



REQUESTED BUDGET

FY2018-19

City Attorney's Office

Portland, Oregon

Tracy Reeve, City Attorney



Office of Mayor Ted Wheeler
City of Portland

MEMORANDUM

January 29, 2018

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

From: Mayor Ted Wheeler 

Subject: FY 2018-19 Requested Budget of the City Attorney's Office

Enclosed for your consideration is the FY2018-19 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's elected officials and all City bureaus by providing legal advice and advocacy necessary to implement the City's programs and services and enable the City to achieve its policy goals.

Budget guidance to bureaus this year requested realigning resources to focus on core missions and Council priorities, a five percent reduction to General Fund resources, and limiting new requests to key priorities. This budget request responds to that guidance by including a five percent General Fund reduction proposal, two interagency add requests and two General Fund add requests.

The work of the City Attorney's Office to support the City's efforts to address housing and homelessness has been extensive and is essential to those efforts. As just one part of that work, the FY16-17 and FY17-18 budgets included a limited term attorney position to support efforts addressing vacant and abandoned houses in Portland. Because of this work, the City has moved forward with its first foreclosures on vacant and distressed residential properties in decades. The program provides benefits to neighborhood livability by targeting and improving abandoned and dilapidated properties in neighborhoods throughout the City. The Office is requesting to continue its interagency agreement with BDS to fund this work.

The City Attorney's Office is also working to help realize City policies in support of police oversight and reform and to achieve full compliance with the DOJ Settlement Agreement. The Police Bureau is responsible for reviewing and revising over 200 directives in a comprehensive and timely manner, including 47 identified by the USDOJ. PPB realigned internal resources to create a Policy Team that will produce a higher volume of policies at an accelerated rate. PPB added additional internal staff to meet its objectives which resulted in an increased demand for legal review of the policies as well as requests for training on the new policies. This request is to continue the attorney position for an additional year. It is funded by interagency agreement with the Police Bureau.

The office is also requesting additional support staff to collect delinquent business licenses taxes. At this time, the office has 556 open business license collection matters. With the help of a limited term Paralegal authorized in the Fall BuMP, the office is efficiently working these cases, reducing a large backlog of work, and increasing the revenue to the General Fund. However, without this additional support, the office can only work on half of these revenue generating cases. It is important to note that the Revenue Division is requesting several new positions to work on collection efforts. Given the rising number of new accounts, the City Attorney's Office expects that the legal collection work will continue to rise and believes that its collections team should be expanded to meet the demand. Paralegal and Legal Assistant support are a cost-effective way to work these revenue-generating cases without adding additional attorney costs.

The office also requests one ongoing Paralegal position to assist with the increasing contract review needs of the City. Over the past ten years, the number of contracts reviewed by the office has nearly doubled from 5,000 to 10,000 contracts per year without additional resources. Adding a Paralegal to assist with the routine review will free up attorney time for more complicated work, including the increasingly high demand for technology contract review. Again, a Paralegal is a cost-effective way to manage this additional work. Without this support, bureaus can expect to see slower response times for contract reviews.

Finally, as directed, the office has submitted a five percent reduction proposal. Because most of the office's budget is for personnel, a five percent cut means eliminating staff. The office has proposed eliminating one Senior Deputy City Attorney and one Paralegal position who manage and implement the City's Legal Records Management Program (which encompasses both public records and electronic discovery in litigation). These reductions would cut core legal services as the City Attorney's Office would no longer be able to manage the City's electronic public records management system or handle public records requests on behalf of Council offices. These cuts are neither cost-effective nor efficient and would greatly increase the City's legal risk resulting in higher costs in the long run.

Thank you for your consideration.



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Tracy Reeve, City Attorney
1221 S.W. 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

January 15, 2018

FY 2018-19 BUDGET ADVISORY COMMITTEE SUMMARY REPORT

The City Attorney's Office Budget Advisory Committee (BAC) convened on January 12, 2018, at 11:00 a.m. The Committee members present were Tracy Reeve, Robert Taylor, Scott Moede, Linda Law, Crystine Jividen, Kim Sneath, Janet Long, Darla Eng, citizen advisor Karen Westerman, and City Budget Office analyst Jessica Eden.

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

The BAC discussed funding sources and expenditures. The office's budgetary resources include Interagency Agreements and General Fund overhead and discretionary funds. Overall, 88% of expenditures are for salaries and benefits. Other major expenditures include electronic legal research and software.

The BAC discussed the request to reduce the office's budget by 5%. The budget guidelines state the reductions should focus on non-core services. However, the City Attorney's Office has only one program, legal services, and therefore has no programs outside its core mission. To reach a 5% reduction, the office would be forced to eliminate staff. The BAC discussed each position and the approximate cost including two Honors Attorney positions, Deputy City Attorney positions, and/or several Paralegals or Legal assistants. It was difficult to prioritize the cuts because of the severe negative impact of each decision.

