



Office of Mayor Charlie Hales
City of Portland

MEMORANDUM

January 29, 2016

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 2016-17 Requested Budget of the City Attorney's Office

Enclosed for your consideration is the FY 2016-17 budget request for the City Attorney's Office. The City Attorney's Office has one program – Legal Services. The Legal Services program supports the City Council and all City bureaus by providing legal advice and advocacy necessary to support the City's programs and services and help the City work toward achieving its goals.

Budget guidance to bureaus this year included realigning resources to focus on core missions and Council priorities, a five percent reduction to General Fund resources, and limiting new ongoing requests to the highest priority programs.

This budget request responds to that guidance by including one realignment package to obtain necessary paralegal support using existing office resources (in lieu of what would otherwise be an add package) as well as three reduction packages totaling five percent. The office has refrained from seeking additional General Fund resources but respectfully requests that it not take a five percent cut. A five percent cut would not allow the office to maintain current service levels and manage the increasing workload resulting from Council priorities.

The City Attorney's Office has worked extensively to support the City's efforts to address housing and homelessness, including advising on and preparing the legal framework for the State of Housing Emergency. The office is continuing to work on City actions to remedy the housing emergency with all Council members and many City bureaus. In addition, the office is working to help realize City policies in support of equity, environmental justice, equal access to services, elimination of discrimination, meaningful public participation, police oversight and reform, and equal employment opportunity.

Given this additional workload on Council priorities, a five percent cut would be a significant hardship for this office at this time. This is particularly true inasmuch as the office has been in need of additional paralegal support for the last several years. The City Budget Office has agreed the need is clear, and recommended that the office address the issue in this budget request. The office had initially intended to request additional General Fund resources to fund a paralegal, but instead, in light of the request to minimize add requests and propose cuts, has identified a new revenue realignment package to accomplish that goal. However, if the office is required to take a full five percent cut, the new revenue will be required to cover the budget shortfall and adding the paralegal position will not be possible.

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In summary, the office has attempted to fund a paralegal without relying directly on General Fund resources. Requiring a full five percent reduction would eliminate the new paralegal position and the office's technology support position. This will be detrimental to the office's core mission of providing excellent cost-effective legal service to the City and has the potential to cost the City more by requiring more expensive outside consultants.

Thank you for your consideration.



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

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January 11, 2016

FY16-17 BUDGET ADVISORY COMMITTEE SUMMARY REPORT

The City Attorney's Office Budget Advisory Committee (BAC) convened on January 11, 2016 at 2:00 p.m. The Committee members present were Tracy Reeve, Harry Auerbach, Scott Moede, Linda Law, Crystine Jividen, Kim Sneath, Janet Long, citizen advisor Jennifer James, and City Budget Office analyst Jane Marie Ford.

After introductions, the group discussed the City budget process, the City Attorney's Office's background, mission, and the services the office provides to the City. The role and goals of the BAC were reviewed and the group concurred they understood the services the office provides, the budget process, and the role of the BAC.

The BAC discussed funding sources and expenditures. The City Attorney's Office's budgetary resources include Interagency Agreements and General Fund overhead and discretionary funds. Overall, 87% of expenditures are for salaries and benefits. Other major expenditures include electronic legal research, software and publications.

The City Attorney's Office's hourly rate is \$144, whereas the average outside counsel rate is about \$364. The BAC agreed that the office provides very affordable legal services to the City. Members briefly discussed why the office engages outside counsel, such as expertise, conflicts and bond counsel, and the office's ongoing goal is to reduce outside counsel costs.

The BAC also discussed the City Attorney's Office's historical budget decisions for the last six years and the Mayor's Budget Guidance. The City Attorney's Office is faced with a \$300,000 cut from General Fund resources. Attendees discussed possible reductions including eliminating the office's technology support position, the Civil Forfeiture Program, the new paralegal position the office has been seeking, and external expenses. It was difficult to prioritize the cuts because of the negative impact of each decision.

This led to a discussion about civil forfeitures and the importance of in-house legal support for this program. The program allows the Police Bureau to seize assets under certain circumstances related to criminal activity. It generates funds for the Police Bureau so legal oversight from the City Attorney's Office is important. If the office's General Fund budget is reduced, the civil forfeiture legal services could continue because the statute allows legal fees to be paid from the proceeds of seized assets. However, the budget savings the office would have realized to fund a paralegal would be eliminated.

The BAC discussed the potential effects of the Mayor's Budget Guidance on addressing affordable housing and homelessness issues. The City Attorney's Office is actively involved in providing legal resources to support this work. In fact, the workload increased after the City declared the Housing Emergency and it will continue to increase. It is difficult to quantify exactly how much work the office is already undertaking on homelessness issues. If the office could capture that information, it could show the impact of a budget reduction on the office's ability to handle this increased workload.

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The City Attorney's Office has requested a Paralegal position and been denied several times. This continues to be a critical need for the office. Several Commissioners have supported this request in the past and the office intends to continue asking until the need is met.

Tracy Reeve discussed the office's recently added attorney position that is providing equity legal work for the City and the continued efforts this position has for affirmatively advancing civil rights enforcement throughout the City. Attendees discussed 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 provided for the City. She also talked about the legal conference it will be hosting for government lawyers in January 2016.

