





Office of Mayor Charlie Hales  
City of Portland

**MEMORANDUM**

January 29, 2015

To: City Budget Office  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Steve Novick  
Commissioner Dan Saltzman  
Auditor Mary Hull Caballero

From: Mayor Charlie Hales

Subject: FY 2015-16 Requested Budget of the City Attorney's Office

Attached for your consideration is the FY 2015-16 budget request for the City Attorney's Office. The City Attorney's Office currently has one program – Legal Services. The Legal Services program is funded through General Fund overhead, General Fund discretionary and interagency agreements.

Guidance to bureaus this year included developing a stabilization budget and limiting any new ongoing requests to the highest priority programs. The enclosed budget includes one decision package requesting ongoing General Fund dollars, one package funded through an interagency agreement and one realignment package. The office has also included the required reduction package to offset the General Fund request, but does not recommend it.

The office's first priority decision package is to fund a Deputy City Attorney to work on the City's policy objectives of affirmatively fostering civil rights and equity. Two objectives of this position are 1) to affirmatively enforce City-created civil rights, and 2) to assist in the development and implementation of legislation and policies that will bolster economic opportunity for all Portlanders, livability in all neighborhoods, and equity in service delivery. The office has included an equal reduction package pursuant to Council direction but is unable to realign resources without a detrimental effect on the cost of providing legal work. If the reduction is approved, the office will be forced to hire more expensive outside counsel.

The second decision package adds a litigation hold staff position which will be funded through an interagency agreement with Risk Management and does not require additional General Fund dollars. Last fiscal year, the office requested a Deputy City Attorney and Paralegal to focus on critical Citywide legal records management issues, which includes litigation holds. Council authorized an attorney only. That project is progressing due to an internal realignment allowing for limited Paralegal support. Unfortunately, without full Paralegal support, the litigation holds program is understaffed. The City Attorney's Office and Risk Management have identified a cost-effective way to ensure full legal services are provided with regard to litigation holds by adding an Assistant Program Specialist.

The final decision package is a realignment request. This package simply moves existing resources provided for the implementation of the COCL contract from the City Attorney's Office to the Mayor's Office because the Mayor's Office will be administering the contract.

Thank you for your consideration.



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF THE CITY ATTORNEY

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December 29, 2014

FY15-16 BUDGET ADVISORY COMMITTEE SUMMARY REPORT

The City Attorney's Office Budget Advisory Committee (BAC) convened on December 16, 2014 at 3:30 p.m. The Committee members present were Tracy Reeve, Harry Auerbach, Scott Moede, Linda Law, Crystine Jividen, Kim Sneath, Kerry Tompulis, citizen advisor Melvin Oden-Orr, client advisor Shelli Tompkins, from PBEM. Also present was City Budget Office analyst Daniel Trubman.

The group discussed the City budget process, the City Attorney's Office's background, and the services the office provides to the City. The role and goals of the BAC were reviewed and the group concurred they had an understanding of the services the office provides, the budget process, and the role of the BAC. It was discussed that the office was in early stages of budget development and that the financial forecast allowed for a stabilization budget which means no cuts are required. The group also reviewed the Mayor's goals and priorities.

Funding sources were discussed. The City Attorney's Office's budget is comprised of Interagency Agreements and General Fund overhead and discretionary funds.

Tracy Reeve discussed the Office's proposed add package for an attorney to provide equity legal work for the City and the potential this position has for affirmatively advancing civil rights enforcement throughout the City. Attendees engaged in a lengthy discussion about the Mayor's Budget Equity Assessment Tool and Citywide policy initiatives. Tracy Reeve further discussed how the City Attorney's Office is integrating equity in all the legal work they provide for the City and how the office is internally tracking this information. Melvin Oden-Orr discussed the social impact of our legal work and how it is going to affect the community moving forward.

Attendees engaged in a discussion on the cost of outside counsel hourly rates compared to the office's hourly rate and the reasons outside counsel is hired. Last year's goal was to minimize the City's reliance on outside counsel and the group discussed how the office is reaching that goal. The group emphasized how important it is to get this information in the budget documents, possibly by a footnote.

The group reviewed the External Material & Services expenditures and Shelli Tompkins inquired about the high cost of Electronic Legal Research Services. The group explained how the hard copy library is becoming obsolete and publication costs have vastly decreased while Electronic Legal Research Services has increased and most likely will continue to increase.

Final discussion was on performance measures and the difficulty of quantifying legal work. Melvin Oden-Orr brought up client satisfaction and the group discussed the office's customer service surveys. The office will be updating its survey this coming fiscal year to ensure it accurately measures the office's degree of success in reaching its adopted goals.

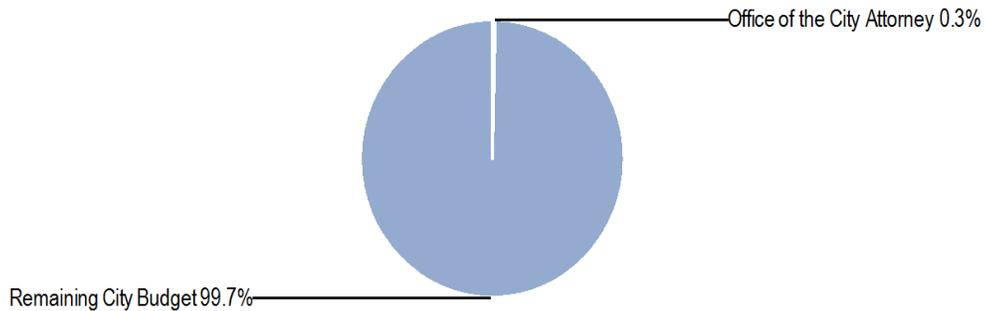
The group closed the meeting and concurred that they understood the office's budget processes, would review notes from our meeting and would provide feedback within the requested timeline. Crystine Jividen will email the summary report and the BAC Members will then decide if another meeting would be beneficial.