The BAC discussed the importance of keeping the Honors Attorney Program, particularly in light of the office's equity goals and the high value/low cost of the program. Tracy Reeve and Scott Moede talked about the importance of the program which was designed to hire and train new lawyers in public service and provide a means to increase racial diversity in the office and in the legal profession by recruiting nationally from diverse law schools. Because this program is staffed on a two-year rotation, eliminating these positions would not entail eliminating permanent staff. However, to reach a 5% cut, the whole program would need to be cut and the office would still not reach 5%.

The BAC reviewed the external expenses of the office which has been cut in previous years. The office has a \$6,000 budget for sponsorships that was discussed. Tracy spoke of the "We Are Better Together" program in which the office participates with other bureaus to collaborate on sponsorships for events and activities that are important to the office. The office uses some of this money for events that promote equity and diversity in line the with the Office's Racial

Equity Plan. Some other events the office has sponsored are the PSU Women in Leadership Awards, and the Women of Vision Awards at which one of the office's attorneys was honored.

The BAC discussed the proposed add packages including the need for additional staff to collect on delinquent business license accounts. Current staffing levels cannot keep up with the demand which is increasing. If the one-time funding for a Paralegal is not continued, the office will not be able to work on half the cases.

The BAC also discussed the need for a contract review Paralegal and the desire to be proactive and provide training to bureaus to improve the contract review process. As it stands now, the office only has resources to approve contracts as to form but no time to provide effective training to bureaus or to cross train attorneys on technology contract review.

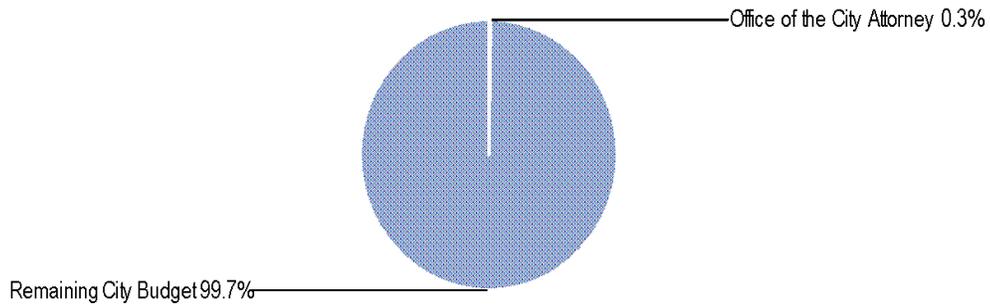
It was noted that eliminating support staff is not a good idea because support staff levels have not kept up with the growing legal needs of the City.

The BAC closed the meeting and agreed to submit any additional feedback within the requested timeline.