The office was audited in March 2015 and the BAC discussed the improvements that have been implemented as a result of the audit. Chief Deputy City Attorney Scott Moede discussed the matrix of the litigation results and the progress of implementing those changes. It will take a year of data collection to establish a baseline for these results. This subject brought attention to the specialized legal work the office has had to support without additional resources such as the Uber litigation, DOJ implementation, HomeAway, Qwest and Century Link, and the training and attendance required at active Citizen Board and Commission meetings.

The BAC's final discussion focused on performance measures and the difficulty of quantifying legal work. The main discussion was the office's increased training and how to support, report on and manage performance in this area.

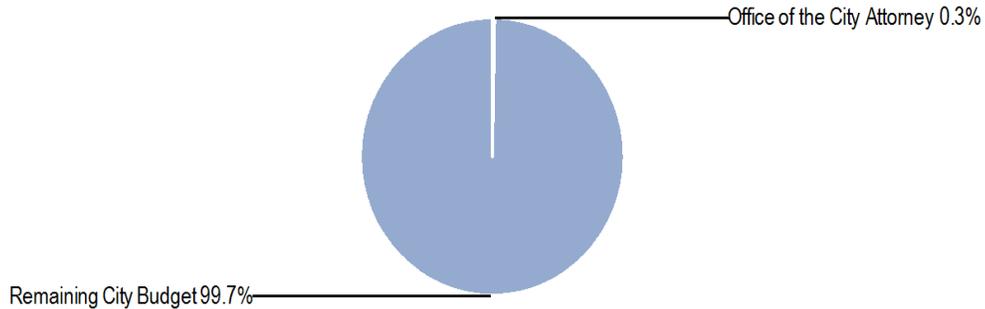
The group closed the meeting and concurred that they understood the office's budget processes, would review notes from our meeting and would provide feedback within the requested timeline.

