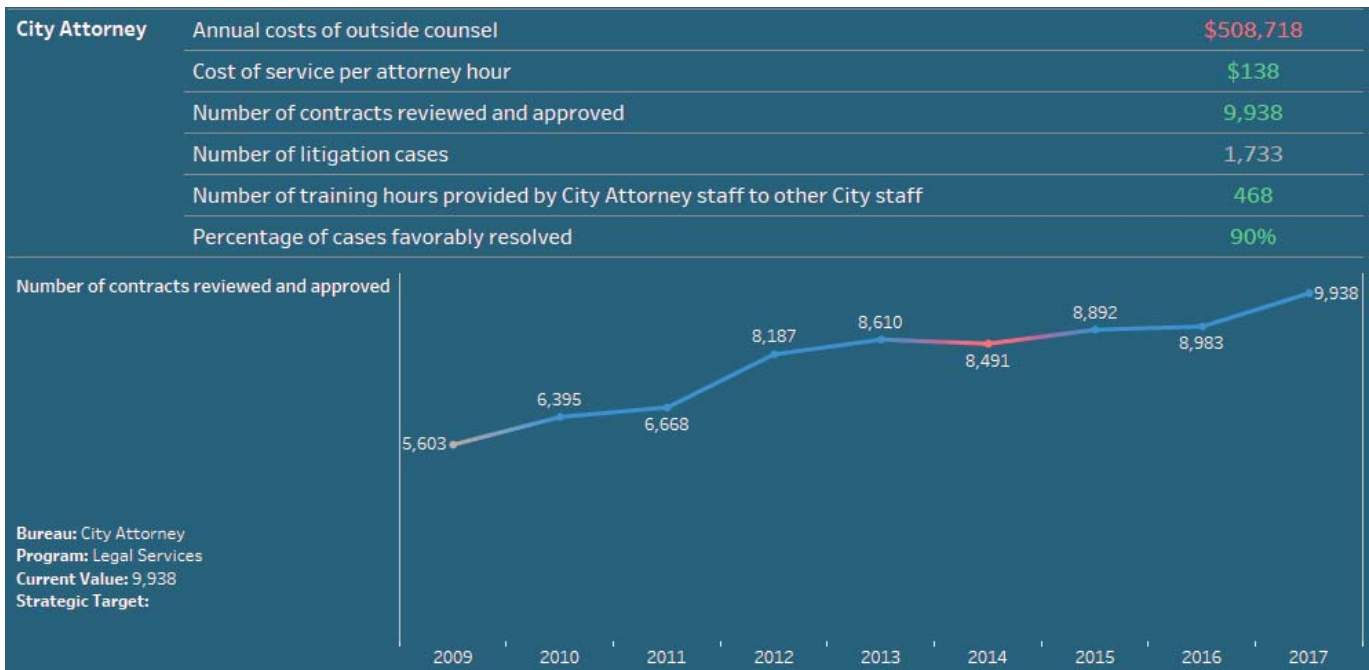


Office of the City Attorney

Analysis by Jessica Eden

The Office of the City Attorney ended FY 2016-17 two percent under budget. Charges for Services was double what was forecasted primarily due to forfeiture work for the Police Bureau. In addition, the office received \$38,000 in intergovernmental revenue for legal services provided to the Mt. Hood Cable Regulatory Commission (MHCRC). Without these additional funds, the office would have come in approximately one percent under budget. The City Attorney’s performance data indicates an increased level of service to the City.

Bureau Performance

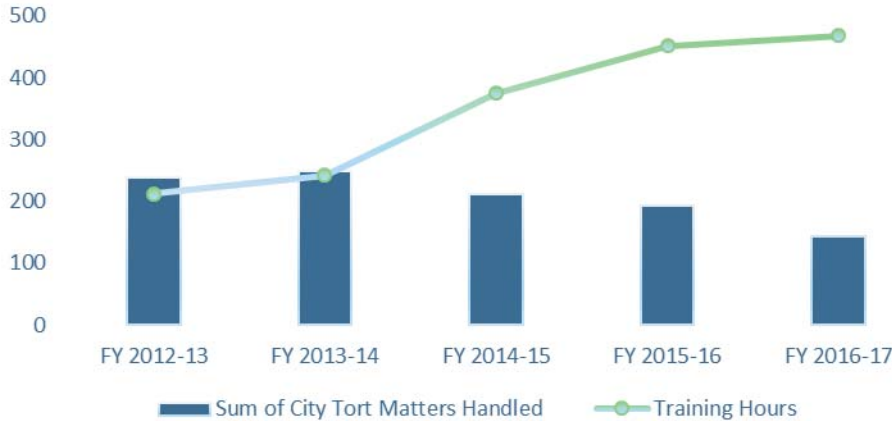


www.portlandoregon.gov/cbo/performance

The overall performance for the City Attorney is positive with nearly every performance measure moving in the anticipated and desired direction.

- The City Attorney **handled almost 7% more litigation cases** in FY 2016-17 than in FY 2015-16
- The City Attorney **reviewed and approved 10% more contracts** in FY 2016-17 than in FY 2015-16
 - It should be noted that while the number of contracts reviewed and approved is climbing, the percentage of contracts returned within two days is slipping and has fallen eight percentage points from 81% to 73% over the last two years.