# Office of the City Attorney

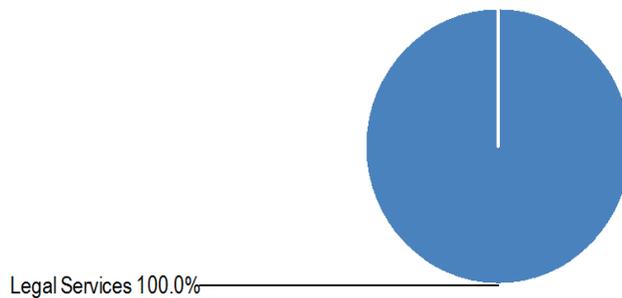
City Support Services Service Area

Mayor Charlie Hales, Commissioner-in-Charge  
Tracy Reeve, City Attorney

Percent of City Budget

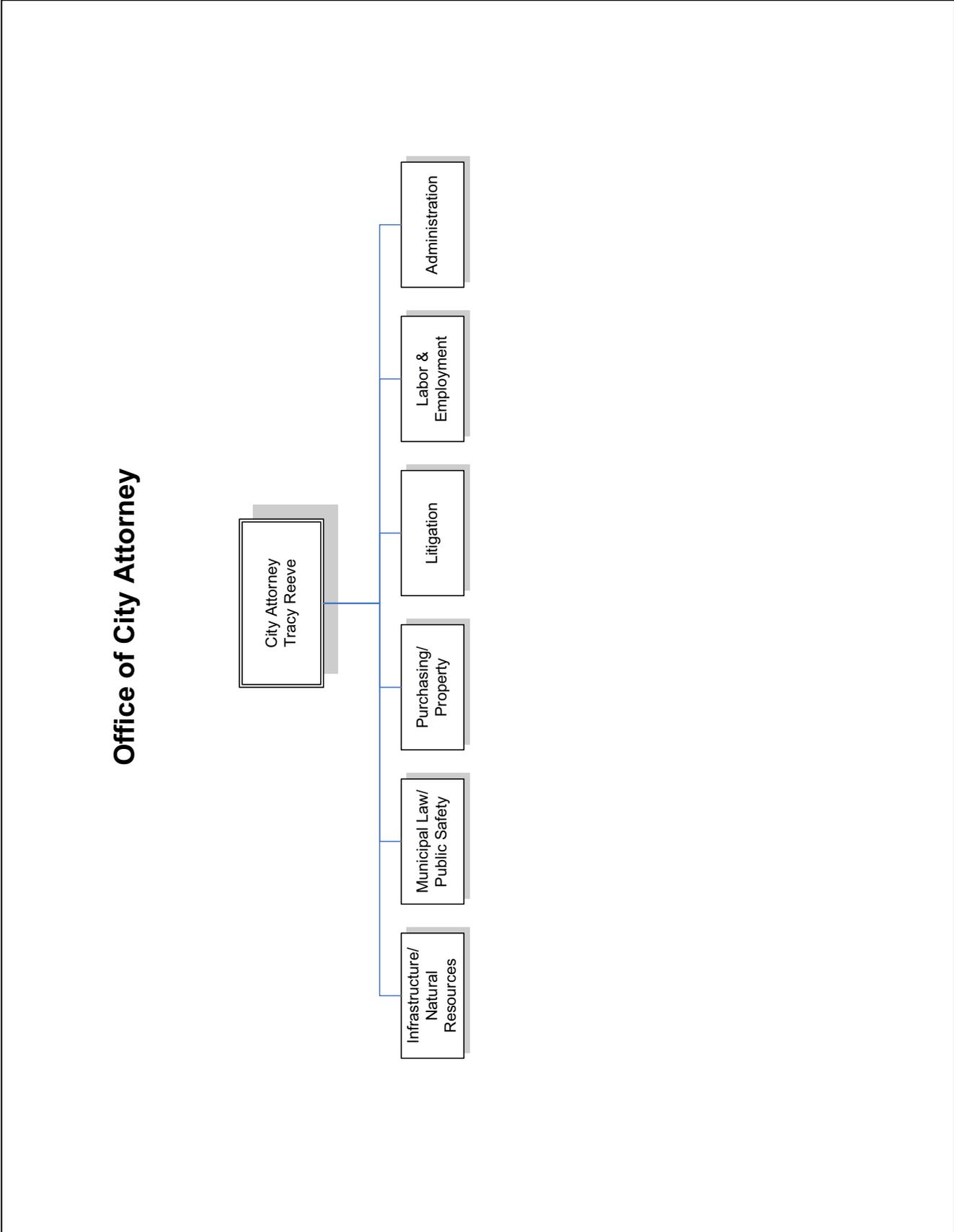


Bureau Programs



Bureau Overview

Expenditures	Revised FY 2014-15	Requested FY 2015-16	Change from Prior Year	Percent Change
Operating	11,008,072	11,235,191	227,119	2.06
Capital	0	0	0	0.00
<b>Total Requirements</b>	<b>11,008,072</b>	<b>11,235,191</b>	<b>227,119</b>	<b>2.06</b>
Authorized Positions	62.05	64.05	2.00	3.22



## Bureau Summary

### Bureau Mission

To provide excellent, objective, timely and cost-effective legal advice and advocacy in support of the City's policy goals and to ensure that the official actions of the City, its elected officials and employees comply with the law.

### Bureau Overview

The Portland City Attorney's Office is responsible for all of the legal affairs of the City. The office represents the City, the Mayor, other elected officials and the City's bureaus and offices in all affirmative and defensive civil litigation, and administrative and quasi-judicial proceedings. Office attorneys draft and review local legislation, procurement contracts, real estate leases, intergovernmental agreements and other documents and legal instruments. The City Attorney's Office provides legal counsel to City officials on a wide range of issues including: environmental law, constitutional law, civil rights, employee benefits, proposed legislation, public records requests and legal records management, personnel and labor law issues, tort claims, workers' compensation, construction contracts and claims, land use planning, equity, diversity and affirmative action, revenue and taxation, policing, fire, rescue and emergency services, code enforcement, housing, telecommunications, franchises and utilities, and collection of revenues owed to the City. Office attorneys advise on policy development and program implementation, advocate and negotiate on behalf of the City, and provide training to elected officials, City boards and commissions and City employees in a wide variety of areas.

The City Attorney's Office consists of five legal practice groups, staffed with 37 lawyers and 25 support professionals. The office is led by the City Attorney who is appointed by, and serves at the pleasure of, the City Council.

### Funding Sources and Uses

Interagency agreements with other bureaus and offices for specialized legal work in specific areas represent 49% of the total operating budget of the City Attorney's Office. The remainder of the budget is supported by General Fund discretionary revenue and General Fund overhead recovery revenue. The FY 2015-16 Requested Budget includes 64.05 FTE. Personnel services represent 85% of the office's expenditures.