Office of the City Attorney

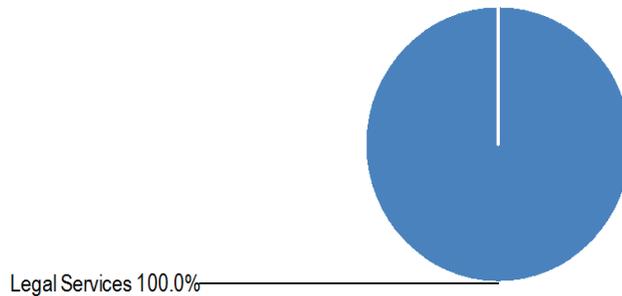
City Support Services Service Area

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

Percent of City Budget

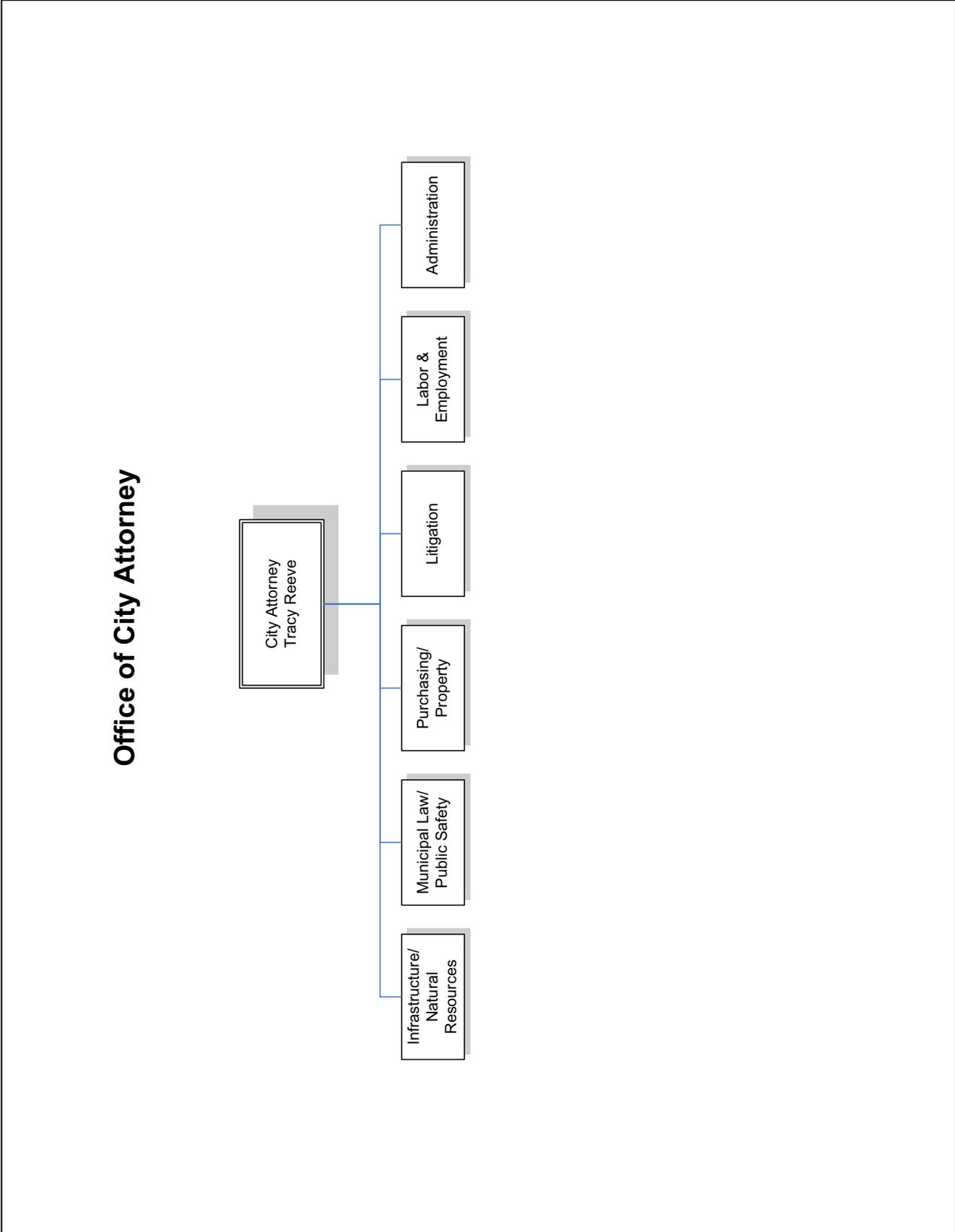


Bureau Programs



Bureau Overview

Expenditures	Revised FY 2015-16	Requested FY 2016-17	Change from Prior Year	Percent Change
Operating	11,806,787	11,336,057	(470,730)	(3.99)
Capital	0	0	0	0.00
Total Requirements	11,806,787	11,336,057	(470,730)	(3.99)
Authorized Positions	64.30	64.30	0.00	0.00



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 2016-17 Requested Budget includes 64.3 FTE. Personnel Services represent 87% 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

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.

The current major barrier to the provision of preventative legal advice, including training, is workload issues. In particular, the lack of adequate support staffing means that attorneys are on occasion performing litigation tasks that could be performed by paralegals, which in turn means that attorneys are not available for preventative legal advice and training.

Effective Advocacy

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.

The Office is achieving this goal effectively, with 90% of its cases resolved favorably to the City. Barriers to continuing this level of success on behalf of the City include a need for additional paralegal staffing to support litigation efforts, and the need for a new document management software system.

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, 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 has a Community Justice and Civil Rights Work Group that shares information and collaborates on legal strategies to advance equity, justice and civil rights Citywide. The Office also 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.

**Ensuring
Accountability and
Effective
Stewardship of
Public Resources**

The City Attorney evaluates office policies and procedures and makes improvements as needed so systems are clear, accurate and transparent. The City Attorney evaluates timekeeping methods and ensures that work schedules fit clients' needs for access to accurate, prompt and reliable preventative legal advice. The City Attorney actively seeks 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, and the City Attorney has greater familiarity with and expertise on the vast majority of the legal issues arising from City operations than does outside counsel. The cost of service per City Attorney hour for FY 2016-17 is \$144. The average outside counsel rate is \$364 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.

A barrier to this objective is insufficient support staffing which may affect the ability of the City Attorney's Office to handle litigation in-house.

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, as well as City boards and commissions. 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

Customer Service: The Office provided extensive support for the Council's initiatives on housing, homelessness and complete neighborhoods. For example, the Office advised the Mayor and Council on the legal bases for the adoption of the Housing Emergency and prepared the necessary supporting ordinances and code amendments. Attorneys are continuing to advise on proposed actions the City may take to address this emergency and are actively participating in related task force meetings. The Office represents the Portland Housing Bureau (PHB) on numerous matters, including: transitioning the Homelessness Team to the County; recouping Systems Development Charges from those who received waivers but did not honor the terms for doing so; initiating other collection and affirmative litigation matters; advising PHB and Commissioner Saltzman's Office on a nexus study and potential linkage fee, coordinating with Government Relations, PHB and Council offices on the City's legislative agenda, including inclusionary zoning; developing and implementing the N/NE Neighborhood Housing Strategy; and assisting PHB with numerous projects to reduce homelessness and increase affordable housing.

Together with the Mayor's Office and the Nuisance Vacant & Abandoned Homes Project, the Office is exploring strategies to address and reduce vacant abandoned properties, improve neighborhoods, and reduce crime. The Office is advising on zoning, site acquisition and real property issues for locating housing shelters, camps and day storage units, and Coordinated Campsite Cleanup. The Office is assisting the City in finding ways to streamline land use reviews for affordable housing projects. The Office also supports the Parks, Transportation and Police Bureaus on coordinating the City's response to homelessness and camping, and coordinating with other jurisdictions and providers. In addition, the Legal Services program supports virtually all of the City's other goals through its legal services.

Advocacy: The Office actively and successfully represents the City in state and federal court litigation and before administrative review bodies, including the state Employment Relations Board and the Land Use Board of Appeals. Notable successes during the past budget year include the Office's work with the Revenue Bureau to negotiate a Tax Remittance Agreement with Airbnb that provided the basis for a recent \$1.2 million transfer from the General Fund to the Housing Investment Fund and that will provide ongoing monies for the City. The Office also worked with outside counsel to settle a lawsuit with Expedia that will net close to \$2 million for the General Fund, and will continue to affirmatively seek to collect monies from other short term rental companies to increase City revenues to fund Council priorities.

