



County Counsel

2021-2022 BUDGET PRESENTATION



2020 Major Accomplishments

AREA	DESCRIPTION
Litigation	<p>The County received 45 tort claim notices in 2020 and is defending 32 active litigation cases in the state and federal courts.</p> <p>Provide post-dismissal case debriefings to impacted county departments in all cases where settlement was in excess of \$50,000.</p>
Labor and Employment	<p>The Counsel's Office was able to seamlessly transition to Zoom arbitrations during the pandemic, which enabled the County to resolve 7 outstanding grievances and stop any increase in potential liability to the County. Although Zoom hearings had never been conducted previously, labor and employment counsel quickly adapted to preparing witnesses via Zoom, submitting electronic exhibits, and conducting multi-day hearings on Zoom. The County obtained favorable results in these matters.</p> <p>Labor and employment counsel conducted a four-day arbitration with the Sheriff's Office during the height of the wildfire emergency. Despite the unprecedented threat within Clackamas County and significant smoke, the Counsel's Office put forward a strong and persuasive case to support the discipline in this case. Although the grievant's termination was overturned, the arbitrator issued a 60-day unpaid suspension to the grievant, which is likely the longest unpaid suspension of any CCSO employee.</p> <p>The Counsel's Office provided continued advice and direction to Human Resources during unprecedented changes to labor and employment laws brought on by the pandemic. This included advice and counsel on hastily enacted federal legislation creating new leave programs, advising departments on telework issues, and advising the County on labor and employment matters related to COVID-19 and the vaccine.</p>
Transactional	<p>Counsel facilitated and lead property donation to County for parks purposes; facilitated transfer of Parrott Creek to non-profit; conducted an ADA accommodation request hearing; advise on courthouse funding issues.</p> <p>Counsel reviewed 630 contracts for County Departments, including funding agreements for federal and state funds for COVID relief efforts. Counsel has continuously provided advice on EOC matters such as getting the COVID vaccine clinics up and running.</p>
Advisory	<p>Drafted and navigated COVID pandemic with emergency declarations and multiple addendums and emergency measures; wildfire emergency declaration; debris management emergency declaration; COOP transition, transition to and from remote working.</p> <p>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.</p> <p>Provide training on public records, public meetings, ethics, county governance, mandatory child abuse reporting, and new employee orientation.</p>