**As Training Hours Increase,
Cases Filed Against the City Decrease**



- The City Attorney provided **4% more training hours**, exceeding their target by approximately 11%.

- The City Attorney has kept cost of service per attorney hour low at **\$138**.

While annual cost of outside counsel has risen slightly, this is somewhat out of the City Attorney’s control. Outside counsel is

used when there is a conflict of interest or there is not appropriate internal expertise to handle a City matter. Over the course of the last year, the City Attorney has had numerous retirements and has worked diligently to backfill positions and keep in house expertise diverse to best meet the needs of the City.

Performance Measures

The City Attorney has appropriate key performance measures that directly speak to their core services and bureau mission. Each measure can be directly linked to The City Attorney’s Office five-year strategic plan, which identifies three key goals: provide outstanding customer service and legal advice, provide effective advocacy, and ensure accountability for good stewardship of public resources and compliance with law.

In prior reviews, CBO has suggested the City Attorney work toward measuring the efficacy of training hours provided by City Attorney staff to other City staff, as measuring the number of training hours does not necessarily assess whether this training has provided the intended result of preventing the need for legal intervention. The City Attorney provided data for the number of training hours provided as well as the volume of legal matters handled each fiscal year. Some of the legal matters are in defense of the City and include: Bureau of Labor and Industry (BOLI), grievances against the City, Tort-Employment and Tort-Police cases, and unfair labor practices. CBO compared the sum of all these legal matters over the last five fiscal years to the number of training hours provided by the City Attorney.

It is clear from the graph that there is a potential correlation between the number of training hours provided by the City Attorney and the number of legal matters handled each fiscal year that directly relate to the training hours.

While these are positive results and speak to the efficacy of training City staff, there is still potential opportunity for efficiency gains. The majority of training is performed in person. It is CBO’s understanding that the City Attorney’s Office is functioning close to maximum capacity, and there are competing priorities. As such, CBO recommends considering development of online modules for routine preventive legal trainings so that staff time can be directed toward other responsibilities.

CBO also suggests that the City Attorney consider altering the performance measure identifying the number of litigation cases handled. While it is a workload measure and demonstrates increased productivity, the data does not highlight the balance of litigation handled. For example, litigation overall is increasing primarily from an increase in business license collections and civil forfeitures (resulting in additional revenue for the City) simultaneously, there are fewer tort cases filed against the City. This is important information that should be highlighted.

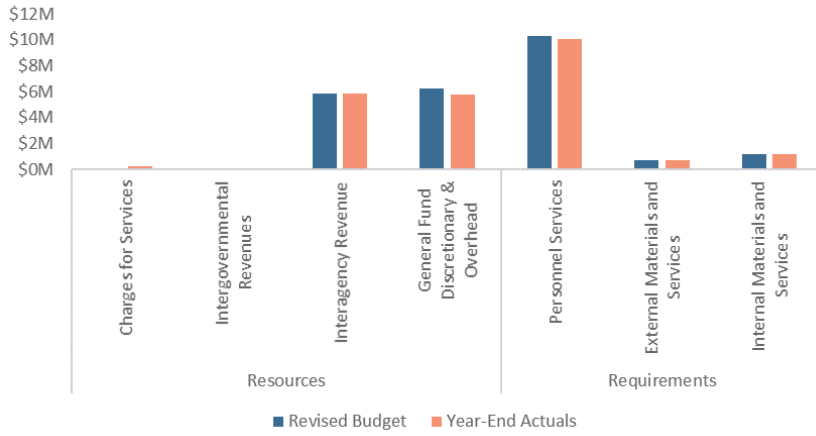
Bureau Finances: Budget-to-Actuals and Key Issues

General Fund

While the City Attorney has managed to continue to increase their performance and offer a high level of service to the City, the bureau is reaching capacity and anticipates workload increases. Capacity concerns are evidenced by slipping timelines for contract review. With personnel and internal materials and services budgets almost completely spent, the bureau has less ability to shift resources and therefore may not have the ability to address unforeseen demand. During the Spring Supplemental Budget Process, the City Attorney realigned funding from personnel to internal materials and services which allowed the bureau to not exceed budget. Expenditures were relatively normal for the City Attorney in FY 2016-17 with no unanticipated events. Internal materials and services was higher than normal due to conference room upgrades.

Fund Name		Revised Budget	Year-End Actuals	Variance	% of Budget
Resources	Charges for Services	106,000	204,338	(98,338)	193%
	Intergovernmental Revenues	-	38,000	(38,000)	N/A
	Interagency Revenue	5,826,189	5,826,189	-	100%
	General Fund Discretionary & Overhead	6,228,460	5,792,422	436,038	93%
Revenue		\$ 12,160,649	\$ 6,068,527	\$ 6,092,122	50%
Requirements	Personnel Services	\$ 10,255,677	\$ 10,045,088	\$ 210,589	98%
	External Materials and Services	741,756	665,995	75,761	90%
	Internal Materials and Services	1,163,216	1,149,867	13,349	99%
Expenses		\$ 12,160,649	\$ 11,860,950	\$ 299,699	98%

General Fund City Attorney FY 2016-17 Reconciliation



As is shown by the graph, the City Attorney actual spending closely aligned with budgeted expenses.