Equity: The Office has formed a new Community Justice and Civil Rights work group to ensure that its legal work is coordinated on issues that directly impact equity, livable neighborhoods and affirmative civil rights. The Office is working in myriad ways to help fulfill City policies that support equity, environmental justice, equal access to services, elimination of discrimination, meaningful public participation, police oversight and reform, and equal employment opportunity.

Consistent with the Portland Plans Framework for Equity, the Office actively seeks to apply an equity lens to its legal work and to advise its clients of legal and policy obligations under the City's own policies, code provisions (including its Civil Rights Ordinance), Title VI Plan, ADA Transition Plan, Public Involvement Plan and Strategies, Human Resources Administrative Rules, and state and federal civil rights laws. The Office seeks to affirmatively raise equity and civil rights issues with clients, and to assist them in implementing best practices in these areas.

Performance

The City Attorney's Office achieved excellent results in the past year, with 90% of contested cases resolved on terms favorable to the City. Additionally, the cost for legal services in the City Attorney's Office remains significantly lower than for outside legal services. Once again, outside counsel costs are down significantly, with one exception (which is positive for the City). As part of a settlement negotiated on behalf of the City for claims brought against online travel companies, the City received a gross settlement of \$5.3 million. Of this amount, \$1.6 million will be paid as a contingency fee to the outside counsel who filed suit nationally on behalf of a many jurisdictions, and who also represented the City. (A portion of the remaining amount will be paid to Multnomah County because the City collects taxes on the County's behalf.) The City will nonetheless receive net proceeds of approximately \$1.9 million, and no additional City funds will be expended in attorneys fees or costs.

The Office increased the diversity of its lawyer and non-lawyer professional staff in its hiring over the past year, and was honored with an award from Oregon Women Lawyers for its work to advance equity and diversity in the legal profession.

Finally, with regard to its training goal, the Office anticipates continuing to provide significant citywide training in a number of areas.

Changes to Services and Activities

The FY 2016-17 Requested Budget includes a realignment of new interagency revenue to fund a paralegal position. To meet the required five percent reduction to General Fund resources, the office has presented reductions in external materials and services, technology services and the elimination of the new paralegal position that will result from the realignment.

FTE & Financials	Actual FY 2013-14	Actual FY 2014-15	Revised FY 2015-16	Requested No DP FY 2016-17	Requested FY 2016-17
FTE	59.35	62.05	64.30	64.30	64.30
Expenditures					
Legal Services	9,599,607	10,852,593	11,806,787	11,629,169	11,336,057
Total Expenditures	9,599,607	10,852,593	11,806,787	11,629,169	11,336,057

Office of the City Attorney

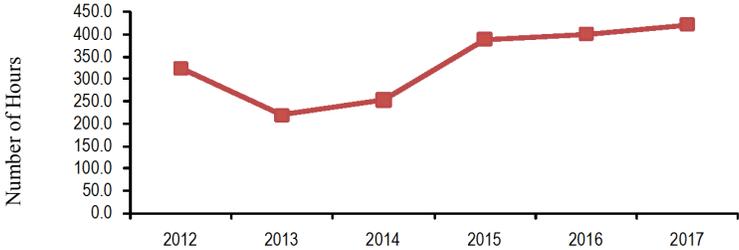
City Support Services Service Area

Performance	Actual FY 2013-14	Actual FY 2014-15	Yr End Est. FY 2015-16	Base FY 2016-17	Target FY 2016-17
Key Performance Measure					
Number of training hours provided by City Attorney staff to other City staff	254	388	400	420	420
Annual costs of outside counsel	\$595,525	\$331,624	\$2,032,000	\$390,000	\$460,000
Cost of service per attorney hour	\$133	\$133	\$140	\$146	\$144
Percentage of cases favorably resolved		89%	90%	85%	85%
Workload					
Number of litigation cases	1,328	1,474	1,870	1,850	1,850
Number of contracts reviewed and approved	8,491	8,892	8,400	8,500	8,500

Performance Measures

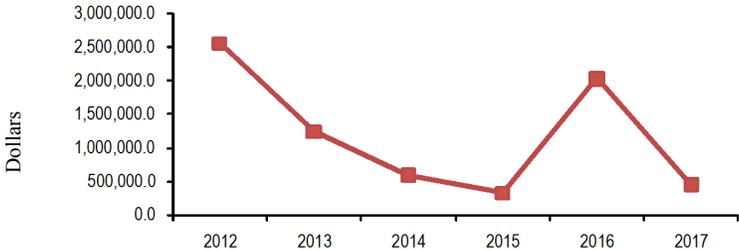
Training Hours

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 public records issues.