### Strategic Direction

The City Attorney's Office has four main goals:

- 1) To provide the highest level of customer service to clients through preventative legal advice that is timely, accurate and easy to access.
- 2) To effectively and vigorously advocate for the City's interests in state and federal courts and otherwise.
- 3) To support and advance the City's objective of achieving equity in all of its programs, services and activities.
- 4) To ensure accountability for the office's professional performance and effective stewardship of public resources.

# Office of the City Attorney

## City Support Services Service Area

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- Customer Service** The City Attorney's Office actively seeks to impart helpful, accurate, and timely preventative legal advice. Clients are encouraged to involve the City Attorney's Office at early levels of decision making, even if a significant legal issue has not yet been identified. City attorneys work with clients to provide solutions-oriented legal services to help achieve City policy objectives. The City Attorney's Office commits to an initial response time goal of one business day on any client inquiry. Clients are regularly surveyed, both formally and informally, to solicit feedback on the quality of legal services provided and how the City Attorney's Office can improve.
- Effective Advocacy** The City Attorney's Office handles cases in state and federal courts and in other proceedings, such as before the Employment Relations Board and the Land Use Board of Appeals. Attorneys evaluate cases to determine how best to protect the City's interests, including through early alternative dispute resolution where the City faces some legal risk, the strategic use of offers of judgment to minimize the risk of adverse outcomes in cases taken to trial, and the vigorous defense or prosecution of cases through pretrial motions, trial and on appeal. The office does not settle claims on a nuisance basis. City attorneys are ready, willing and able to take cases to trial, and work collaboratively. Because almost all litigation is handled in-house, the office is able to try cases in a cost-effective manner.
- Achieving Equity** As the City's legal counsel, office attorneys work with internal clients to ensure that all Portlanders have access to all of the services, benefits, and programs of the City free from discrimination, and that the civil rights of all Portlanders are legally recognized and protected by the City and its contractors and grantees. The City Attorney's Office does this by advising in programmatic areas such as the ADA and Title VI, the City's sick leave ordinance, fair contracting, hiring practices, and implementation of the City's civil rights ordinance, as well as by providing anti-discrimination training on civil rights and related issues to City employees. The office works to foster a professional atmosphere where diversity is appreciated and valued, and equity is the norm. This is accomplished by seeking to uncover and eliminate individual conscious and unconscious biases through training, education, discussion, and honest self-appraisal and through other cultural and diversity activities.
- Ensuring Accountability and Effective Stewardship of Public Resources** The City Attorney will evaluate office policies and procedures and make improvements as needed so systems are clear, accurate and transparent. The City Attorney will evaluate timekeeping methods and ensure that work schedules fit clients' needs for access to accurate, prompt and reliable preventative legal advice. The City Attorney will continue to actively seek to minimize costs for outside legal counsel as well as overhead and administration expenses.
- City legal services are fully centralized in the City Attorney's Office, with the exception of the Portland Development Commission and outside counsel. The City Attorney's Office's rates are significantly lower than outside counsel. The City Attorney's Office hourly rate for FY 2015-16 is \$138. The average outside counsel rate in Portland is \$284 per hour (Oregon State Bar 2012 Economic Survey) and can range as high as \$500 per hour. A goal of the City Attorney's Office is to minimize the number of occasions when outside counsel is hired by having sufficient in-house staff available.

## Legal Services

**Description** Legal Services is the sole budget program in the City Attorney's Office. All personnel provide legal work directly to the City Council, Auditor and City bureau staff. The Legal Services program allows the City Attorney's Office to represent the City in court litigation, administrative proceedings, appeals, and other judicial processes. This program also provides advice, consultation, and research on issues and questions regarding municipal operations and programs, contract negotiations, and training.

**Goals** The Legal Services program supports the City's goal of delivering efficient, effective, and accountable municipal services.

**Performance** The cost for legal services in the City Attorney's Office remains significantly lower than outside legal services. One goal of the City Attorney's Office is to minimize the number of occasions when outside counsel is hired by having sufficient in-house staff available. Adequate in-house staffing also is very important to the Office's ability to provide Citywide training to assure consistent and coordinated City services and to minimize risks.

**Changes to Services and Activities** The FY 2015-16 Requested budget includes additional funding for one Deputy City Attorney position to focus on affirmative civil rights enforcement and equity legal issues and funding for an Assistant Program Specialist to administer and support Citywide litigation holds, i.e. legal records management.

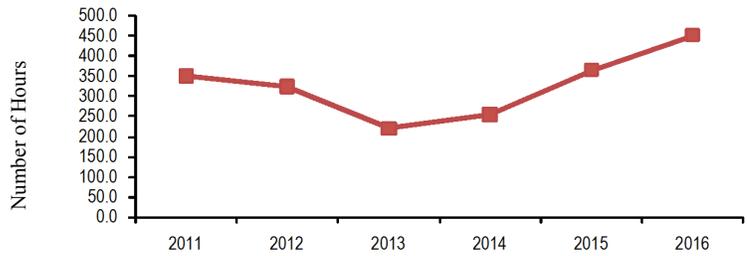
FTE & Financials	Actual FY 2012-13	Actual FY 2013-14	Revised FY 2014-15	Requested No DP FY 2015-16	Requested FY 2015-16
FTE	58.50	59.35	62.05	62.05	64.05
<b>Expenditures</b>					
Legal Services	8,972,417	9,599,607	11,008,072	11,403,191	11,235,191
<b>Total Expenditures</b>	<b>8,972,417</b>	<b>9,599,607</b>	<b>11,008,072</b>	<b>11,403,191</b>	<b>11,235,191</b>

Performance	Actual FY 2012-13	Actual FY 2013-14	Yr End Est. FY 2014-15	Base FY 2015-16	Target FY 2015-16
<b>Key Performance Measure</b>					
Number of training hours provided by City Attorney staff to other City staff	220	254	364	400	450
Outside Counsel Costs	\$1,239,914	\$595,525	\$476,080	\$801,839	\$626,839
Attorney Hourly Rate	\$130	\$133	\$136	\$140	\$138
<b>Workload</b>					
Number of litigation cases	1,402	1,328	1,347	1,338	1,338
Number of contracts reviewed and approved	8,610	8,491	8,839	8,840	8,840

