



## **County Counsel**

**Stephen L Madkour, County Counsel**

**2051 Kaen Road  
Oregon City, Oregon 97045  
503-655-8362**

Website Address: <https://www.clackamas.us/counsel>



# 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 Request \$2,941,273

General Fund Support \$1,976,273

#### County Operations Legal Support

Stephen Madkour - Mgr

FTE 3.75

Total Request

\$811,733

Gen Fund \$ 523,733

#### Litigation & Labor

Stephen Madkour - Mgr

FTE 7.0

Total Request

\$1,650,119

Gen Fund \$ 974,119

#### Office of the County Counsel

Stephen Madkour - Mgr

FTE 2.0

Total Request

\$479,421

Gen Fund \$ 478,421

#### Advisory, Transactional & Regulatory Program

Stephen Madkour - Mgr

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## County Counsel Department

### Department Budget Summary by Fund

<i>Line of Business</i>	FY 19/20	FY 19/20	FY 19/20	FY 19/20
<i>Program</i>	FTE	General Fund	Total Proposed Budget	General Fund Subsidy Included in Proposed Budget**
County Operations Legal Support				
Advisory, Transactional & Regulatory	3.75	811,733	811,733	523,733
Litigation and Labor				
Litigation, Labor & Employment	7.00	1,650,119	1,650,119	974,119
Office of the County Counsel				
Office of the County Counsel	2.00	479,421	479,421	478,421
<b>TOTAL</b>	<b>12.75</b>	<b>2,941,273</b>	<b>2,941,273</b>	<b>1,976,273</b>
<b>FY 18/19 Budget</b>	12.75	2,859,569	2,859,569	1,899,569
<b>\$ Increase (Decrease)</b>	0.00	81,704	81,704	76,704
<b>% Increase ( Decrease)</b>	0.00%	2.86%	2.86%	4.04%

**\*\* 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**

The logo for Clackamas County features a stylized mountain peak in a teal color. A white, curved shape, resembling a river or a path, flows from the base of the mountain towards the right.

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## County Operations Legal Support

### Line of Business Purpose Statement

The purpose of the County Operations Legal Support Line of Business is to provide easy-to-access, easy-to-understand advisory, regulatory, and transactional legal services to Clackamas County and its special districts through its elected officials and department so that they can make well advised, timely, sound, legally informed decisions, and keep the delivery of services to the public moving.

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### Advisory, Transactional & Regulatory Program

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FTE 3.75

Total Request

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Gen Fund \$ 523,733



# County Operations Legal Support

## Advisory, Transactional & Regulatory Program

### Purpose Statement



The purpose of the Advisory, Transactional and Regulatory Program is to provide advice, consultation and training services, research, technical consultation, strategic drafting, regulatory strategy, negotiation, and composition services to Clackamas County and its special districts through its elected officials and departments so that they can implement and enforce their contractual arrangements, technical goals and objectives and conduct their operations in a manner that comports with local, state and federal regulations and laws.

### Performance Narrative

This program has three main roles:

1. Advisory: Provide advice, consultation, and training services to the County and its special districts so that they make sound, legally informed decisions and deliver services to their customers.
2. Regulatory: Provide research, technical consultation, regulatory strategy, negotiation and composition services to the County and its special districts so that they can implement and enforce their technical goals and objectives in accordance with local, state, and federal regulations and laws.
3. Transactional: Provide strategic drafting, review, and negotiation services regarding contracts, partnerships, and IGAs to the County and its special districts so that they can conduct their business in a timely and legally-sound manner.

### Key Performance Measures

		FY 16-17 Actual	FY 17-18 Actual	FY 18-19 Target	FY 18-19 Actuals as of 12/31/18	FY 19-20 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%	80%	100%	99%	100%
 Result	% Land use decisions consistent with County Counsel's recommended positions	-	100%	NEW	100%	100%
Output	# of Hours Spent on Review of Contracts/IGAs/MOUs <sup>2</sup>	1240	1456	NEW	660	1200
Output	# of Contracts/IGAs/MOUs Reviewed by Counsel <sup>2</sup>	900	900	NEW	368	900
Result	% Formal client inquiries provided a response within 7 working days <sup>1</sup>	80%	80%	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 16-17 Actual	FY 17-18 Actual	FY 18-19 Amended Budget	FY 18-19 Projected Year End	FY 19-20 Requested Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0%
Charges for Service	-	-	283,000	291,829	288,000	5,000	1.8%
<b>Operating Revenue</b>	-	-	<b>283,000</b>	<b>291,829</b>	<b>288,000</b>	<b>5,000</b>	<b>1.8%</b>
<b>Total Rev - Including Beginning Bal</b>	-	-	<b>283,000</b>	<b>291,829</b>	<b>288,000</b>	<b>5,000</b>	<b>1.8%</b>
Personnel Services	-	-	636,268	644,326	701,479	65,211	10.2%
Materials & Services	-	-	60,590	54,615	59,455	(1,135)	-1.9%
Cost Allocation Charges	-	-	44,363	44,363	50,799	6,436	14.5%
<b>Operating Expenditure</b>	-	-	<b>741,221</b>	<b>743,304</b>	<b>811,733</b>	<b>70,512</b>	<b>9.5%</b>
<b>Total Exp - Including Special Categories</b>	-	-	<b>741,221</b>	<b>743,304</b>	<b>811,733</b>	<b>70,512</b>	<b>9.5%</b>
<b>General Fund Support (if applicable)</b>	<b>0</b>	<b>0</b>	<b>458,221</b>	<b>451,475</b>	<b>523,733</b>	<b>65,512</b>	<b>14.3%</b>
Full Time Equiv Pos (FTE) Budgeted	-	-	3.75	3.75	3.75	-	0%
Full Time Equiv Pos (FTE) Filled at Yr End	-	-	-	3.75	-	-	-
Full Time Equiv Pos (FTE) Vacant at Yr End	-	-	-	-	-	-	-