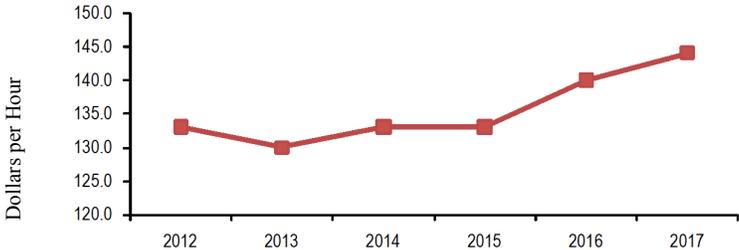
Annual Costs of Outside Counsel

Some outside counsel costs are unavoidable but the office strives to minimize these costs by having sufficient in-house staffing. (The FY15-16 spike in costs is due to a \$1.6 million contingency fee in a case that brought in \$5.3 million in added tax revenue. Excluding that fee paid exclusively from the settlement proceeds, outside counsel costs are expected to be about \$335,000 for FY2015-16.)



Cost of Service per Attorney Hour

The cost of service per City Attorney hour is significantly lower than outside counsel costs. The average rate for outside counsel is \$364 per hour. At \$144 an hour, the City Attorney cost of service is only 40% of outside counsel costs.



City Support Services Service Area

	Actual FY 2013-14	Actual FY 2014-15	Revised FY 2015-16	Requested No DP FY 2016-17	Requested FY 2016-17
Resources					
External Revenues					
Charges for Services	6,203	22,507	78,049	106,000	106,000
Miscellaneous	0	1,979	0	0	0
Total External Revenues	6,203	24,486	78,049	106,000	106,000
Internal Revenues					
General Fund Discretionary	1,293,580	2,762,205	2,928,348	2,669,732	2,536,245
General Fund Overhead	3,095,418	2,892,929	3,174,964	3,192,498	3,032,873
Interagency Revenue	5,204,406	5,172,877	5,625,426	5,660,939	5,660,939
Total Internal Revenues	9,593,404	10,828,011	11,728,738	11,523,169	11,230,057
Beginning Fund Balance	0	0	0	0	0
Total Resources	\$9,599,607	\$10,852,497	\$11,806,787	\$11,629,169	\$11,336,057
Requirements					
Bureau Expenditures					
Personnel Services	8,390,345	9,194,166	9,959,964	10,024,535	10,024,535
External Materials and Services	354,998	775,265	876,672	612,394	469,630
Internal Materials and Services	854,264	883,066	970,151	992,240	841,892
Total Bureau Expenditures	9,599,607	10,852,497	11,806,787	11,629,169	11,336,057
Fund Expenditures					
Total Fund Expenditures	0	0	0	0	0
Ending Fund Balance	0	0	0	0	0
Total Requirements	\$9,599,607	\$10,852,497	\$11,806,787	\$11,629,169	\$11,336,057
Programs					
Administration & Support	0	(100)	0	0	0
Facilities Services	0	4	0	0	0
Legal Services	9,599,607	10,852,593	11,806,787	11,629,169	11,336,057
Total Programs	9,599,607	\$10,852,497	\$11,806,787	\$11,629,169	\$11,336,057

Class	Title	Salary Range		Revised FY 2015-16		Requested No DP FY 2016-17		Requested FY 2016-17	
		Minimum	Maximum	No.	Amount	No.	Amount	No.	Amount
30002134	Attorney, Assistant Deputy City	69,285	92,498	2.00	150,180	2.00	155,852	2.00	155,852
30000597	Attorney, Chief Deputy City	112,195	160,618	5.00	790,830	5.00	797,976	5.00	797,976
30000418	Attorney, City	141,898	203,341	1.00	183,396	1.00	190,914	1.00	190,914
30000595	Attorney, Deputy City	94,931	128,627	16.00	1,880,980	16.00	1,924,374	16.00	1,924,374
30000596	Attorney, Sr Deputy City	101,962	142,397	13.50	1,896,864	13.50	1,910,468	13.50	1,910,468
30000440	Business Operations Supervisor	72,800	97,386	1.00	97,380	1.00	97,380	1.00	97,380
30000600	Law Office Administrator	82,098	109,346	1.00	109,344	1.00	109,344	1.00	109,344
30000591	Legal Assistant	49,275	75,899	6.00	393,882	6.00	403,632	6.00	403,632
30000592	Legal Assistant, Sr	59,800	79,726	4.00	304,090	4.00	308,988	4.00	308,988
30000450	Management Assistant	49,275	75,899	1.00	54,084	1.00	55,924	1.00	55,924
30000012	Office Support Specialist II	34,445	49,462	2.00	83,196	2.00	88,704	2.00	88,704
30000593	Paralegal	59,800	79,726	5.00	356,299	5.00	369,553	6.00	438,553
30000830	Paralegal Supervisor	69,285	92,498	1.00	92,496	1.00	92,496	1.00	92,496
30000594	Paralegal, Sr	65,957	87,963	3.00	236,481	3.00	242,573	3.00	242,573
30000462	Program Specialist, Assistant	49,275	75,899	1.00	58,620	1.00	60,420	1.00	60,420
TOTAL FULL-TIME POSITIONS				62.50	6,688,122	62.50	6,808,598	63.50	6,877,598
30000596	Attorney, Sr Deputy City	101,962	142,397	0.80	111,540	0.80	113,124	0.80	113,124
30000591	Legal Assistant	49,275	75,899	1.00	60,000	1.00	60,000	1.00	60,000
TOTAL PART-TIME POSITIONS				1.80	171,540	1.80	173,124	1.80	173,124
TOTAL LIMITED TERM POSITIONS				0.00	0	0.00	0	0.00	0
GRAND TOTAL				64.30	6,859,662	64.30	6,981,722	65.30	7,050,722