Performance Clackamas

Results Measures

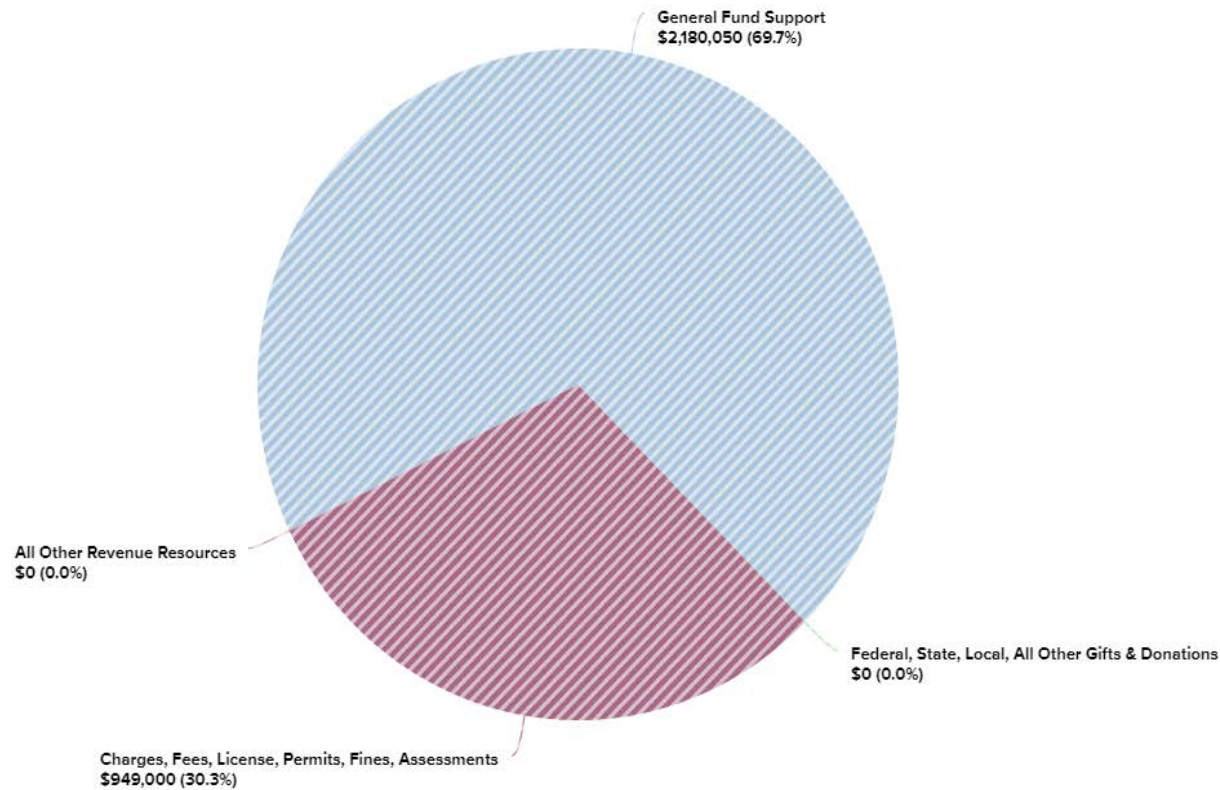
Line of Business/Program	Results Measure	FY 19-20 Actual	FY 20-21 Target	FY 20-21 Projected Performance	FY 21-22 Target
Legal Support LOB / Advisory Program	% clients receive an initial response from County Counsel to requests for advice within 7 business days	100%	90%	99%	90%
Legal Support LOB / Regulatory Program	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%
Legal Support LOB / Transactional Program	% of contracts receive initial review by County Counsel within 14 days of receipt	100%	90%	99%	90%
Litigation & Labor LOB / Litigation Program	% of matters resolved through early resolution	New	50%	85%	50%
Litigation & Labor LOB / Labor & Employment Program	% Grievance arbitrations found in the County's favor	New	50%	100%	50%
Office of County Counsel LOB / Program	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%	8	100%

Program Profiles: 2021-22 Summary

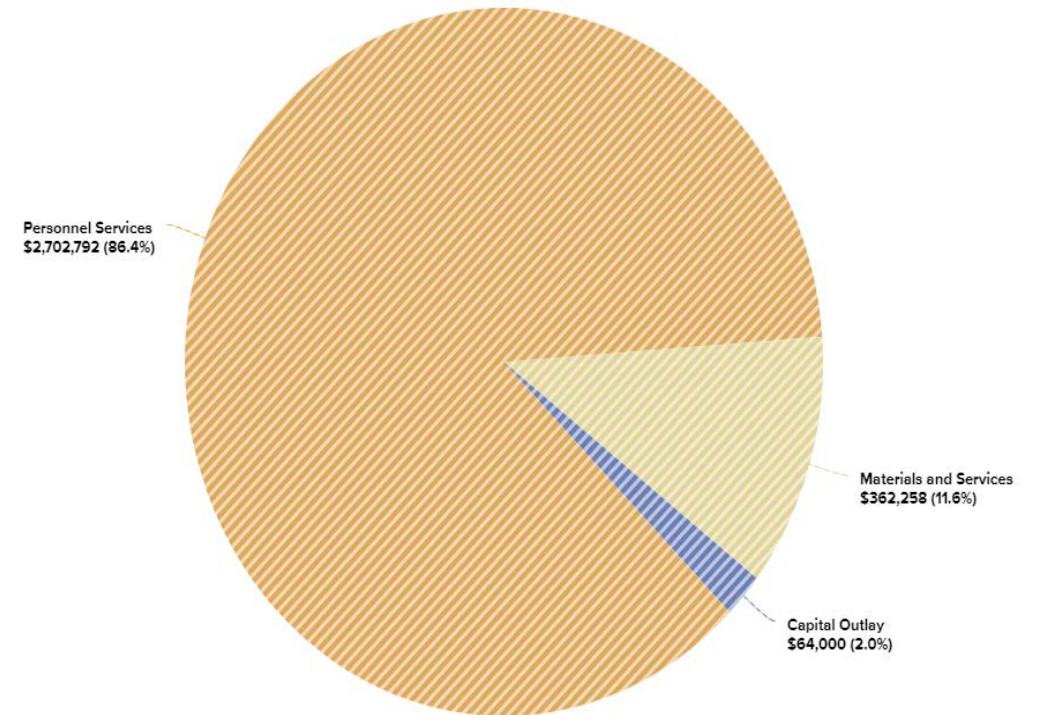
Line of Business	Programs	Total Funds (\$ millions)	% County General Funds	% Restricted Funds	Mandate: Fed/State/Cty/IGA/None	% Program Operated by County	Metrics: %Target Meet/Exeed or
Legal Support	Advisory	\$ 523,192	17%	NA	ORS 468B, OAR Chapter 340, HIPAA 45 CFR 165, ORS 197.175	100%	100%
	Transactional	\$ 185,995	6%	NA		100%	99%
	Regulatory	\$ 76,701	2%	NA	ORS 468B, OAR Chapter 340, HIPAA 45 CFR 165, ORS 197.175	100%	100%
Litigation and Labor	Litigation	\$1,605,559	51%	NA	NA	100%	85%
	Labor	\$ 157,167	5%	NA	NA	100%	100%
County Counsel	County Counsel	\$ 580,435	19%	NA	CCC 2.12.010	100%	New