#### Significant Issues and Changes



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## Litigation and Labor

### Line of Business Purpose Statement

The purpose of the Litigation and Labor Line of Business is to provide advice and legal services to Clackamas County and its special districts through its elected officials and departments so that they can manage and minimize risk, be represented in lawsuits, and appropriately administer labor and employment laws. Activities include consultation, advice, representation and negotiation services, file 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.

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FTE 12.75

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General Fund Support \$ 1,976,273

#### Litigation & Labor

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FTE 7.0

Total Request

\$1,650,119

Gen Fund \$ 974,119

#### Litigation, Labor & Employment Program

Stephen Madkour - Mgr

FTE 7.0

Total Request

\$1,650,119

Gen Fund \$ 974,119



# 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 16-17 Actual	FY 17-18 Actual	FY 18-19 Target	FY 18-19 Actuals as of 12/31/18	FY 19-20 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%	NEW	100%	100%
Output	# of tort claims and accident reports reviewed <sup>2</sup>	90	112	NEW	62	75
Result	% Involuntary employment terminations and separations that result in a lawsuit or arbitration <sup>1</sup>	50%	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 & Labor

### Litigation Program

#### Budget Summary

	FY 16-17 Actual	FY 17-18 Actual	FY 18-19 Amended Budget	FY 18-19 Projected Year End	FY 19-20 Requested Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0.0%
Local Grants & Revenues	-	-	1,000	1,000	1,000	-	0%
Charges for Service			675,000	647,171	675,000	-	0%
<b>Operating Revenue</b>			<b>676,000</b>	<b>648,171</b>	<b>676,000</b>	-	<b>0.0%</b>
<b>Total Rev - Including Beginning Bal</b>	-	-	<b>676,000</b>	<b>648,171</b>	<b>676,000</b>	-	<b>0.0%</b>
Personnel Services	-	-	1,473,689	1,463,631	1,423,873	(49,816)	-3.4%
Materials & Services	-	-	123,215	110,723	124,651	1,436	1.2%
Cost Allocation Charges			89,739	89,739	101,595	11,856	13.2%
Capital Outlay							
<b>Operating Expenditure</b>			<b>1,686,643</b>	<b>1,664,093</b>	<b>1,650,119</b>	<b>(36,524)</b>	<b>-2.2%</b>
<b>Total Exp - Including Special Categories</b>	-	-	<b>1,686,643</b>	<b>1,664,093</b>	<b>1,650,119</b>	<b>(36,524)</b>	<b>-2.2%</b>
<b>General Fund Support (if applicable)</b>	-	-	<b>1,010,643</b>	<b>1,015,922</b>	<b>974,119</b>	<b>-36,624</b>	<b>-3.6%</b>
Full Time Equiv Pos (FTE) Budgeted	-	-	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



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## Office of the County Counsel

### Line of Business 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.

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### Purpose Statement




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### 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 16-17 Actual	FY 17-18 Actual	FY 18-19 Target	FY 18-19 Actuals as of 12/31/18	FY 19-20 Target
 Result	% Annual staff evaluations completed <sup>2</sup>	85%	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