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01

Type: Realignments

Decision Package: AT_01 - Paralegal Realignment

Program: Legal Services

	FY 2016-17 Requested 1 Time DP	FY 2016-17 Requested Ongoing DP	FY 2016-17 Requested Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	
EXPENDITURES								
Personnel Services	0	100,098	100,098	0	0	0	0	0
External Materials and Services	0	(100,098)	(100,098)	0	0	0	0	0
Internal Materials and Services	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	0	0	0	0	0	0	0	0
REVENUES								
Charges for Services	0	0	0	0	0	0	0	0
General Fund Discretionary	0	0	0	0	0	0	0	0
General Fund Overhead	0	0	0	0	0	0	0	0
TOTAL REVENUES	0	0	0	0	0	0	0	0
FTE								
Full-Time Positions	0.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	0.00	1.00	1.00	0.00	0.00	0.00	0.00	0.00

Description:

This Requested Budget includes \$100,000 in new interagency revenue from the Portland Police Bureau (PPB) for legal services provided to the civil forfeiture program. Prior to 2014, this work was handled by outside counsel on a contingency fee basis. Based on concerns about consistency and the City's ability to provide effective oversight, the City Attorney's Office decided to discontinue outside counsel services. In light of PPB's request to reinstitute forfeiture work and its importance to crime prevention, safe neighborhoods and community justice, the City Attorney's Office agreed to reallocate resources to develop and implement an in-house forfeiture program. The understanding was that over time the cost to the City Attorney's Office of providing these legal services would be at least partially recouped through statutory attorney's fees from the forfeiture program, while still resulting in a lower cost to PPB for these legal services. During the first full year of providing in-house legal services, the Office's legal work enabled PPB to obtain approximately \$650,000 in proceeds that PPB could use for specific crime prevention, drug awareness and educational programs. Outside counsel fees would have been in excess of \$200,000. In contrast, under the current in-house funding mechanism, City Attorney fees were less than \$100,000. PPB will use that savings in legal costs to fund valuable crime reduction programs. The Office will use this additional revenue to secure additional paralegal support for the Office in lieu of submitting a General Fund add package request.

Expected Results:

This realignment will help the Office meet its urgent staffing needs without requiring additional support from the General Fund. The Office has been operating for some time with insufficient support staff, due to a number of factors. First, the Office has added four attorneys over the past 10 years, without adding additional support staff. Additionally, the Office has taken on more work in many areas that require significant paralegal support, including the Citywide Legal Records Management Project (public records), increased affirmative litigation to collect sums owed to the City, and the extremely document intensive Anderson ratepayer lawsuit. As a result, the Office has been unable to efficiently handle its paralegal work, which negatively affects timeliness, the ability to perform preventative legal work and trainings, and cost-effectiveness as some work is deferred and other work that could be performed by paralegals is undertaken by attorneys (which in turn means those attorneys are less available for preventative legal work and providing training). (See related Paralegal Reduction Package No. AT004.)

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01

Type: Reductions

Decision Package: AT_02 - Materials & Services Reduction

Program: Legal Services

	FY 2016-17 Requested 1 Time DP	FY 2016-17 Requested Ongoing DP	FY 2016-17 Requested Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	
EXPENDITURES								
External Materials and Services	0	(42,666)	(42,666)	0	0	0	0	0
TOTAL EXPENDITURES	0	(42,666)	(42,666)	0	0	0	0	0
REVENUES								
General Fund Discretionary	0	(19,431)	(19,431)	0	0	0	0	0
General Fund Overhead	0	(23,235)	(23,235)	0	0	0	0	0
TOTAL REVENUES	0	(42,666)	(42,666)	0	0	0	0	0

Description:

This decision package will reduce external materials and services expenses by \$42,666 for office supplies, legal publications and education.

Expected Results:

Reducing costs for legal publications is possible because online resources are available to replace some hard copy publications. Also, the Office reduced its required continuing legal education costs by providing more group and in-house education. However, this requires significant staff and attorney time to organize in-house training, which can overburden existing resources. Another disadvantage is that not all specialized training is available in these formats. Given these ongoing efforts, this reduction should be possible without a major effect on service delivery, at least in the near term.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 02

Type: Reductions

Decision Package: AT_03 - Technology Support Staff Reduction

Program: Legal Services

	FY 2016-17 Requested 1 Time DP	FY 2016-17 Requested Ongoing DP	FY 2016-17 Requested Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget
EXPENDITURES							
External Materials and Services	0	0	0	0	0	0	0
Internal Materials and Services	0	(150,348)	(150,348)	0	0	0	0
TOTAL EXPENDITURES	0	(150,348)	(150,348)	0	0	0	0
REVENUES							
Charges for Services	0	0	0	0	0	0	0
General Fund Discretionary	0	(68,470)	(68,470)	0	0	0	0
General Fund Overhead	0	(81,878)	(81,878)	0	0	0	0
TOTAL REVENUES	0	(150,348)	(150,348)	0	0	0	0