2021/22 Revenue and Expenses

Revenue



Expenditures



Summary of Revenue & Expenses

14 County Counsel Summary of Revenue and Expense

	FY 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Federal, State, Local, All Other Gifts & Donations	-	14,428	-	-	-	-	-
Charges, Fees, License, Permits, Fines, Assessments	935,853	820,929	972,000	841,600	924,360	-47,640	-5%
All Other Revenue Resources	11	2,247	-	-	-	-	-
General Fund Support	1,792,657	2,025,893	2,059,453	2,030,701	2,180,050	120,597	6%
Operating Revenue	2,728,521	2,863,497	3,031,453	2,872,301	3,104,410	72,957	2%
Total Revenue	2,728,521	2,863,497	3,031,453	2,872,301	3,104,410	72,957	2%
Personnel Services	2,379,907	2,497,976	2,651,744	2,626,538	2,702,792	51,048	2%
Materials and Services	348,614	365,521	379,709	344,878	362,258	-17,451	-5%
Capital Outlay	-	-	-	-	64,000	64,000	-
Operating Expenditure	2,728,521	2,863,497	3,031,453	2,971,416	3,129,050	97,597	3%
Total Expenditure	2,728,521	2,863,497	3,031,453	2,971,416	3,129,050	97,597	3%
Revenue Less Expenses					-		
Full Time Equiv Positions (FTE) Budgeted	13	12.8	12.8	12.8	12.8	0.0	0%

Department Summary by Fund

County Counsel Department (14)



Department Budget Summary by Fund

<i>Line of Business</i>	FY 21-22	FY 21-22	FY 21-22	FY 21-22
<i>Program</i>	FTE	General Fund	Total Proposed Budget	General Fund Support Included in Proposed Budget**
Office of the County Counsel				
Office of the County Counsel	2.0	580,435	580,435	579,435
County Operations Legal Support				
Advisory	2.1	523,193	523,193	223,193
Regulatory	0.3	76,701	76,701	76,701
Transactional	0.7	185,995	185,995	185,995
Litigation and Labor				
Labor & Employment	1.0	157,167	157,167	157,167
Litigation	6.7	1,605,559	1,605,559	957,559
TOTAL	12.8	3,129,050	3,129,050	2,180,050
FY 20-21 Budget	12.8	3,031,453	3,031,453	2,059,453
\$ Increase (Decrease)	0.0	97,597	97,597	120,597
% Increase (Decrease)	0%	3.22%	3.22%	5.86%