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



Office of the County Counsel

Office of the County Counsel Program

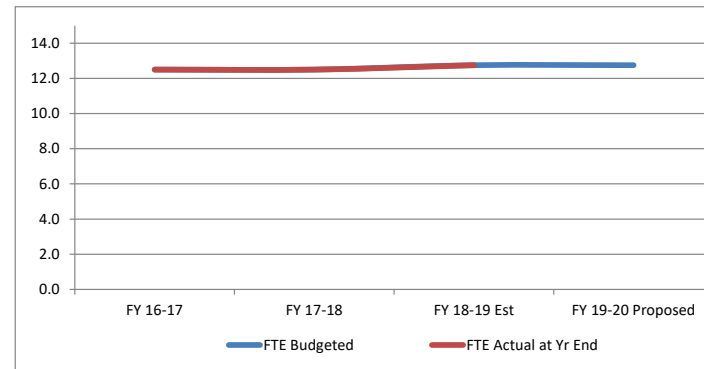
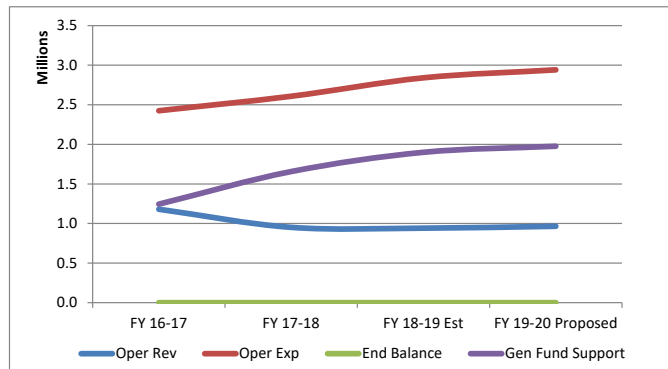
Budget Summary

	FY 16-17 Actual	FY 17-18 Actual	FY 18-19 Amended Budget	FY 18-19 Projected Year End	FY 19-20 Requested Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	-	-	-	-	-	-	0%
Charges for Service	-	-	1,000	1,200	1,000	-	0%
<b>Operating Revenue</b>	-	-	<b>1,000</b>	<b>1,200</b>	<b>1,000</b>	-	0%
<b>Total Rev - Including Beginning Bal</b>	-	-	<b>1,000</b>	<b>1,200</b>	<b>1,000</b>	-	0%
Personnel Services	-	-	372,357	372,357	415,779	43,422	11.7%
Materials & Services	-	-	35,010	32,178	34,614	(396)	-1.1%
Cost Allocation Charges	-	-	24,338	24,338	29,028	4,690	19.3%
<b>Operating Expenditure</b>	-	-	<b>431,705</b>	<b>428,873</b>	<b>479,421</b>	<b>47,716</b>	11.1%
<b>Total Exp - Including Special Categories</b>	-	-	<b>431,705</b>	<b>428,873</b>	<b>479,421</b>	<b>47,716</b>	11.1%
<b>General Fund Support (if applicable)</b>	-	-	<b>430,705</b>	<b>427,673</b>	<b>478,421</b>	<b>47,716</b>	11.1%
Full Time Equiv Pos (FTE) Budgeted	-	-	2.00	2.00	2.00	-	0%
Full Time Equiv Pos (FTE) Filled at Yr End	-	-	-	2.00	-	-	-
Full Time Equiv Pos (FTE) Vacant at Yr End	-	-	-	-	-	-	-

Significant Issues and Changes

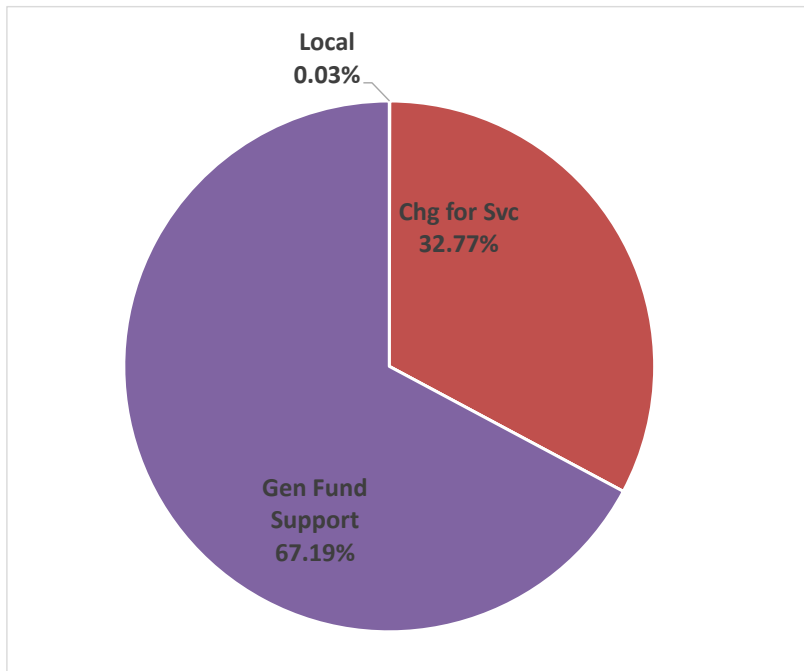
**County Counsel - General Fund  
Summary of Revenue and Expense**

