \$ 3,301,935

General Fund Support \$ 2,468,735

Office of the County Counsel Administration

Stephen Madkour - Mgr

FTE 2.0

Total Budget

\$710,174

Gen Fund \$ 667,174

Legal Support

Stephen Madkour - Mgr

FTE 4.1

Total Budget

\$1,038,731

Gen Fund \$ 758,731

Litigation & Labor

Stephen Madkour - Mgr

FTE 6.7

Total Budget

\$1,553,030

Gen Fund 1,042,830

Office of the County Counsel

Stephen Madkour - Mgr

FTE 2.0

Total Budget

\$710,174

Gen Fund \$ 667,174

Advisory

Stephen Madkour - Mgr

FTE 2.7

Total Budget

\$695,007

Gen Fund 415,007

Labor & Employment

Stephen Madkour - Mgr

FTE 1.0

Total Budget

\$178,252

Gen Fund \$ 178,252

Regulatory

Stephen Madkour - Mgr

FTE 0.3

Total Budget

\$67,934

Gen Fund \$ 67,934

Litigation

Stephen Madkour - Mgr

FTE 5.7

Total Budget

\$1,374,778

Gen Fund 864,578

Transactional

Stephen Madkour - Mgr

FTE 1.1

Total Budget

\$275,790

Gen Fund \$ 275,790



Office of the County Counsel

Office of the County Counsel Administration

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 elected officials, departments and special districts, so they can effectively implement their policy objectives, achieve success for County operations, and minimize risk and adverse results for the County.

Performance Narrative

The Office of the County Counsel program provides general advice on all aspects of municipal law, including general governance, public meetings, public records and elections. The 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

Measure		FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Target	FY 21-22 Actual to date	FY 22-23 Target
Result	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	100%	100%	0%	100%
Result	% Strategic and Operational Results for the Office of County Counsel achieved	NEW	80%	100%	86%	100%
Result	% of County Counsel staff will attend educational programs on emerging legal issues	NEW	48%	80%	80%	100%

Mandated Services

Shared Services

Grant Funding

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 Mandated Service: County Code 2.12.010



Office of the County Counsel

Office of the County Counsel Administration

Budget Summary

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Beginning Balance	-	-	-	-	40,000	40,000	-
Federal, State, Local, All Other Gifts & Donations	14,428	24,967	-	-	-	-	-
Charges, Fees, License, Permits, Fines, Assessments	2,001	581	1,000	3,000	3,000	2,000	200.0%
All Other Revenue Resources	2,247	-	-	-	-	-	-
General Fund Support	473,896	489,403	579,435	581,586	667,174	87,739	15.1%
Operating Revenue	492,573	514,951	580,435	584,586	670,174	89,739	15.5%
Total Revenue	492,573	514,951	580,435	584,586	710,174	129,739	22.4%
Personnel Services	429,052	435,608	448,679	448,680	472,140	23,461	5.2%
Materials & Services	63,521	79,343	67,756	71,906	198,034	130,278	192.3%
Capital Outlay	-	-	64,000	24,000	40,000	(24,000)	-37.5%
Operating Expense	492,573	514,951	580,435	544,586	710,174	153,739	22.4%
Total Expense	492,573	514,951	580,435	544,586	710,174	129,739	22.4%
Ending Fund Balance - Restricted				40,000		-	-
Revenue Less Expense	-	-	-	-	-	-	-
Significant Issues and Changes							

FY22-23 Materials & Services: Allocations are distributed differently among the department's programs.



Legal Support Line of Business

Advisory, Regulatory & Transactional

Purpose Statement

The purpose of the Legal Support Line of Business 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 Line of Business has three Programs:

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

Measure		FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Target	FY 21-22 Actual to date	FY 22-23 Target
Result	% of contracts receive initial review by County Counsel within 14 days of receipt	100%	99%	90%	97%	90%
Result	% clients receive an initial response from County Counsel to requests for advice within 7 business days	100%	100%	90%	100%	90%
Result	% of all legal service agreements, including for outside representation, are approved and reviewed by County Counsel	NEW	100%	100%	100%	100%
Output	Provide an initial strategy or consultation within 14 days from the date the Office of County Counsel is requested to engage on a regulatory issue affecting a department	NEW	100%	100%	100%	100%
Output	# Legal Consultations provided	NEW	3501	1700	1784	2000
Output	# Regulatory consultations provided	NEW	97	100	45	100
Output	# Contract, IGA MOU reviews and approvals provided	NEW	1080	600	693	1100
Output	# Hours spent on review of contracts, IGA & MOUs	NEW	2030	2000	1032	2000

Program includes:

Mandated Services ☐ Y

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 Mandated: ORS 468B OAR Chapter 340, HIPAA 45 CFR 165, ORS 197.175



Legal Support

Advisory

Budget Summary

Budget Category	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Charges, Fees, License, Permits, Fines, Assessments	301,998	245,395	300,000	280,000	280,000	(20,000)	-6.7%
General Fund Support	493,942	615,554	223,193	243,193	415,007	191,814	85.9%
Operating Revenue	795,940	860,950	523,193	523,193	695,007	171,814	32.8%
Total Revenue	795,940	860,950	523,193	523,193	695,007	171,814	32.8%
Personnel Services	702,276	763,463	439,136	439,136	640,297	201,161	45.8%
Materials & Services	93,664	97,487	84,057	84,057	54,710	(29,347)	-34.9%
Operating Expense	795,940	860,950	523,193	523,193	695,007	171,814	-19.3%
Revenue Less Expense	-	-	-	-	-	-	-

Significant Issues and Changes

FY22-23 Materials & Services: Salary Allocations changed within this program.

