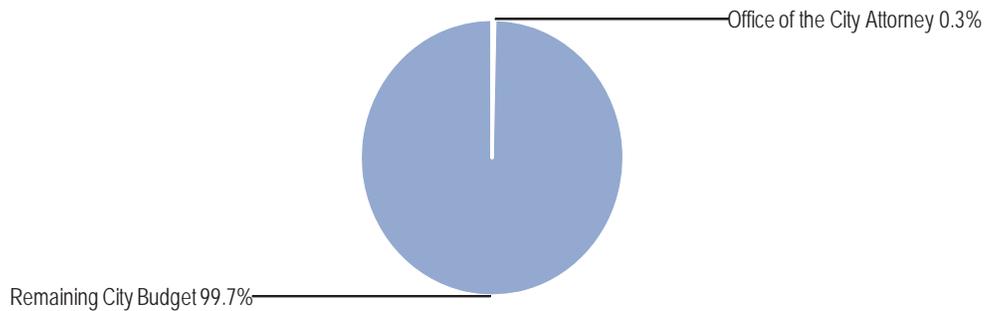


# Office of the City Attorney

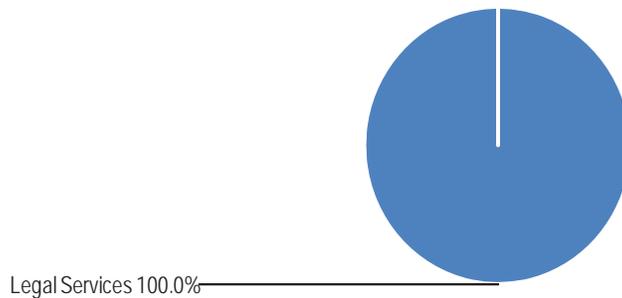
City Support Services Service Area

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

Percent of City Budget



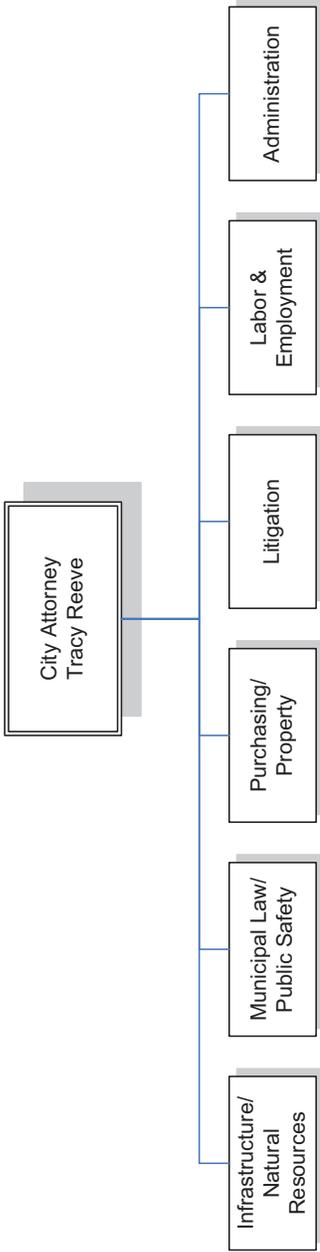
Bureau Programs



## Bureau Overview

Requirements	Revised FY 2014-15	Adopted FY 2015-16	Change from Prior Year	Percent Change
Operating	11,035,552	11,800,211	764,659	6.93
Capital	0	0	0	0.00
<b>Total Requirements</b>	<b>11,035,552</b>	<b>11,800,211</b>	<b>764,659</b>	<b>6.93</b>
Authorized Positions	62.05	64.05	2.00	3.22

Office of City Attorney



## **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 38 lawyers and 26 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 resources 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 Adopted 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.

<b>Customer Service</b>	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.
<b>Effective Advocacy</b>	The City Attorney's Office handles cases in state and federal courts and in other proceedings, such as 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.
<b>Achieving Equity</b>	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, honest self-appraisal, and through other cultural and diversity activities.
<b>Ensuring Accountability and Effective Stewardship of Public Resources</b>	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 cost of service per City Attorney hour for FY 2015-16 is \$142. The average outside counsel rate is \$355 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.

## Summary of Budget Decisions

### Additions

#### **Civil Rights Attorney**

The FY 2015-16 Adopted Budget includes \$180,000 in ongoing funding for a Deputy City Attorney to focus on equity, community justice, and civil rights enforcement. This attorney will work with elected officials, City bureaus, and community stakeholders to ensure that the City is affirmatively protecting civil rights and meeting legal obligations under civil rights laws.

