

### Office of Mayor Sam Adams City of Portland

September 29, 2011

#### INTEROFFICE MEMORANDUM

TO:

Jeramy Patton, Financial Planning

Commissioner Nick Fish Commissioner Amanda Fritz Commissioner Randy Leonard Commissioner Dan Saltzman

Auditor LaVonne Griffin-Valade

FROM:

Mayor Sam Adams

SUBJECT:

Office of the City Attorney FY 2011-12 Fall Budget Monitoring Report

Attached is the City Attorney's Office's Fall Budget Monitoring Report for FY2011-12. This report provides details about the office's prior year reconciliation and includes updates on decision packages, performance measures and the office's Service Improvement Plan. The City Attorney's Office will not require budget adjustments during the Fall Budget Monitoring Process this year.

Encls.

c.

Linda Meng Kim Sneath Crystine Jividen

# **Prior Year Business Area Reconciliation Report**

	FY 2010-11 Revised Budget	FY 2010-11 Year-End Actuals	Percent of Actuals to Revised	
Office of City Attorney				
EXPENDITURES				
Personal Services	\$7,602,124	\$7,318,606	96%	
External Materials and Services	\$510,463	\$386,043	76%	
Internal Materials and Services	\$731,572	\$720,154	98%	
TOTAL EXPENDITURES	\$8,844,159	\$8,424,803	95%	
REVENUES				
Charges for Services	\$0	\$2,377	0%	
Interagency Revenue	\$4,523,704	\$4,523,704	100%	
General Fund Discretionary	\$1,781,135	\$0	0%	
General Fund Overhead	\$2,539,320	\$0	0%	
TOTAL REVENUES	\$8,844,159	\$4,526,081	51%	

#### **Bureau Reconciliation Narrative**

Overall expenditures were 5% under budget.

Personal Services: Spending was 4% under budget primarily due to temporary vacancies throughout the year.

External Materials and Services: This category was under-spent by 24% for several reasons. For the past several years, the office has budgeted funds in External Services for temporary staffing needs. Savings in Personal Services reduced that need this year. Additionally, the office made temporary reductions in out of town travel and legal publications. Finally, the office eliminated one attorney FTE due to reductions in the Police Bureau budget, which reduced related external expenses.

Internal Materials and Services: Within 2% of budget.

# Office of the City Attorney

#### **Performance Measures**

Performance Measure	Туре	FY 2009-10 Year-End Actuals	FY 2010-11 Year-End Actuals	FY 2011-12 Revised Budget		FY 2012-13 Performance With Dec Pkg
AT_0001 - Litigation Cases	WORKLOAD	2,072	2,121	2,100	0	0
AT_0003 - Hourly Rate	EFFICIENCY	\$141	\$144	\$161	\$0	\$0
AT_0004 - Contracts Review and Approval	WORKLOAD	6,395	6,668	6,000	0	0
AT_0006 - Training hours provided by City Attorney staff to other City staff	WORKLOAD	303	350	300	. 0	0

#### Performance Measure Variance Descriptions

Litigation cases handled for the year were as projected. The actual hourly rate was slightly lower than anticipated due to expenses coming in under budget.

The number of contracts reviewed was significantly higher than target. Although the City Attorney's office has no control over the number of contracts that come through the office for review, the office has been able to handle the increase with available resources.

The number of training hours provided was higher than target due to the high priority the office has placed on training. One thing to note, however, is that budget reductions at the Police Bureau eliminated one attorney position. This resulted in reduced legal training for that bureau by about 25% over prior year.

## City Attorney's Office FY 2010-11 Decision Packages – Status Update Fall 2011-12 BMP

## 1. Portland Police Bureau Legal Services - Reduction

Description: The Adopted Budget included a \$194,743 reduction in service provided to the Portland Police Bureau; the Police Bureau initiated the cut. The City Attorney's Office will hold a position vacant in order to accommodate this revenue and service level reduction.

Status: The office eliminated the unfunded attorney position that provided legal services to the Portland Police Bureau.

Results: The City Attorney provides a police legal advisor to help PPB with operational policy and practice and also to assist City policy makers with policing matters. When a team of two lawyers performed this work, they were busy with tasks ranging from advising officers at arrest scenes to drafting City Code on sidewalk management.

When one of the lawyer positions fell to budget cuts, after discussion with the Police Bureau, the City Attorney was forced to decline work in some areas, including chronic nuisance enforcement, and engage outside counsel to pursue forfeiture actions.

Fixed work overhead, such as responding to criminal subpoenas and motions for return of property, now makes up a greater proportion of the remaining lawyer's schedule, displacing work that is more directed at assisting and improving the bureau. That work is now concentrated in major policy development areas such as use of force, staffing the numerous Council and police administration meetings at which legal input may be necessary, interfacing with other governmental and police agencies and staffing regular Police Bureau functions such as training, tort claim review and study of use of force.