## Performance Measures

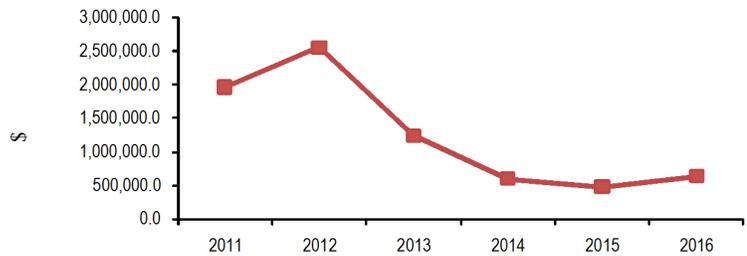
### Training Hours

City Attorney staff provide Citywide training to assure consistent and coordinated City services and to minimize risks. The reduction in 2013 was due to the loss of one attorney position. The increase in 2015 is due to the addition of an attorney to work on citywide legal records issues.



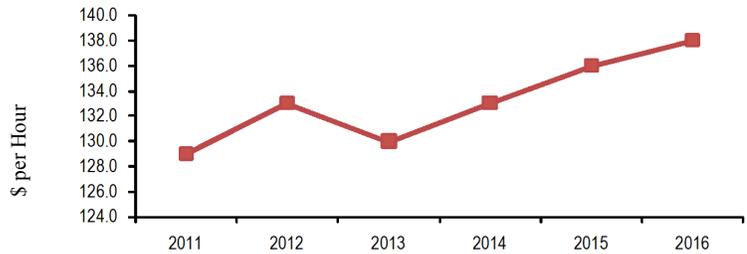
### Outside Legal Costs

Outside Counsel costs are unavoidable in certain situations. However, costs can be minimized with sufficient in-house staffing. Because outside counsel costs can be over two times higher than City Attorney rates, the office strives to keep outside counsel costs to a minimum.



### Attorney Hourly Rate

The attorney hourly rate is significantly lower than outside counsel rates. The average hourly rate for Oregon attorneys is \$284. (2012 Oregon State Bar 2012 Economic Survey) The City Attorney's Office hourly rate is less than half that at \$138.



	Actual FY 2012-13	Actual FY 2013-14	Revised FY 2014-15	Requested No DP FY 2015-16	Requested FY 2015-16
<b>Resources</b>					
<b>External Revenues</b>					
Charges for Services	8,126	6,203	6,000	6,000	6,000
<b>Total External Revenues</b>	<b>8,126</b>	<b>6,203</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
<b>Internal Revenues</b>					
General Fund Discretionary	1,074,738	1,293,580	2,881,266	2,688,781	2,565,861
General Fund Overhead	2,823,060	3,095,418	2,892,929	3,107,935	2,965,855
Interagency Revenue	5,071,969	5,204,406	5,227,877	5,600,475	5,697,475
<b>Total Internal Revenues</b>	<b>8,969,767</b>	<b>9,593,404</b>	<b>11,002,072</b>	<b>11,397,191</b>	<b>11,229,191</b>
Beginning Fund Balance	0	0	0	0	0
<b>Total Resources</b>	<b>\$8,977,893</b>	<b>\$9,599,607</b>	<b>\$11,008,072</b>	<b>\$11,403,191</b>	<b>\$11,235,191</b>
<b>Requirements</b>					
<b>Bureau Expenditures</b>					
Personnel Services	7,910,358	8,390,345	9,019,278	9,719,757	9,797,697
External Materials and Services	328,209	354,998	1,115,625	735,859	483,919
Internal Materials and Services	739,326	854,264	873,169	947,575	953,575
<b>Total Bureau Expenditures</b>	<b>8,977,893</b>	<b>9,599,607</b>	<b>11,008,072</b>	<b>11,403,191</b>	<b>11,235,191</b>
<b>Fund Expenditures</b>					
<b>Total Fund Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Ending Fund Balance	0	0	0	0	0
<b>Total Requirements</b>	<b>\$8,977,893</b>	<b>\$9,599,607</b>	<b>\$11,008,072</b>	<b>\$11,403,191</b>	<b>\$11,235,191</b>
<b>Programs</b>					
Administration & Support	5,476	0	0	0	0
Legal Services	8,972,417	9,599,607	11,008,072	11,403,191	11,235,191
<b>Total Programs</b>	<b>8,977,893</b>	<b>\$9,599,607</b>	<b>\$11,008,072</b>	<b>\$11,403,191</b>	<b>\$11,235,191</b>

City Support Services Service Area

Class	Title	Salary Range		Revised FY 2014-15		Requested No DP FY 2015-16		Requested FY 2015-16	
		Minimum	Maximum	No.	Amount	No.	Amount	No.	Amount
30002134	Attorney, Assistant Deputy City	67,850	90,605	2.00	136,160	2.00	141,746	2.00	141,746
30000597	Attorney, Chief Deputy City	109,886	157,310	5.00	780,174	5.00	784,872	5.00	784,872
30000418	Attorney, City	138,986	199,160	1.00	172,548	1.00	179,622	1.00	179,622
30000595	Attorney, Deputy City	92,976	125,986	16.00	1,871,402	16.00	1,919,695	17.00	2,039,695
30000596	Attorney, Sr Deputy City	99,861	139,464	12.50	1,735,847	12.50	1,742,520	12.50	1,742,520
30000440	Business Operations Supervisor	71,302	95,389	1.00	95,388	1.00	95,388	1.00	95,388
30000600	Law Office Administrator	80,413	107,099	1.00	107,100	1.00	107,100	1.00	107,100
30000591	Legal Assistant	48,256	74,339	7.00	502,560	7.00	509,349	7.00	509,349
30000829	Legal Assistant Supervisor	64,605	86,154	1.00	86,148	1.00	86,148	1.00	86,148
30000592	Legal Assistant, Sr	58,573	78,083	2.00	156,168	2.00	156,168	2.00	156,168
30000012	Office Support Specialist II	33,738	48,443	2.00	93,642	2.00	96,192	2.00	96,192
30000593	Paralegal	58,573	78,083	5.00	341,588	5.00	352,249	5.00	352,249
30000830	Paralegal Supervisor	67,850	90,605	1.00	90,600	1.00	90,600	1.00	90,600
30000594	Paralegal, Sr	64,605	86,154	3.00	237,295	3.00	239,962	3.00	239,962
30000462	Program Specialist, Assistant	48,256	74,339	1.00	54,600	1.00	56,283	2.00	107,151
<b>TOTAL FULL-TIME POSITIONS</b>				<b>60.50</b>	<b>6,461,220</b>	<b>60.50</b>	<b>6,557,894</b>	<b>62.50</b>	<b>6,728,762</b>
30000596	Attorney, Sr Deputy City	99,861	139,464	0.80	109,236	0.80	110,796	0.80	110,796
30000593	Paralegal	58,573	78,083	0.75	49,560	0.75	51,419	0.75	51,419
<b>TOTAL PART-TIME POSITIONS</b>				<b>1.55</b>	<b>158,796</b>	<b>1.55</b>	<b>162,215</b>	<b>1.55</b>	<b>162,215</b>
<b>TOTAL LIMITED TERM POSITIONS</b>				<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>
<b>GRAND TOTAL</b>				<b>62.05</b>	<b>6,620,016</b>	<b>62.05</b>	<b>6,720,109</b>	<b>64.05</b>	<b>6,890,977</b>