	FY 16-17	FY 17-18	FY 18-19 Amended Budgeted	FY 18-19 Projected Year End	FY 19-20 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
<b>Beginning Balance</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
Prior Year Revenue	0	0	0	0	0	0	0%
Taxes	0	0	0	0	0	0	0%
Licenses & Permits	0	0	0	0	0	0	0%
Federal Grants & Revenues	0	0	0	0	0	0	0%
State Grants & Revenues	0	0	0	0	0	0	0%
Local Grants & Revenues	1,289	1,130	1,000	1,000	1,000	0	0%
Charges for Service	1,178,924	950,270	959,000	940,200	964,000	5,000	0.5%
Fines & Penalties	0	0	0	0	0	0	0%
Other Revenues	0	0	0	0	0	0	0.0%
Interfund Transfers	0	0	0	0	0	0	0%
<b>Operating Revenue</b>	<b>1,180,213</b>	<b>951,400</b>	<b>960,000</b>	<b>941,200</b>	<b>965,000</b>	<b>5,000</b>	<b>0.5%</b>
% Change	NA	-19.4%	0.9%	-1.1%	2.5%		
Personnel Services	2,130,131	2,261,165	2,482,314	2,480,314	2,540,131	57,817	2.3%
Materials & Services	158,885	177,227	218,815	202,015	222,591	3,776	1.7%
Cost Allocation Charges	124,063	155,903	158,440	158,440	178,551	20,111	12.7%
Debt Service	0	0	0	0	0	0	0%
Interfund Transfers	0	0	0	0	0	0	0%
Capital Outlay	11,759	13,450	0	0	0	0	0%
<b>Operating Expenditure</b>	<b>2,424,838</b>	<b>2,607,745</b>	<b>2,859,569</b>	<b>2,840,769</b>	<b>2,941,273</b>	<b>81,704</b>	<b>2.9%</b>
% Change	NA	7.5%	9.7%	8.9%	3.5%		
Reserve for Future Expenditures	0	0	0	0	0	0	0%
Contingency	0	0	0	0	0	0	0%
<b>Total Expenditure</b>	<b>2,424,838</b>	<b>2,607,745</b>	<b>2,859,569</b>	<b>2,840,769</b>	<b>2,941,273</b>	<b>81,704</b>	<b>2.9%</b>
<b>Ending Balance (if applicable)</b> (includes Reserve & Contingency)	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>General Fund Support (if applicable)</b>	<b>1,244,625</b>	<b>1,656,345</b>	<b>1,899,569</b>	<b>1,899,569</b>	<b>1,976,273</b>	<b>76,704</b>	<b>4.0%</b>
Full Time Equiv Positions (FTE) Budgeted	12.5	12.5	12.75		12.75	0.0	0%
Full Time Equiv Positions (FTE) Filled at Yr End	12.5	12.5		12.75			
Full Time Equiv Positions (FTE) Vacant at Yr End	0.0	0.0		0.0			

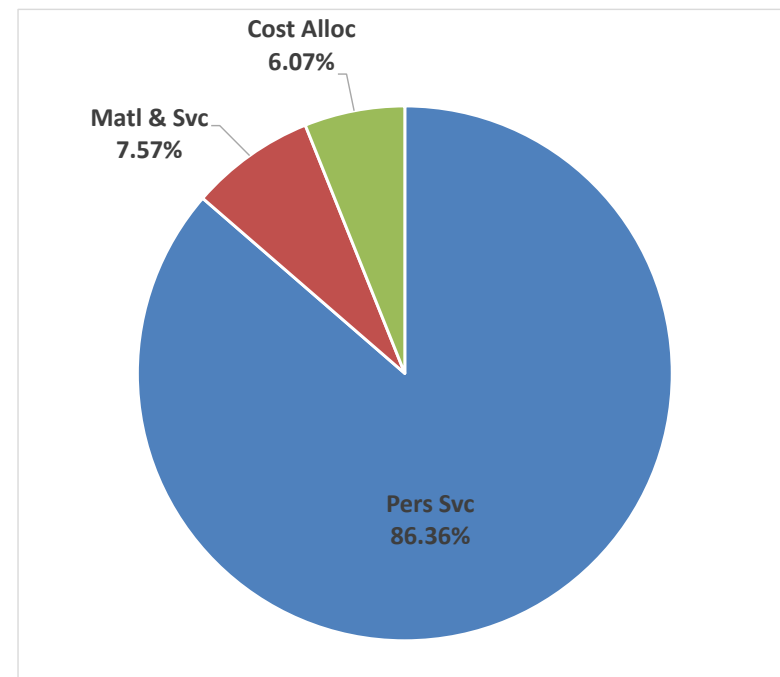




**County Counsel - General Fund  
FY 19-20 Proposed Budget**



**Resources**



**Requirements**