Description:

This reduction will eliminate services provided by BTS to the City Attorney's Office for technology support. The City Attorney's Office is assigned a full time Applications Analyst who assists the office with its technology needs including managing, updating and configuring software applications, training new employees on specialized software systems, maintaining the office's website, troubleshooting daily problems with software and hardware, and providing other information technology support as needed

Expected Results:

Eliminating this position will be a hardship on the existing administrative staff who will be responsible for absorbing most of this work. Response time for solving technology problems in the Office will be longer and could result in slower response times for legal services to the bureaus. It will also force the Office to defer plans to update its web presence, an update that would provide more information to City staff and the public on legal issues and resources. Additionally, without this support, the Office may be forced to hire outside consultants to assist with new software implementations, which is generally less cost-effective over time than using in-house staff. This need will only increase with the rapidly changing technology landscape and the age of Office's practice and document management systems.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 03

Type: Reductions

Decision Package: AT_04 - New Paralegal Reduction

Program: Legal Services

	FY 2016-17 Requested 1 Time DP	FY 2016-17 Requested Ongoing DP	FY 2016-17 Requested Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	
EXPENDITURES								
Personnel Services	0	(100,098)	(100,098)	0	0	0	0	0
External Materials and Services	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	0	(100,098)	(100,098)	0	0	0	0	0
REVENUES								
Charges for Services	0	0	0	0	0	0	0	0
General Fund Discretionary	0	(45,586)	(45,586)	0	0	0	0	0
General Fund Overhead	0	(54,512)	(54,512)	0	0	0	0	0
TOTAL REVENUES	0	(100,098)	(100,098)	0	0	0	0	0
FTE								
Full-Time Positions	0.00	-1.00	-1.00	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	0.00	-1.00	-1.00	0.00	0.00	0.00	0.00	0.00

Description:

This reduction package would eliminate the new full-time paralegal position that will result from the realignment of civil forfeiture legal fees revenue. (See Decision Package AT001.) The office has added four General Fund Attorney positions since 2006 without increasing paralegal or legal assistant support. Specifically, the office's greatest need for additional paralegal support is for litigation and legal records management.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 03

Type: Reductions

Decision Package: AT_04 - New Paralegal Reduction

Program: Legal Services

FY 2016-17 Requested 1 Time DP	FY 2016-17 Requested Ongoing DP	FY 2016-17 Requested Budget	FY 2017-18 Estimated Budget	FY 2018-19 Estimated Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget
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Expected Results:

The Office has requested additional legal assistant and paralegal staffing over the past several years. In the last budget cycle, Council members noted that the City Attorney’s Office needs additional support staffing, and asked the Office to request those resources in this budget cycle. As those staffing needs accelerated due to the Anderson ratepayer case, members of the Council asked the Office to submit a paralegal request in the Fall BMP, and the Office did so. In reviewing that request, the City Budget Office noted “The need for additional support staff in the Office of the City Attorney is clear, and CBO recommends addressing this issue during FY 2016-17 budget development.” The Office is now attempting to address this need with minimal impact on the General Fund through Decision Package AT001, which reallocates existing resources to fund a paralegal position.

The Office does not believe this reduction package, which would cut that paralegal position, would be cost effective for the City. Handling the vast bulk of the City’s legal work in-house is one way the Office has sought to achieve its strategic goals of excellent customer service, providing the highest quality legal services, and effective stewardship of public resources. In fact outside counsel costs have decreased significantly over the past two years as the Office has handled more work internally with excellent results. The Office has achieved favorable outcomes for the City in 90% of contested cases over the past year. However, intensive litigation matters such as the Anderson ratepayer case (which to date has required the collection, review and organization of over 250,000 pages of documents) as well as increased affirmative litigation and collections matters (which bring in increased revenues to the City) are requiring more paralegal work than the Office can competently and effectively handle with existing resources. Taking this reduction will result in less efficient and less timely handling of litigation. It may well result in increased outside counsel costs far in excess of any “savings” that would be realized from this cut, particularly if the Office is forced to retain outside counsel to competently handle litigation that cannot be managed with existing resources. Additionally, current paralegals will continue to be overtaxed without this support and attorneys will be required to do administrative work that could otherwise be more cost-effectively handled by support staff, resulting in decreased preventative legal work and reduced timeliness in the provision of legal services

The Office also requires paralegal support for the Citywide Legal Records Management Project. The FY14-15 Requested Budget included one Deputy City Attorney position and one paralegal position to focus on critical citywide legal records issues, but the paralegal position was not approved. The paralegal position was nonetheless absolutely critical to the success of this project, which included helping coordinate multi-bureau public records requests, implementing and managing citywide public records software systems, working with records managers to help ensure legal compliance and providing training. An existing paralegal was reassigned to this project full time from litigation work to ensure the success of the project. Without that support, the Office would have been unable to implement the new City software for public records requests that went live in December 2015 (GovQA). This new system enable the City to better manage and coordinate public records requests and reduce legal risk. It also serves important Council values of transparency, open government and public accountability by enabling the public to more easily submit, and the City to more effectively receive and respond to, public records requests. The Legal Records Management Project is an ongoing Citywide project requiring policy and practice development, training, and evaluation of how best to utilize and manage rapid technological changes for record creation, retention and management. Paralegal support has been integral to this project’s success to date and is essential for ongoing and effective management of the City’s records in a way that reduces legal risk, improves public access and transparency, and increases internal efficiencies.