In the short term, this position will help the City gain immediate capacity to undertake some civil rights enforcement activity. Over the next year, the City Attorney's Office, in close cooperation with the City Council and other City bureaus, will develop a recommended approach for the investigation and enforcement of alleged violations of civil rights laws, ordinances, rules, and policies. This position will develop 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, and to provide training for City staff on the legal imperative to comply with civil rights laws and equity policies in the provision of all City services. This position will also provide greater expertise and capacity to advise Council and bureaus on equity initiatives and issues from a legal and policy perspective.

#### **Litigation Holds**

The Adopted budget includes \$97,000 ongoing funding for an 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. This position will be responsible for initiating litigation holds, 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. By funding this position, 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 attendant costly sanctions. This position will also provide training, assist bureaus in creating preservation plans and streamline the Litigation Hold process.

#### **Superfund Communications Consultant**

The FY 2015-16 Adopted Budget includes \$75,000 in General Fund one-time resources for expert consultant services to assist the City Attorney's Office in communicating the City's legal position and developing a public involvement strategy for the Portland Harbor Superfund matter.

#### **Ban-the-Box Implementation**

The FY 2015-16 Adopted Budget includes \$100,000 in General Fund one-time resources for training, outreach and other implementation efforts should the Council adopt legislation governing the use of criminal background information in employment.

**FY 2014-15 Carryover: Portland Harbor**

In FY 2014-15, \$400,000 was transferred from the General Fund to the City Attorney's Office for expenses related to the Portland Natural Resources Trustees Funding and Participation Agreement (Ordinance 186810). Of those funds, \$189,980 were spent in FY 2014-15; the remaining \$210,020 will be spent in FY 2015-16.

**Realignments**

**Compliance Officer and Community Liaison Budget Transfer**

Existing General Fund resources provided for the implementation of the Compliance Officer and Community Liaison (COCL) contract will be transferred from the City Attorney's Office to the Office of the Mayor because the Mayor's Office will be administering the contract.

## 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 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 instances when outside counsel is hired by having sufficient in-house staff available. Adequate in-house staffing 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 Adopted Budget includes additional funding for one Deputy City Attorney position to focus on affirmative civil rights enforcement and equity legal issues, and funding for one Assistant Program Specialist to administer and support Citywide litigation holds and legal records management.

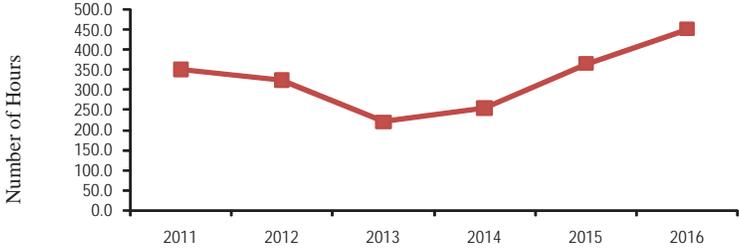
FTE & Financials	Actual FY 2012-13	Actual FY 2013-14	Revised FY 2014-15	Proposed FY 2015-16	Adopted FY 2015-16
FTE	58.50	59.35	62.05	64.05	64.05
<b>Expenditures</b>					
Legal Services	8,972,417	9,599,607	11,035,552	11,590,191	11,800,211
<b>Total Expenditures</b>	<b>8,972,417</b>	<b>9,599,607</b>	<b>11,035,552</b>	<b>11,590,191</b>	<b>11,800,211</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
Annual costs of outside counsel	\$1,239,914	\$595,525	\$476,080	\$801,839	\$626,839
Cost of Service per Attorney Hour	\$130	\$133	\$136	\$140	\$142
<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

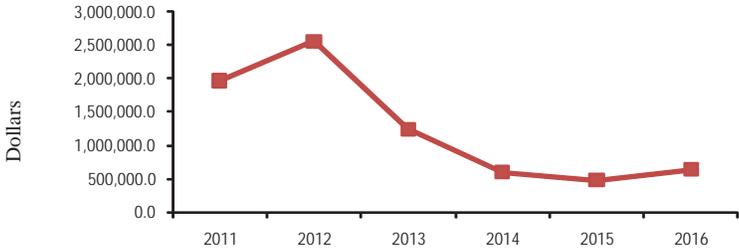
## Training Hours

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.