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

Significant Policy and/or Financial Issues

DESCRIPTION	IMPACT
No significant changes are anticipated	

End of Presentation

Thank you



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 Proposed \$ 3,129,050

General Fund Support \$ 2,180,050

Office of the County Counsel Administration

Stephen Madkour - Mgr

FTE 2.0

Total Proposed

\$580,435

Gen Fund \$ 579,435

Legal Support

Stephen Madkour - Mgr

FTE 3.1

Total Proposed

\$785,889

Gen Fund \$ 485,889

Litigation & Labor

Stephen Madkour - Mgr

FTE 7.63

Total Proposed

\$1,762,726

Gen Fund \$1,114,726

Office of the County Counsel

Stephen Madkour - Mgr

FTE 2.0

Total Proposed

\$580,435

Gen Fund \$ 579,435

Advisory

Stephen Madkour - Mgr

FTE 2.1

Total Proposed

\$523,193

Gen Fund 223,193

Labor & Employment

Stephen Madkour - Mgr

FTE 1.00

Total Proposed

\$157,167

Gen Fund \$ 157,167



County Counsel Department (14)

Department Budget Summary by Fund

<i>Line of Business</i>		FY 21-22	FY 21-22	FY 21-22	FY 21-22
<i>Program</i>	<i>Prog #</i>	FTE	General Fund	Total Proposed Budget	General Fund Support Included in Proposed Budget**
Office of the County Counsel					
Office of the County Counsel	140101	2.0	580,435	580,435	579,435
County Operations Legal Support					
Advisory	140202	2.1	523,193	523,193	223,193
Regulatory	140203	0.3	76,701	76,701	76,701
Transactional	140204	0.7	185,995	185,995	185,995
Litigation and Labor					
Labor & Employment	140302	1.0	157,167	157,167	157,167
Litigation	140303	6.7	1,605,559	1,605,559	957,559
TOTAL		12.8	3,129,050	3,129,050	2,180,050
FY 20-21 Budget		12.8	3,031,453	3,031,453	2,059,453
\$ Increase (Decrease)		0.0	97,597	97,597	120,597
% Increase (Decrease)		0%	3.22%	3.22%	5.86%

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



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 18-19 Actual	FY 19-20 Actual	FY 20-21 Target	FY 20-21 Actual to date	FY 21-22 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	NEW	100%	N/A	100%
Result	% Strategic and Operational Results for the Office of County Counsel achieved	NEW	NEW	100%	N/A	100%
Result	% of County Counsel staff will attend educational programs on emerging legal issues	NEW	NEW	80%	40%	80%

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 Service: County Code 2.12.010



Office of the County Counsel

Office of the County Counsel Administration

Budget Summary

	FY 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Federal, State, Local, All Other Gifts & Donations	-	14,428	-	39,115	-	-	-
Charges, Fees, License, Permits, Fines, Assessments	1,653	2,001	1,000	600	1,000	-	-
All Other Revenue Resources	-	2,247	-	-	-	-	-
General Fund Support	428,569	473,896	490,758	449,463	579,435	88,677	18%
Operating Revenue	430,222	492,573	491,758	489,178	580,435	88,677	18%
Total Revenue	430,222	492,573	491,758	489,178	580,435	88,677	18%
Personnel Services	374,639	429,052	433,362	432,594	448,679	15,317	4%
Materials & Services	55,583	63,521	58,396	56,584	67,756	9,360	16%
Operating Expense	430,222	492,573	491,758	489,178	516,435	24,677	5%
Capital Outlay	-	-	-	-	64,000	64,000	-
Total Expense	430,222	492,573	491,758	489,178	580,435	88,677	18%

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.