## Decision Package Summary

**Bureau:** Office of the City Attorney

**Priority:** 01

**Type:** Adds

**Decision Package:** AT\_01 - Equity and Civil Rights Enforcement

**Program:** Legal Services

	FY 2015-16 Requested 1 Time DP	FY 2015-16 Requested Ongoing DP	FY 2015-16 Requested Budget	FY 2016-17 Estimated Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	
<b>EXPENDITURES</b>								
Personnel Services	0	162,267	162,267	0	0	0	0	0
External Materials and Services	0	7,733	7,733	0	0	0	0	0
Internal Materials and Services	0	10,000	10,000	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>180,000</b>	<b>180,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUES</b>								
General Fund Discretionary	0	83,493	83,493	0	0	0	0	0
General Fund Overhead	0	96,507	96,507	0	0	0	0	0
<b>TOTAL REVENUES</b>	<b>0</b>	<b>180,000</b>	<b>180,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>								
Full-Time Positions	0.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL FTE</b>	<b>0.00</b>	<b>1.00</b>	<b>1.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Description:**

The City of Portland has historically not had any significant capacity to affirmatively enforce City-created civil rights through an administrative process or by prosecuting cases. For example, in 1993 the City adopted what was at the time a cutting edge civil rights ordinance but contracted with BOLI to enforce these rights on behalf of the City. More recently, the City adopted a Sick Leave Ordinance, again contracting with BOLI to provide enforcement services as the City did not have the means to do so in-house. The City lags behind other cities of comparable size in its lack of such capacity, and it is crucial to address this deficit if the City is to meet its policy objectives of affirmatively fostering civil rights and equity. We anticipate that Council's efforts to create equity and opportunity for all Portlanders will continue, whether by ensuring that criminal background information is not used to needlessly limit the job opportunities of those who may have had contact with the criminal justice system at some point in their lives, or by requiring closed captioning or the provision of accessible transportation services so that the disabled can meaningfully access public accommodations, or through other, as yet unanticipated, legislation. For such legislative initiatives to be successful, however, we need a means to effectively enforce them. Developing and implementing a program to provide this enforcement capacity would be one of the two primary objectives of this position. The position would enable us to immediately begin some enforcement work and even more importantly to work with a number of bureaus (e.g., Office of Equity and Human Rights, Auditor's Office/Ombudsman, Bureau of Human Resources, Portland Housing Bureau, etc.) to develop a Citywide enforcement program which we would bring to Council for adoption. This in turn would obviate the need for contracts with outside providers such as BOLI to provide enforcement services for City legislation. Such contracts require expenditure of City resources both in terms of dollars and the considerable amount of staff time required to manage and oversee work under the contracts. They also divest the City of the opportunity to retain full control over its programs.

The second objective of this position, which is closely related to the first, will be to assist in the development and implementation of legislation and policies to achieve the City's goals to bolster economic opportunity for all Portlanders, livability in all neighborhoods and equity in service delivery. It is one of the four primary goals of the City Attorney's Office to support and advance the City's objective of achieving equity in all of its programs, services and activities. It is also a primary responsibility of the City Attorney's Office to ensure that the official actions of the City, its elected officials and employees comply with the law. While all of our attorneys take seriously our collective responsibility to meet these standards, our work in this area will be enhanced by having an attorney with a primary focus on and expertise in equity and affirmative civil rights issues to work with elected officials, City bureaus and community stakeholders to ensure that we are meeting our own legal obligations under civil rights laws and are working effectively to fulfil the City's internal equity and opportunity policies. This will include work with the Portland Police Bureau, COCL and COAB in connection with implementation of the DOJ settlement agreement.

**Decision Package Summary**

**Bureau:** Office of the City Attorney

**Priority:** 01

**Type:** Adds

**Decision Package:** AT\_01 - Equity and Civil Rights Enforcement

**Program:** Legal Services

	FY 2015-16	FY 2015-16	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
	Requested	Requested	Requested	Estimated	Estimated	Estimated	Estimated
	1 Time DP	Ongoing DP	Budget	Budget	Budget	Budget	Budget

**Expected Results:**

- In the short term, immediate capacity to undertake some civil rights enforcement action
- Over the 2015-16 budget year, development by the City Attorney’s Office (in close cooperation with other City bureaus) of a recommended Citywide program for the investigation and (where warranted) enforcement of alleged violations of civil rights laws, ordinances, rules and policies. This recommended program will be brought back to Council for its consideration and adoption
- Development of positive relationships with disparate communities and advocates, including communities of color, to build awareness of the City’s active and affirmative support of civil rights
- Training for City staff on the legal imperative to comply with civil rights laws and equity policies in the provision of all City services and best practices for doing so
- Greater expertise and capacity to advise Council and bureaus on equity initiatives and issues from a legal and policy perspective

## Decision Package Summary

**Bureau:** Office of the City Attorney

**Priority:** 02

**Type:** Adds

**Decision Package:** AT\_02 - Litigation Hold Program

**Program:** Legal Services

	FY 2015-16 Requested 1 Time DP	FY 2015-16 Requested Ongoing DP	FY 2015-16 Requested Budget	FY 2016-17 Estimated Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	
<b>EXPENDITURES</b>								
Personnel Services	0	77,940	77,940	0	0	0	0	0
External Materials and Services	0	13,060	13,060	0	0	0	0	0
Internal Materials and Services	0	6,000	6,000	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>97,000</b>	<b>97,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUES</b>								
Interagency Revenue	0	97,000	97,000	0	0	0	0	0
<b>TOTAL REVENUES</b>	<b>0</b>	<b>97,000</b>	<b>97,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>								
Full-Time Positions	0.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL FTE</b>	<b>0.00</b>	<b>1.00</b>	<b>1.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Description:**

This decision package requests 1.0 FTE Assistant Program Specialist, funded through an interagency agreement with Risk Management, to administer the City's Litigation Hold program. The law requires the City to preserve evidence which it knows, or reasonably should know, is relevant to potential litigation. If evidence is not properly preserved, the opposing party may move the court to sanction the City for spoliation of evidence, and the court has discretion to determine appropriate sanctions.