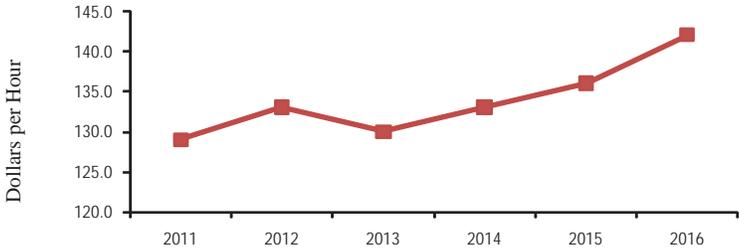
## Annual Costs of Outside Counsel

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.



## Cost of Service per Attorney Hour

The cost of service per City Attorney hour is significantly lower than outside counsel costs. The rate for outside counsel is \$355 per hour. At \$142 an hour, the City Attorney cost of service is less than half.



## City Support Services Service Area

	Actual FY 2012-13	Actual FY 2013-14	Revised FY 2014-15	Proposed FY 2015-16	Adopted FY 2015-16
<b>Resources</b>					
<b>External Revenues</b>					
Charges for Services	8,126	6,203	6,000	6,000	78,049
<b>Total External Revenues</b>	<b>8,126</b>	<b>6,203</b>	<b>6,000</b>	<b>6,000</b>	<b>78,049</b>
<b>Internal Revenues</b>					
General Fund Discretionary	1,074,738	1,293,580	2,888,746	2,824,354	2,921,772
General Fund Overhead	2,823,060	3,095,418	2,892,929	3,062,362	3,174,964
Interagency Revenue	5,071,969	5,204,406	5,247,877	5,697,475	5,625,426
<b>Total Internal Revenues</b>	<b>8,969,767</b>	<b>9,593,404</b>	<b>11,029,552</b>	<b>11,584,191</b>	<b>11,722,162</b>
Beginning Fund Balance	0	0	0	0	0
<b>Total Resources</b>	<b>\$8,977,893</b>	<b>\$9,599,607</b>	<b>\$11,035,552</b>	<b>\$11,590,191</b>	<b>\$11,800,211</b>
<b>Requirements</b>					
<b>Bureau Expenditures</b>					
Personnel Services	7,910,358	8,390,345	9,329,278	9,959,964	9,959,964
External Materials and Services	328,209	354,998	825,105	666,652	876,672
Internal Materials and Services	739,326	854,264	881,169	963,575	963,575
<b>Total Bureau Expenditures</b>	<b>8,977,893</b>	<b>9,599,607</b>	<b>11,035,552</b>	<b>11,590,191</b>	<b>11,800,211</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>\$11,035,552</b>	<b>\$11,590,191</b>	<b>\$11,800,211</b>
<b>Programs</b>					
Administration & Support	5,476	0	0	0	0
Legal Services	8,972,417	9,599,607	11,035,552	11,590,191	11,800,211
<b>Total Programs</b>	<b>8,977,893</b>	<b>\$9,599,607</b>	<b>\$11,035,552</b>	<b>\$11,590,191</b>	<b>\$11,800,211</b>

Class	Title	Salary Range		Revised FY 2014-15		Proposed FY 2015-16		Adopted 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	17.00	2,039,695	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	2.00	107,151	2.00	107,151
<b>TOTAL FULL-TIME POSITIONS</b>				<b>60.50</b>	<b>6,461,220</b>	<b>62.50</b>	<b>6,728,762</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>64.05</b>	<b>6,890,977</b>	<b>64.05</b>	<b>6,890,977</b>

**City Support Services Service Area**

This chart shows decisions and adjustments made during the budget process. The chart begins with an estimate of the bureau's Current Appropriations Level (CAL) requirements.

Action	Amount			FTE	Decision
	Ongoing	One-Time	Total Package		
FY 2015-16	11,403,191	0	11,403,191	62.05	FY 2015-16 Current Appropriation Level
CAL Adjustments	0	0	0	0.00	None
Mayor's Proposed Budget Decisions					
	97,000	0	97,000	1.00	Litigation holds program
	180,000	0	180,000	1.00	Equity and civil rights rnfocement
	0	75,000	75,000	0.00	Superfund communications consultant
	0	100,000	100,000	0.00	Ban-the-box implementation
	(265,000)	0	(265,000)	0.00	DOJ COCL realignment
Approved Budget Additions and Reductions	0	210,020	210,020	0.00	Carryover: Portland Harbor
Adopted Budget Additions and Reductions	0	0	0	0.00	None
	12,000	385,020	397,020	2.00	Total FY 2015-16 Decision Packages
			11,800,211	64.05	Total Adopted Budget