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Legal Support Line of Business

Regulatory

Budget Summary

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
General Fund Support	-	-	76,701	76,701	67,934	(8,767)	-11.4%
Operating Revenue	-	-	76,701	76,701	67,934	(8,767)	-11.4%
Total Revenue	-	-	76,701	76,701	67,934	67,934	-11.4%
Personnel Services	-	-	54,345	54,344	58,334	3,989	7.3%
Materials & Services	-	-	22,356	22,357	9,600	(12,756)	-57.1%
Operating Expense	-	-	76,701	76,701	67,934	(8,767)	-11.4%
Total Expense	-	-	76,701	76,701	67,934	(8,767)	-11.4%
Revenue Less Expense	-	-	-	-	-	-	-

Significant Issues and Changes

FY22-23 Materials & Services: Salary Allocations changed within this program.



Legal Support Line of Business

Transactional

Budget Summary

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Beginning Balance	-	-	-	-	-	-	-
General Fund Support	-	-	185,995	185,995	275,790	89,795	48.3%
Operating Revenue	-	-	185,995	185,995	275,790	275,790	48.3%
Total Revenue	-	-	185,995	185,995	275,790	275,790	48.3%
Personnel Services	-	-	156,057	156,057	265,042	265,042	69.8%
Materials & Services	-	-	29,938	29,938	10,748	10,748	-64.1%
Operating Expense	-	-	185,995	185,995	275,790	275,790	48.3%
Total Expense	-	-	185,995	185,995	275,790	275,790	48.3%
Revenue Less Expense	-	-	-	-	-	-	-

Significant Issues and Changes

FY22-23 Materials & Services: Salary Allocations changed within this program.



Litigation & Labor

Litigation, Labor & Employment

Purpose Statement

The purpose of the Litigation, Labor & Employment Line of Business is to provide advice and representation at trial, mediation or other arenas, to the County and its elected officials, departments and special districts, so they can manage and minimize risk, be represented in lawsuits, and appropriately administer labor and employment laws.

Performance Narrative

This Line of Business has two programs:

1. Litigation: Provide the full complement of representation and comprehensive legal services to the County, elected officials and employees when named in their official capacities, departments, and special districts so they operate with little disruption and minimal financial impact from litigation, and provide advice to minimize risk and litigation.
2. Labor and Employment: Provide consultation, advice, representation, and negotiation services to elected officials, departments, and special districts to ensure appropriate administration and implementation of labor and employment laws, regulations, ordinances, and County codes and policies.

Key Performance Measures

Measure		FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Target	FY 21-22 Actual to date	FY 22-23 Target
Result	% of directors, managers or supervisors will receive post-event debriefing from County Counsel for cases in which verdicts or settlements exceed \$50,000	NEW	100%	90%	0%	90%
Result	% of matters resolved through early resolution	NEW	71%	50%	100%	50%
Output	# Cases managed	NEW	66	200	62	75
Output	# Tort claims & accidental reports reviewed	NEW	74	75	36	70
Result	% Grievance arbitrations found in the County's favor	NEW	100%	50%	100%	50%
Result	# Trainings on emerging labor and employment issues	NEW	0	5	0	2

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 & Labor

Labor & Employment

Budget Summary

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
General Fund Support	-	-	157,167	157,167	178,252	21,085	13.4%
Operating Revenue	-	-	157,167	157,167	178,252	21,085	13.4%
Total Revenue	-	-	157,167	157,167	178,252	21,085	13.4%
Personnel Services	-	-	157,167	157,167	178,252	21,085	13.4%
Operating Expense	-	-	157,167	157,167	178,252	21,085	13.4%
Total Expense	-	-	157,167	157,167	178,252	21,085	13.4%
Revenue Less Expense	-	-	-	-	-	-	-

Significant Issues and Changes



Litigation & Labor

Litigation

Budget Summary

	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Amended Budget	FY 21-22 Projected Year End	FY 22-23 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Charges, Fees, License, Permits, Fines, Assessments	516,930	520,819	648,000	508,200	510,200	(137,800)	-21.3%
General Fund Support	1,058,054	1,096,392	957,559	1,098,539	864,578	(92,981)	-9.7%
Operating Revenue	1,574,985	1,617,211	1,605,559	1,606,739	1,374,778	(230,781)	-14.4%
Total Revenue	1,574,985	1,617,211	1,605,559	1,606,739	1,374,778	(230,781)	-14.4%
Personnel Services	1,366,648	1,437,844	1,447,408	1,447,409	1,282,920	(164,488)	-11.4%
Materials & Services	208,337	179,367	158,151	159,330	91,858	(66,293)	-41.9%
Operating Expense	1,574,985	1,617,211	1,605,559	1,606,739	1,374,778	(230,781)	-14.4%
Total Expense	1,574,985	1,617,211	1,605,559	1,606,739	1,374,778	(230,781)	-14.4%
Revenue Less Expense	-	-	-	-	-	-	-

Significant Issues and Changes

FY22-23 Materials & Services: Salary Allocations changed within this program.