In FY 2014-15, Council authorized one Deputy City Attorney position to focus on Citywide legal records management issues. One product of that focus was a review of the City's current Litigation Hold program. That review has identified a need for additional staffing to ensure compliance with litigation hold requirements and to reduce the City's exposure to liability. The position will be responsible for initiating litigation holds on all claims filed against the City, managing the City's litigation hold software program, educating and assisting bureaus in the prevention of spoliation of records, providing statistical reports to management, and validating the City's compliance. An Assistant Program Specialist position is a cost effective way to accomplish the work, as opposed to the alternative option of hiring a paralegal to do the work.

**Expected Results:**

By funding 1.0 FTE Assistant Program Specialist to administer the Litigation Hold Program, the City Attorney's Office and Risk Management expect the City to be better protected from the possibility of relevant evidence being inadvertently lost or intentionally spoliated and avoid costly sanctions. This position will also provide training, assist bureaus in creating preservation plans and streamline the Litigation Hold process to help reduce the current burden on staff throughout the City. The position is expected to provide at least 25 hours annually of Citywide training on records management and litigation holds.

## Decision Package Summary

**Bureau:** Office of the City Attorney

**Priority:** 01

**Type:** Realignments

**Decision Package:** AT\_03 - DOJ COCL Realignment

**Program:** Legal Services

	FY 2015-16 Requested 1 Time DP	FY 2015-16 Requested Ongoing DP	FY 2015-16 Requested Budget	FY 2016-17 Estimated Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	
<b>EXPENDITURES</b>								
External Materials and Services	0	(265,000)	(265,000)	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>(265,000)</b>	<b>(265,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUES</b>								
General Fund Discretionary	0	(122,920)	(122,920)	0	0	0	0	0
General Fund Overhead	0	(142,080)	(142,080)	0	0	0	0	0
<b>TOTAL REVENUES</b>	<b>0</b>	<b>(265,000)</b>	<b>(265,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description:**

This decision package will transfer existing General Fund resources provided for the implementation of the Compliance Officer and Community Liaison (COCL) contract from the City Attorney's Office to the Mayor's Office. The Mayor's Office will administer the contract. The resources provided in FY14-15 have been transferred and this will complete the process.

**Expected Results:**

The resources required to administer the contract and make payments will be allocated to the appropriate place.

## Decision Package Summary

**Bureau:** Office of the City Attorney

**Priority:** 01

**Type:** Reductions

**Decision Package:** AT\_04 - GF Reduction Package

**Program:** Legal Services

	FY 2015-16 Requested 1 Time DP	FY 2015-16 Requested Ongoing DP	FY 2015-16 Requested Budget	FY 2016-17 Estimated Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	
<b>EXPENDITURES</b>								
Personnel Services	0	(162,267)	(162,267)	0	0	0	0	0
External Materials and Services	0	(7,733)	(7,733)	0	0	0	0	0
Internal Materials and Services	0	(10,000)	(10,000)	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>(180,000)</b>	<b>(180,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUES</b>								
General Fund Discretionary	0	(83,493)	(83,493)	0	0	0	0	0
General Fund Overhead	0	(96,507)	(96,507)	0	0	0	0	0
<b>TOTAL REVENUES</b>	<b>0</b>	<b>(180,000)</b>	<b>(180,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description:**

Council asked bureaus requesting additional ongoing General Fund dollars to submit an equal reduction package. The office has only one program, Legal Services, and is unable to realign resources to accommodate the additional legal work required to affirmatively enforce civil rights and further equity, without cutting essential legal services. Therefore, this request is made to satisfy a technical requirement and the office does not recommend this package.

**Expected Results:**

If this reduction package is approved, the office will not be able to accommodate the additional work necessary to affirmatively enforce civil rights and equity and assist in the development and implementation of related legislation and policies. If this reduction is approved and the civil rights and equity legal work package is not approved, the office would lose one Deputy City Attorney position. This would require the City to retain outside counsel to perform needed legal work, resulting in significantly greater cost to the City than would be the case if the position were retained.

**CITY ATTORNEY'S OFFICE**  
**5-YEAR FINANCIAL PLAN**  
**FY 2016-20**  
**1/29/2015**

The City Attorney's Office is an internal service bureau, providing legal assistance, advice and representation to the City Council, Auditor, City bureaus, boards and commissions, and City employees acting in the scope of their employment. The major programs and innovations of the City's bureaus and commissions all require review and/or assistance from the City Attorney's Office, so that day-to-day work necessarily contributes directly and integrally to furthering all of the City's major goals. Unlike bureaus that develop plans for providing services directly to the public, the City Attorney's Office provides legal services to City officials in response to current needs. While the City Attorney's Office provides routine advice over a broad range of subjects, it is difficult to predict what precise legal services will be required in the future. Nonetheless, we have identified needs for additional enforcement capacity to help protect the rights of all Portlanders, including City employees. In support of that, as well as to ensure we are legally and effectively stewards of public resources, we have also identified a high need for additional investigative capacity.

**Anticipated Needs**

**Critical staffing needs:**

**Legal Assistants:** Legal Assistants are an integral part of the legal services team. They are paraprofessionals who directly support attorneys by preparing legal documents, maintaining case files, carrying out trial support activities, providing administrative support, maintaining trial/docket calendars, scheduling appointments, depositions, and other proceedings and filing court documents.

