

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2 **FOR MULTNOMAH COUNTY, OREGON**

3 **ORDINANCE NO. 884**

4
5 **An ordinance relating to county organization; concerning the**
6 **organization and functions of the office of county counsel, and repealing**
7 **Ordinance No. 607.**

8
9
10 **Multnomah County ordains as follows:**

11
12 **Section 1: Office of County Counsel**

13
14 **(A) An office of county counsel is established. The county**
15 **counsel is the chief legal officer of the county and shall be the office**
16 **director. The county counsel shall be appointed by the chair of the board**
17 **of commissioners (chair) subject to consent of a majority of the entire**
18 **board of commissioners (board). The county counsel may be removed**
19 **from office by the chair after first consulting with each other member of the**
20 **board concerning the decision.**

21
22
23 **(B) The county counsel shall:**

24 **(1) Provide legal advice and counsel to the board and its**
25 **various advisory boards, commissions and committees;**
26

1 (2) Provide legal advice and counsel to the chair and all
2 county departments and offices;

3 (3) Provide legal advice and counsel to the sheriff and
4 auditor;

5 (4) Prepare ordinances and other legal documents when
6 requested by a member of the board, chair, sheriff, auditor, or
7 department director;

8 (5) Review and approve as to form all written contracts,
9 ordinances, resolutions, board orders, chair executive orders,
10 bonds, and other legal documents;

11 (6) Control and supervise all civil actions and legal
12 proceedings in which the county is a party or has a legal interest;

13 (7) Represent and defend the county and its elected
14 officials, boards, commissions, committees, department directors,
15 and employees and other persons entitled to representation under
16 the Oregon Tort Claims Act in all appropriate legal matters, unless
17 the county has an insurance policy or indemnification agreement
18 which provides such representation and defense;

19 (8) Initiate, defend, appear or appeal any legal action, matter or
20 proceeding in any court or tribunal when requested by the board, chair,
21 sheriff or auditor;

22 (9) Submit formal annual report to the board concerning
23 the status of all legal actions in which the county is a party, and at
24
25
26

1 the request of any elected official report on the status of any legal
2 matter;

3 (10) Prepare formal written opinions deemed necessary by
4 the county counsel regarding significant interpretations of federal
5 and Oregon law, the county charter and ordinances, and other
6 documents. Formal opinions may be requested by any county
7 elected official or department director. Formal opinions shall be
8 official guidance to the county unless superseded by court or
9 administrative decisions, or subsequent legislation or administrative
10 rules;
11

12 (11) Maintain custody of records including the office
13 pleadings and other documents of all legal actions, and all county
14 counsel formal written opinions;
15

16 (12) Codify county ordinances as provided by chapter 1.20 of
17 the Multnomah County Code; and

18 (13) Employ outside legal counsel on behalf of the county
19 when the county counsel deems it necessary or appropriate to do
20 so. A majority of the entire board may also employ outside legal
21 counsel for a specific county matter. With this exception no county
22 elected official, board, commission, committee, department director
23 or employee shall employ or be represented by counsel other than
24 the county counsel.
25

26 (C) The county and the office of county counsel shall have an
attorney-client relationship and the county is entitled to all

1 benefits thereof. For purposes of the attorney-client relationship,
2 the county is a single entity and its elected and appointed
3 officials collectively and individually perform duties and exercise
4 county legal authority.

5
6
7 **Section 2: Codification**

8
9 Sections 1 of this ordinance shall be codified as section 2.30.550 of
10 chapter 2 of the Multnomah County Code.

11
12
13 **Section 3. Repeal**

14 Ordinance No. 607 is repealed.

15
16 **Section 4. Effective Date**

17
18 This ordinance shall take effect shall take effect on the 30th day after
19 its adoption, as provided by Multnomah County Charter Section 5.50.

20
21
22 *///*

23
24 *///*

25
26 *///*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ADOPTED this 4th day of September, 1997, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

**Beverly Stein, Chair
Multnomah County, Oregon**

REVIEWED :

**THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON**

Thomas Sponsler, County Counsel

DATA\SPONSLER\CCORDITSVERSION