As a result, there has been a reduction in the availability of timely legal advice to the street, a reduction in contact with officers and sergeants over day-to-day issues and much less time spent in the field observing operations. The remaining lawyer is also unable to realistically commit significant time to PPB functions such as policy manual monitoring and updating – one of several factors moving PPB toward outsourcing policy manual maintenance.

# 2. Housing Bureau Attorney

Description: To provide funding for one full time Deputy City Attorney position and one part time Legal Assistant position to perform legal work for the Housing Bureau. The positions will assume all housing work previously performed by PDC's attorney, who will transfer to the City Attorney's Office. Funding will be provided through an interagency agreement with the Housing Bureau.

Status: Complete. The positions are filled, the PDC attorney transferred to City Attorney's Office and the legal work is ongoing.

### 3. 3% Ongoing Reduction

Description: As directed, the City Attorney's Office identified an ongoing 3% reduction to General Fund discretionary revenue. The office proposed to reduce external materials and services in the amount of \$55,971.

Status: Savings in Personal Services costs due to temporary vacancies reduced the need to cut external material services.

#### 4. 1% One-Time Reduction

Description: As directed, the City Attorney's Office identified a one-time 1% reduction. The office proposed to reduce education and travel expenses in the amount of \$18,657. Education and travel were reduced in the prior year and cannot sustain ongoing cuts.

Status: Complete. Reductions were made to out of town travel for educational purposes. The office intends to reinstate out of town travel when necessary in the upcoming budget cycle to allow for quality legal training.

# City Attorney's Office Service Improvement Plan FY 2010-11 Adopted Budget Status Update

September 2011

### • Improve upon current efforts to provide timely responses to inquiries

The office has initiated a 24-hour goal for initial response to legal inquiries and will continue to work to achieve that goal on all matters. When immediate answers cannot be provided, attorneys will work with the client to agree on the timetable for response. The recent reorganization of the office into practice groups will assist attorneys in giving timely responses by providing additional back-up attorneys through information sharing and cross training. The Practice Management system currently being implemented will make it easier to retrieve information to provide timely responses.

**Status: Underway** 

Est. Date of Completion: Ongoing.

**Summary:** The 24-hour response time goal for initial inquires was implemented in 2008. The office conducts customer service surveys every two years and incorporated this goal into the survey to measure progress. In 2008 and 2010, over 80% of customers rated initial timeliness satisfaction at high or very high. Although 80% is commendable, the office plans to improve upon those numbers in the future. The respondents that rated timeliness at neutral or low have the option to comment and/or contact the City Attorney to discuss ideas for improvement. The City Attorney has met with bureau directors to review the results for each bureau.

#### Provide consistent legal advice throughout bureaus and Council offices

One of the purposes of reorganizing into practice groups is to take advantage of the expertise of attorneys in the office and provide opportunities for sharing that knowledge. As the practice groups get more experience in operating as groups, attorneys can share more information and improve the office's ability to provide consistent advice. The Practice Management system will provide a repository for advice so that attorneys can quickly access that information and use it for giving consistent advice.

Status: Underway

Est. Date of Completion: Ongoing.

Summary: The office is in its third year of the reorganization into practice groups. Chief Deputy City Attorneys hold monthly practice group meetings to discuss legal issues and City projects. Although difficult to measure, it is expected that this additional internal communication will provide for more consistent legal advice. In addition, the office purchased and configured Practice Manager software to provide a base of information for all attorneys and staff. The software was implemented in September 2009, and after two years, has been embraced by most staff members. The office's change management team is continuing to develop best practices and to train staff on how to use the system to its full potential.

### Providing additional training to bureaus and Council offices

The office will increase use of technology and easily accessible media to provide training to bureaus and Council offices on matters of general government. This includes public records, public meetings and ethics as well as specific advice on employment, construction, tort liability and other matters. The office will seek to develop training materials that can be shared in an efficient and effective way. This will include web page materials, FAQs and other shared media, as well as personal trainings. Training programs help the City meet its obligations and avoid risk.

Status: Underway

Est. Date of Completion: December 2011; with ongoing updates.

**Summary:** The office exceeded its training goal by providing over 350 hours of training in FY11. This is a 15% increase over FY10. The office is working on an improved training program for City bureaus and council offices and will continue to keep training a high priority. Additionally, the City Attorney's office website now contains basic training materials and information and is in the planning stages for future development. Once an updated training program is in place and materials are completed, materials will be placed on the City Attorney website for access by City employees.