Over the years, the office increased the number of Attorney positions at a much faster pace than Legal Assistant positions. Attorney positions have been added mostly one at a time due to the City's increased need for legal services and limited available resources. In most cases, the addition of one Attorney position does not require the addition of one Legal Assistant position. However, over the last 10 years, the office has only added one legal assistant to support an additional 12 Attorney positions. The office has reached the tipping point and is urgently in need of two additional Legal Assistant positions. The office is attempting to realign resources to secure at least one of the positions. If unsuccessful with those efforts, the office will need to request additional funding in FY17 for one or two Legal Assistant positions.

**Civil Rights and Independent Investigation Capacity:** The FY15-16 Requested Budget includes a decision package to fund one Deputy City Attorney to work on the City's policy objectives of affirmatively fostering civil rights and equity. One important component of this will be to protect the civil rights of all Portlanders. The City, unlike most cities of comparable size, lacks sufficient civil rights investigative and enforcement capacity. We strongly believe that it would be beneficial to all Portlanders, including City employees, to enhance the City's capacity to investigate – and where appropriate bring enforcement action – to enforce alleged

civil rights violations and other legal violations. We intend to work with other bureaus over the next year to return with a proposal to fund such capacity within and without the City Attorney's Office.

**Citywide Public Records Paralegal:** In FY14-15, the office identified a critical need for 1.0 FTE Sr. Deputy City Attorney and 1.0 FTE Paralegal Assistant to focus on Citywide legal records issues. Work includes developing, implementing and administering Citywide policies and practices to manage electronic and other records in the context of public records requests, discovery requests, litigation holds and subpoenas. Work also includes development of an electronic records preservation plan, systems for managing multi-bureau public records requests and a training protocol for employees. The City also needs to be proactive in developing education and compliance plans for records management.

Funding was provided for a Deputy City Attorney but not a Paralegal. A Paralegal is required to support the attorney and manage and implement software that the City has invested in to manage Citywide public records requests and to assist with training, among other duties.

**Superfund:** The office continues to represent the City in the Portland Harbor Superfund proceedings and expects this work to continue through FY 2019 and beyond. The office is working closely with the Bureau of Environmental Services and anticipates the need for an additional attorney to do litigation as the process moves forward. There will be extensive and complex legal proceedings with the need for voluminous legal briefing.

**Non-Tort litigation fund:** The office has seen an increase in non-tort litigation Citywide and advocates for the creation of a fund to cover the expenses and risks of such litigation. The City Attorney's Office does not have the budget to cover external litigation expenses. Currently, bureaus are responsible for covering these costs within their current appropriations.

Needs will include funding for legal work on behalf of the Revenue Bureau which has increased dramatically over the past two years, particularly if the Revenue Bureau's decision package for additional legal services funding is not approved.

### **Potential Areas of Cost Reduction**

One of the City Attorney's Office's goals is to pursue aggressive cost controls and expenditure restrictions to decrease costs and promote efficiencies. The office has consistently achieved this goal as evidenced by its significantly lower rates compared to that of outside legal services. The office has also successfully reduced the use of outside counsel to control legal costs. In addition, with the unpredictable nature of legal services, office expenditures are monitored regularly to ensure sufficient funds for unexpected needs.

Eighty-five percent of the City Attorney's Office budget is for personnel services. Reductions in personnel services are not feasible without deterioration in the quality and timing of legal services provided and/or additional higher outside counsel costs.

Materials and services expenses, while limited compared to other law offices, have been adequate. Over the past few years, the office has made reductions in out of town travel, education and law library costs. The office will continue to use lower cost in-house and group CLE's when possible, but educational seminars in specialized fields of law may require otherwise in specific circumstances. Moreover, a set amount of continuing legal education is required for attorneys to retain their license to practice. Legal publication costs have been reduced due to availability of online resources. The office will continue to monitor external expenses for potential savings.

The office is currently undertaking a planning process to develop a five year strategic plan. The office expects to address methods to improve the efficiency and effectiveness of legal work and activities that help reduce the City's exposure to risk, and to adopt the plan by the end of FY14-15.

	Revised FY14-15	Requested FY15-16	Projected FY16-17	Projected FY17-18	Projected FY18-19	Projected FY19-20
<b>Resources</b>						
<b>External Revenues</b>						
Charges for Services	6,000	6,000	6,222	6,446	6,678	6,932
<b>Total External Revenues</b>	<b>6,000</b>	<b>6,000</b>	<b>6,222</b>	<b>6,446</b>	<b>6,678</b>	<b>6,932</b>
<b>Internal Revenues</b>						
General Fund Discretionary	2,881,266	2,340,288	2,426,879	2,514,246	2,604,759	2,703,740
General Fund Overhead	2,892,929	3,011,428	3,122,851	3,235,273	3,351,743	3,479,110
Interagency Revenue	5,227,877	5,697,475	5,908,282	6,120,980	6,341,335	6,582,306
<b>Total Internal Revenues</b>	<b>11,002,072</b>	<b>11,049,191</b>	<b>11,458,011</b>	<b>11,870,499</b>	<b>12,297,837</b>	<b>12,765,155</b>
<b>Total Resources</b>	<b>11,008,072</b>	<b>11,055,191</b>	<b>11,464,233</b>	<b>11,876,945</b>	<b>12,304,515</b>	<b>12,772,087</b>
<b>Requirements</b>						
<b>Bureau Expenditures</b>						
Personnel Services	9,019,278	9,635,430	9,991,941	10,351,651	10,724,310	11,131,834
External Materials and Services	1,115,625	477,146	494,800	512,613	531,067	551,248
Internal Materials and Services	873,169	942,615	977,492	1,012,681	1,049,138	1,089,005
<b>Total Bureau Expenditures</b>	<b>11,008,072</b>	<b>11,055,191</b>	<b>11,464,233</b>	<b>11,876,945</b>	<b>12,304,515</b>	<b>12,772,087</b>
<b>Total Requirements</b>	<b>11,008,072</b>	<b>11,055,191</b>	<b>11,464,233</b>	<b>11,876,945</b>	<b>12,304,515</b>	<b>12,772,087</b>
<b>Programs</b>						
Legal Services						
<b>Total Programs</b>	<b>11,008,072</b>	<b>11,055,191</b>	<b>11,464,233</b>	<b>11,876,945</b>	<b>12,304,515</b>	<b>12,772,087</b>

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## Budget Equity Assessment Tool

### CITY POLICY

This Budget Equity Assessment Tool is a general set of questions to guide city bureaus and their Budget Advisory Committees in assessing how budget requests benefit and/or burden communities, specifically communities of color and people with disabilities. As noted in Portland's 25-year strategic plan, the Portland Plan, Goal-Based Budgeting, and page 102:

When fully implemented, the new budget approach will direct City of Portland bureaus and offices to:

- Use an asset management approach to achieve more equitable service levels across communities and geographies.
- Track and report on service levels and investments by community and geography, including expanding the budget mapping process
- Assess the equity and social impacts of budget requests to ensure programs, projects and other investments to help reduce disparities and promote service level equity, improve participation and support leadership development.
- Identify whether budget requests advance equity, represent a strategic change to improve efficiency and service levels and/or are needed to provide for basic public welfare, health and/or meet all applicable national and state regulatory standards.