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 18-19 Actual	FY 19-20 Actual	FY 20-21 Target	FY 20-21 Actual to date	FY 21-22 Target
Result	% of contracts receive initial review by County Counsel within 14 days of receipt	100%	100%	90%	99%	90%
Result	% clients receive an initial response from County Counsel to requests for advice within 7 business days	NEW	100%	90%	100%	90%
Result	% of all legal service agreements, including for outside representation, are approved and reviewed by County Counsel	NEW	NEW	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	NEW	100%	100%	100%
Output	# Legal Consultations provided	NEW	NEW	550	1600	1700
Output	# Regulatory consultations provided	NEW	NEW	NEW	75	100
Output	# Contract, IGA MOU reviews and approvals provided	NEW	NEW	500	358	600
Output	# Hours spent on review of contracts, IGA & MOUs	NEW	NEW	1200	1632	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 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Charges, Fees, License, Permits, Fines, Assessments	371,884	301,998	291,000	240,000	300,000	9,000	3%
All Other Revenue Resources	11	-	-	-	-	-	-
General Fund Support	331,351	493,942	573,670	634,785	223,193	(350,477)	-61%
Operating Revenue	703,246	795,940	864,670	874,785	523,193	(341,477)	-39%
Total Revenue	703,246	795,940	864,670	874,785	523,193	(341,477)	-39%
Personnel Services	617,268	702,276	747,830	766,223	439,136	(308,694)	-41%
Materials & Services	85,978	93,664	116,840	108,562	84,057	(32,783)	-28%
Operating Expense	703,246	795,940	864,670	874,785	523,193	(341,477)	-34%

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.

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Legal Support Line of Business

Regulatory

Budget Summary

	FY 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
General Fund Support	-	-	-	-	76,701	76,701	-
Operating Revenue	-	-	-	-	76,701	76,701	-
Total Revenue	-	-	-	-	76,701	76,701	-
Personnel Services	-	-	-	-	54,345	54,345	-
Materials & Services	-	-	-	-	22,356	22,356	-
Operating Expenses	-	-	-	-	76,701	76,701	-
Total Expense	-	-	-	-	76,701	76,701	-

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.



Legal Support Line of Business

Transactional

Budget Summary

	FY 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
General Fund Support	-	-	-	-	185,995	185,995	-
Operating Revenue	-	-	-	-	185,995	185,995	-
Total Revenue	-	-	-	-	185,995	185,995	-
Personnel Services	-	-	-	-	156,057	156,057	-
Materials & Services	-	-	-	-	29,938	29,938	-
Operating Expense	-	-	-	-	185,995	185,995	-
Total Expense	-	-	-	-	185,995	185,995	-

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.



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 18-19 Actual	FY 19-20 Actual	FY 20-21 Target	FY 20-21 Actual to Date	FY 21-22 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	NEW	90%	100%	90%
Result	% of matters resolved through early resolution	NEW	NEW	50%	85%	50%
Output	# Cases managed	NEW	NEW	200	146	200
Output	# Tort claims & accidental reports reviewed	NEW	NEW	75	42	75
Result	% Grievance arbitrations found in the County's favor	NEW	NEW	50%	100%	50%
Result	# Trainings on emerging labor and employment issues	NEW	NEW	5	0	5

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 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
General Fund Support	-	-	-	-	157,167	157,167	-
Operating Revenue	-	-	-	-	157,167	157,167	-
Total Revenue	-	-	-	-	157,167	157,167	-
Personnel Services	-	-	-	-	157,167	157,167	-
Operating Expense	-	-	-	-	157,167	157,167	-
Total Expense	-	-	-	-	157,167	157,167	-

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.

\$3000 in Personnel Services added for a summer extern.

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Litigation & Labor

Litigation

Budget Summary

	FY 18-19 Actual	FY 19-20 Actual	FY 20-21 Amended Budget	FY 20-21 Projected Year End	FY 21-22 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Charges, Fees, License, Permits, Fines, Assessments	562,316	516,930	680,000	661,000	648,000	(32,000)	-5%
General Fund Support	1,032,737	1,058,054	995,025	946,453	957,559	(37,466)	-4%
Operating Revenue	1,595,054	1,574,984	1,675,025	1,607,453	1,605,559	(69,466)	-4%
Total Revenue	1,595,054	1,574,984	1,675,025	1,607,453	1,605,559	(69,466)	-4%
Personnel Services	1,388,001	1,366,648	1,470,552	1,427,721	1,447,408	(23,144)	-2%
Materials & Services	207,053	208,336	204,473	179,732	158,151	(46,322)	-23%
Operating Expense	1,595,054	1,574,984	1,675,025	1,607,453	1,605,559	(69,466)	-4%
Total Expense	1,595,054	1,574,984	1,675,025	1,607,453	1,605,559	(69,466)	-4%

Significant Issues and Changes

FY21-22: Presentation changes are the result of the new county-wide chart of account implementation.

\$3000 in personnel services added for a summer extern.