

PORT OF PORTLAND COMMISSION POLICY

Legal Services

Policy No. 6.1.3

Revised Commission meeting of September 11, 1996

Background

The Port's General Counsel serves as the Port's primary legal resource and shall be the clearinghouse for all legal matters. Because the General Counsel's office does not staff itself to provide specialized legal counsel for such matters as bonds, condemnation, contested Workers' Compensation cases, and most litigation that may be required by the Port, it is necessary to retain outside legal services. The Port recognizes that there are costs inherent in settling controversies, and the General Counsel shall participate in developing reasonable strategies and solutions that will reduce costs and litigation.

Policy

Although the General Counsel's office serves as the first source of legal assistance at the Port, it is the policy of the Port to retain competent attorneys in private practice with specific legal expertise and experience in areas where the Port has a need for additional legal services. The selection and retention of attorneys by the Port shall be in accordance with procedures established by the General Counsel. Timely and comprehensive information on the status of the Port's legal affairs, including decisions on the initiation of litigation, is of great importance to the Commission. The central purpose of this Commission Policy is to establish a system by which information about the Port's legal activity can be reported to the Commission and to develop a mechanism by which the Commission can fully participate in significant legal decisions.

On a monthly basis, the Executive Director will send all Commissioners a copy of a report showing the status of all pending cases to which the Port is a party. The Executive Director or the Port's General Counsel shall report orally or in writing to the Commission concerning any major legal issues faced by the Port, and shall take appropriate steps to preserve confidentiality regarding any legal matters of a sensitive or privileged nature. If appropriate, the Commission may hold an Executive Session, pursuant to ORS 192.660, to consider records exempt from disclosure, to consult with the Executive Director and the Port's General Counsel concerning the legal rights and duties of the Port with regard to current litigation or litigation likely to be filed, or for other purposes permitted by the Public Meetings Law.

Indemnity and Defense

The Port, at its expense, and to the extent permitted by law, shall defend, save harmless, and indemnify any of its Commissioners, officers, employees, and agents against any claim arising out of an alleged act or omission occurring in the performance of the person's duties, except in case of malfeasance in office or willful or wanton neglect of duty.

Commission Approvals

Except as provided below, the Executive Director may initiate or defend any legal action brought by or against the Port:

- a) The President of the Commission, after consultation with the Commission's officers, must approve any Port-initiated litigation if:

- i) The matter involves a sensitive relationship; or
- ii) The action involves another public body.
- b) If the Port intends to initiate any litigation, other than routine collection actions under \$20,000, the Executive Director shall report this fact to the President of the Commission.
- c) The President may refer any legal matter to the Commission for review.

In any case deemed to be an emergency by the Executive Director, the Executive Director may cause action to be filed upon approval of the President of the Commission or, in his absence or unavailability, the next available ranking officer thereof.