This is a critical part of the City of Portland's commitment to ending inequity. The mission and charge of the Office of Equity is to focus on ending inequality based on race and disability, and this document addresses these two specific populations.

However, it is the policy of the City of Portland that no person shall be denied the benefits of, or be subjected to, discrimination in any City program, service, or activity on the grounds of race, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, gender identity, or source of income. Additionally, the City's Civil Rights Title VI program guidelines obligate public entities to develop systems and procedures that guard against or proactively prevent discrimination, while simultaneously ensuring equitable impacts on all persons. Therefore, City bureaus are encouraged to use this document to assist in evaluating equitable impacts on all residents.

It is recommended that all managers and others who work on the budget for the bureau use this tool. Bureau Equity Committees may also be a resource in its completion. The Office of Equity and Human Rights is also available for discussion/training/consultation regarding the use of this document.

**CITY ATTORNEY'S OFFICE**  
BUREAU/OFFICE/DEPARTMENT

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## SECTION ONE: ADVANCING EQUITY

1. How does this budget request increase, reduce, limit or eliminate programs or services that are vital to communities of color, immigrant and refugee communities and/or people living with a disability?

The office's first priority decision package is to fund a Deputy City Attorney to work on the City's policy objectives of affirmatively fostering civil rights and equity. This will provide new capacity to affirmatively enforce the civil rights of people of color, immigrant and refugee communities and people living with disabilities, as well as LGBTQ people and other people whose rights are protected by law or policy. It will also provide additional capacity to assist in the development and implementation of legislation and policies that will bolster economic opportunity for all Portlanders, livability in all neighborhoods and equity in service delivery.

2. What considerations were taken into account in this request to maximize equity?

In putting together this decision package, a primary consideration was that civil rights are of little value without the means to effectively enforce them. While the City has laws and policies protecting the civil rights of people of color, immigrant and refugee communities and people living with disabilities, it has historically had little to no capacity to affirmatively enforce those rights on behalf of Portlanders. In addition, this package will enhance the ability of the City Attorney's Office to affirmatively assist in the development and implementation of policies to further equity, by developing greater expertise in this area and greater capacity for outreach to historically underserved communities as legal policies are considered.

## SECTION TWO: PERSONNEL

See Workforce Demographics by Bureau [here](#) or by visiting our website at [www.portlandoregon.gov/oehr](http://www.portlandoregon.gov/oehr)

(It is understood that final demographics resulting from any staff reduction or increase may not be known at the time of the budget request. However, it is important to monitor the demographics of any layoffs or staff reductions to assess the specific impact to people of color and people with disabilities, if known. Human Resources can be a resource to bureaus.)

3. What is the impact on employees of color?

This will have a direct positive impact on employees of color by improving civil rights enforcement capacity within as well as without the City and by enhancing the legal focus on equity in the development of legislation and City policy. It will also provide the City Attorney's Office with the opportunity to enhance its professional staff of color by hiring into a regular full time position an outstanding employee of color who is currently working in the position on a temporary basis.

4. What is the impact on employees with a disability?

This will have a direct positive impact on employees with a disability by improving civil rights enforcement capacity within as well as without the City and by enhancing the legal focus on equity in the development of legislation and City policy.

**SECTION THREE: PROGRAMS/SERVICES**

If your bureau or office has multiple programs, please address the budget request for each program or groups of programs.

5. How does this program or service align with the goal of advancing equity?

The work to be done as a result of the decision package is entirely focused on the goal of advancing equity.

6. Identify the impacts of the budget request on specific geographic areas:  
(Citywide/Regional; Northeast; Northwest; North; Central; Northeast; Southeast; Southwest; East; Central City; or Unknown)

It is difficult to predict what areas will experience the strongest impact, it will vary depending on the specific policy work that arises from time to time. However, as the position is directly focused on equity, it is likely it will have a greater impact on those areas of the City with the highest populations of historically underrepresented Portlanders.

7. What areas of the city will be impacted by your program or service and is there a larger than average population of people of color in those areas?

See answer to question 6.

To help you answer this question, the following map link shows where communities of color are greater than average for the city of Portland.

<https://www.portlandoregon.gov/bps/article/508117>

This next link provides information on overall vulnerability, including maps of communities of color, lower income households, renters, and level of educational attainment. Together these four components are indicators of at risk populations.

<http://www.portlandoregon.gov/bps/66107>

8. Identify potential impacts on people living with a disability. (See Attached Worksheet)

This decision package will have direct positive impacts of people living with disabilities in two ways, by providing for enhanced enforcement mechanisms for civil rights enforcement of laws and policies protecting the needs of people with disabilities and by increasing the capacity to develop additional legislation and policies to benefit people living with disabilities.



**OFFICE of EQUITY  
and HUMAN RIGHTS**  
CITY OF PORTLAND

Realizing Equity. Enhancing the City of Portland.

**Commissioner in Charge:**  
Charlie Hales, Mayor

**Bureau Director:**  
Dante J. James, Esq.

**Section Four: EQUITABLE PUBLIC PARTICIPATION**

9. How does this budget build community capacity and power in communities most impacted by inequities? (e.g., improved leadership opportunities within BAC, community meetings, stakeholder groups, increased outreach, etc.)

This budget provides for greater outreach to communities most impacted by inequities in order to develop greater enforcement mechanisms and to develop new legal strategies and policies to address such inequities in concert with such communities.

  
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Tracy Reeve, City Attorney

\_\_\_\_\_  
Date 1/29/15

Rev: October 2014