Finally, the Office has been asked to take on an increasingly large role in assisting bureaus and elected officials’ offices with responding to public records requests. One paralegal position is insufficient to take on all the programmatic aspects of the Legal Records Management Project and provide this assistance as well. The Office is unable to handle this additional work with existing resources.



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.

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 may find this tool helpful when evaluating equitable impacts on all residents.

The Office of Equity and Human Rights is also available for discussion/training/consultation regarding the use of this document.

Portland Office of the City Attorney
BUREAU/OFFICE/DEPARTMENT

SECTION ONE: BASE BUDGET

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

The City Attorney's Office has prioritized equity over the past two plus years in its budgeting process in numerous ways, including adding an attorney position to focus on Community Justice and Affirmative Civil Rights. The Office has also created two honors attorney positions, which are designed to train new lawyers in public service and which will be a means to increase the racial diversity of Oregon lawyers over time, as the Office recruits both within and without Oregon including at historically black law schools. Although this Office, like most City bureaus and offices, is proposing a budget including a 5% cut, the Office has intentionally protected these three positions in order to continue to work to further equity both within the City and within the Oregon legal community.

SECTION TWO: DECISION PACKAGES

If your bureau or office has multiple decision packages, please address each one separately.

AT001 - New Revenue/Paralegal Realignment Package

1. How does this program or service align with the goal of advancing equity?
 - This will enable the Office to continue to assign a full time paralegal to the Legal Public Records Management Project, which furthers transparency, public access and government accountability.
2. 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?
 - The impact of this position is citywide.
3. Identify potential impacts on people living with a disability. (See Attached Worksheet)
 - The Legal Records Management Project furthers access to public records for people with disabilities and the Office is continuing to work to make public records available in a variety of formats so that people with disabilities have full access.
4. Identify impacts on workforce demographics. (Goal #1)
 - Unknown until the new position is hired, although the Office views every new hire as an opportunity to broadly reach out to communities of color and people with disabilities as potential candidates for employment. The Office has had an excellent record of hiring people of color into both attorney and staff positions over the past two years and hope to continue that.

AT002 – External Materials and Services Reduction

1. How does this program or service align with the goal of advancing equity?
 - This should have little to no impact, positive or negative, on the goal of advancing equity, except that the Office will have fewer discretionary resources to sponsor equity related events.
2. 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?
 - This proposed cut should primarily affect the employees of the Office of the City Attorney and should have little to no effect on members of the public.
3. Identify potential impacts on people living with a disability. (See Attached Worksheet)
 - This proposed cut should primarily affect the employees of the Office of the City Attorney and should have little to no effect on members of the public.
4. Identify impacts on workforce demographics. (Goal #1)
 - None anticipated.

AT003 – Technology Services Reduction

1. How does this program or service align with the goal of advancing equity?
 - The Technology Services reduction will affect equity by limiting the amount of time that can be devoted to equity activities as fewer employees take on more work to meet basic office needs.
2. 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?
 - This cut should have a marginal impact on members of the public except that it will likely delay efforts to modernize the Office's website to provide additional information and resources to members of the public regarding Community Justice and Affirmative Civil Rights, and Title VI and ADA compliance.
3. Identify potential impacts on people living with a disability. (See Attached Worksheet)
 - This cut should have a marginal impact on members of the public except that it will likely delay efforts to modernize the Office's website to provide additional

information and resources to members of the public regarding Community Justice and Affirmative Civil Rights, and Title VI and ADA compliance.

4. Identify impacts on workforce demographics. (Goal #1)
 - If the Office loses funding for these services, it is not known yet whether the position will be eliminated or reassigned within BTS. If the position is eliminated, it would not currently affect a person of color or with other minority status, although it is not known who may be affected by potential bumping rights.

AT004 – Paralegal Reduction

1. How does this program or service align with the goal of advancing equity? Identify all Citywide Goals and or Strategies you are using
 - See answers to AT001
2. 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 answers to AT001
3. Identify potential impacts on people living with a disability. (See Attached Worksheet)
 - See answers to AT001
4. Identify impacts on workforce demographics. (Goal #1)
 - See answers to AT001

Section THREE: EQUITABLE ENGAGEMENT AND ACCESS (Goal #2)

How does this budget build the bureau's capacity to engage with and include communities most impacted by inequities? (e.g., improved leadership opportunities, advisory committees, commissions, targeted community meetings, stakeholder groups, increased outreach, etc.)

- Given that this is a cut budget, it does little to build further capacity but it does seek to protect and leverage the capacity added over the past two years through the attorney position specializing in Community Justice and Affirmative Civil Rights and through the two public interest Honors Attorney positions for recent law school graduates, which are aimed at attracting diverse candidates to the practice of public interest law in Oregon.

Tracy Reeve

2/1/2016

Name of Bureau Director

Date

