

**ANNOTATED AGENDA FOR THE
MEETING OF THE
BOARD OF COMMISSIONERS**

Tuesday, September 28, 2010 - 10:00 am
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

Chair Jeff Cogen convened the meeting at 10:05 a.m. with Vice-Chair Diane McKeel and Commissioners Barbara Willer and Judy Shiprack present and Commissioner Kafoury excused.

B-1 County Attorney's Annual Litigation Report. Presenters: Agnes Sowle, County Attorney, and Jenny Morf and Stephen Madkour, Assistant County Attorneys

Chair Cogen recognized Ms. Sowle's last board event as County Attorney, and commended her for her hard work and dedication. The Commissioners also voiced their thanks and wished Ms. Sowle well in her retirement.

Ms. Sowle thanked the Board for their kind words and said this report would be her last official function as County Attorney. Ms. Sowle made the introductions.

Ms. Sowle stated that the mission of the County Attorney's office is to provide cost-effective legal advice and representation. Code requires the County Attorney to submit a formal annual litigation report to the Board that summarizes legal services provided to county clients during the last fiscal year, ending June 30, 2010, with a specific emphasis on litigation services.

Ms. Sowle reviewed the composite, tenure and expertise of their attorneys, staff and students in the law clerk program. She discussed the case management computer database utilized to record time spent on cases, clients and matters. Of the total 26,980 hours invested this past fiscal year, 94%, or 25,310.41 hours, were provided in direct legal services. She reviewed the services by County department and the percentages of time spent on each. During her succession planning, she appointed Jenny Morf and Steven Madkour as leads and they assign and supervise the cases.

Ms. Morf acknowledged staff in the audience and gave an overview of the direct services they provide, by percentage and department, including litigation, contracts/documents, legal consultation and client training.

Mr. Madkour discussed the management of labor and employment litigation they handle, including tort claims. The County received 180 tort claims last year; 123 or 678% of them were filed *pro se*. The County was also served with 35 lawsuits this past fiscal year. Of

those filed, 15 were filed *pro se* and 20 were represented by Counsel. He reviewed the highlights for the year including trials, dismissals, favorable resolutions, arbitrations, concealed hand gun permit cases and guardianship proceedings. Additionally, they have created and implemented a civil forfeiture process that has processed 56 claims and secured over \$68,800 in cash and property. Some cases were resolved by seeking legislative remedy from the Oregon Legislature in cooperation with the City of Portland. He reviewed the increases and costs of defending and prosecuting cases and covered client satisfaction results.

Ms. Sowle said the effective rate paid for each hour of direct legal service was \$130.96, down slightly from last year, and comparatively less than what the County would pay for attorneys in the private sector. She summarized by stating that their office is highly regarded in the legal community for their ethics and professionalism.

The Chair and Commissioners expressed their appreciation for the benefits their department provides to the taxpayers because the County is functioning at its optimum. The Board thanked them for their presentation and bid County Attorney Agnes Sowle a sad and fond farewell.

Chair Cogen called for a recess at 10:36 am.

Chair Cogen reconvened the meeting at 10:45 am.

B-2 Informational Board Briefing on the Sellwood Bridge Project. Presenter: Ian Cannon, Manager, Engineering Services, LUT Div., Bridges Sect.; Mike Baker, Owner's Representative from David Evans and Assoc.; and, Mike Pullen, Coordinator, Public Affairs Office.

Mr. Cannon made the introductions. He gave an update to the Board. He said the application for \$40M TIGER II grant funding has been submitted; plans to issue a Bond for \$50M is targeted for December 1st; and the current project estimate stands at \$330M.

He answered the Board's questions about the new procurement plan, which ensures that the means, methods, labor and materials are sustainable and they are working with appropriate staff and agencies to achieve the goals of this project.

Mr. Baker reviewed the project management team; CMGC procurement; document management, programmatic schedule, and project management plan.

Mr. Pullen spoke of public involvement, the Record of Decision expected from NEPA this week, the deterioration of the bridge and inspections that are ongoing to ensure the bridge's safety until it is replaced. He spoke of the next phase being the design of the bridge type selection process and the calendar for upcoming meetings. Those items on the calendar are:

- CAC bridge type recommendation – October 4
- Final design Engineer procurement – RFP October 8

- CAC/PSC joint meeting for CAC recommendation – mid October
- Right of Way acquisition begins – BCC action in October
- PSC recommendation – October 2010
- BCC selects bridge type – late October 2010
- 30% design developed – late November 2010
- ODOT and FHWA approval of 30% design – January 2011
- Design continues – Spring 2011 to 2013
- Permit applications – Spring 2011
- Construction starts – Summer 2012
- Construction finished – Fall 2016

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:06 am.

Submitted by:

Lynda J. Grow, Board Clerk,
Marina Baker, Assistant Board Clerk and
Shirley Luo, Intern
Board of County Commissioners
Multnomah County