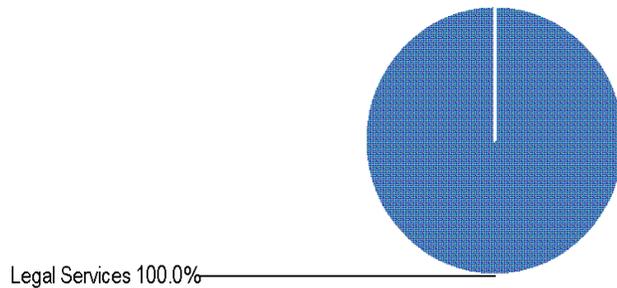
Office of the City Attorney

Mayor Ted Wheeler, Commissioner-in-Charge
Tracy Reeve, City Attorney

Percent of City Budget



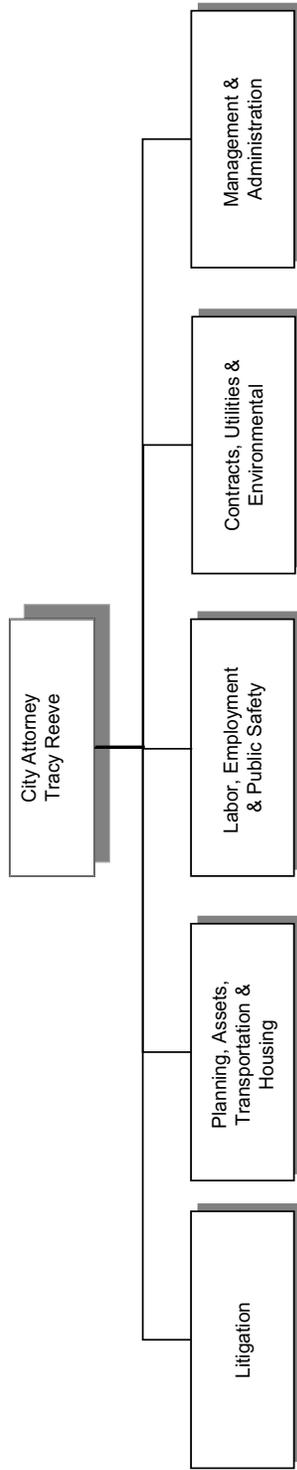
Bureau Programs



Bureau Overview

Expenditures	Revised FY 2017-18	Requested FY 2018-19	Change from Prior Year	Percent Change
Operating	13,248,170	12,948,969	(299,201)	(2.26)
Capital	0	0	0	0.00
Total Requirements	13,248,170	12,948,969	(299,201)	(2.26)
Authorized Positions	67.60	68.60	1.00	1.48

Office of the 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 Office of the City Attorney is responsible for all of the legal work for the City of Portland (with the exception of Prosper Portland and certain aspects of the Auditor's Office). Virtually all City programs and operations require some legal staff involvement. The office has a single budget program: Legal Services.

The office represents the City and its elected officials, employees, bureaus, offices, boards and commissions in court and in administrative and quasi-judicial proceedings. Office attorneys draft and review local legislation, contracts, real estate leases, intergovernmental agreements and other documents and legal instruments. The office advises on policy development and program implementation. Attorneys advocate and negotiate on behalf of the City. Office attorneys provide training to elected officials, City boards and commissions and City employees on a broad spectrum of law-related topics. In addition, the City Attorney administers the City's occasional use of outside legal counsel.

The City Attorney's Office consists of five sections, staffed with 39 lawyers and 27 support professionals. The office is led by the City Attorney who is appointed by, and serves at the pleasure of, the City Council. 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 2018-19 Requested Budget includes 68.6 FTE. The personnel services category represents 88% of the office's expenditures.

Strategic Direction

The work of the City Attorney's Office is guided by the following four strategic goals:

Customer Service

Goal 1: To provide the highest level of customer service to clients through preventive legal advice that is timely, accurate and easy to access.

The City Attorney's Office actively seeks to impart helpful, accurate, and timely 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

Goal 2: To effectively and vigorously advocate for the City's interests in state and federal courts and otherwise.

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. 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 89% of its cases resolved favorably to the City.

Achieving Equity

Goal 3: To support and advance the City's objective of achieving equity in all of its programs, services and activities.

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, 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 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

Goal 4: To ensure accountability for the office's professional performance 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 Prosper Portland and some legal services on behalf of the Auditor. The City Attorney oversees the City's occasional use of outside counsel. The City Attorney'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 outside counsel. The cost of service per City Attorney hour for FY 2018-19 is \$149. The average outside counsel rate is \$374 and can range up to \$550 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.

The City Attorney's Office plans to achieve these goals as follows:

Allocation of Resources

The office allocates resources across its sections in an effort to meet the office's four strategic goals. The office periodically reviews the staffing allocation to ensure the client bureau's customer service and advocacy needs are met. Further, the office seeks to support its equity goal by dedicating a certain amount of attorney and staff time toward equity and diversity training and events. Finally, in terms of accountability and stewardship, the office seeks to allocate assignments among attorneys and staff to ensure that each position is performing its highest and best function in support of the Legal Services program.

Collecting and Reporting Data and Analyzing Results

The office collects, reports, and analyzes the results of data it can reasonably gather in an effort to meet its four strategic goals. For example, the office tracks attorney time worked on major projects, and then explicitly requires attorneys and staff to denote which office goal those projects support and advance. This allows management to track how well the work of the office is allocated to supporting the respective goals. In addition, by asking attorneys and staff to explicitly link their work to each goal, the office encourages its staff and attorneys to consciously question how well their work is aligned with and supporting the goals of the office. This type of data tracking makes consideration of office goals a daily focus of attorneys' work. Similarly, the office tracks the number of equity and diversity trainings and events attended to monitor how well that portion of the office's equity goal is being achieved. The office also tracks data on the number of contracts reviewed, and the percentage of litigation matters that achieve a favorable outcome to the City. This type of data allows the office to track both the volume of the work and the quality of the output. Finally, the office works to increase efficiency by reviewing the rate of return achieved on certain revenue generating projects, like business license tax collections. This data collection and analysis allows the office to focus on the most cost-effective collection strategies. Office management regularly analyzes data to help make data-driven policy, budget, and management decisions.

Efforts Toward Operational Improvement

The office continues to make progress toward operational improvement. For example, the office has recently realigned its management team and sections to better serve client bureaus by more intentionally focusing the work of these sections, and by realigning resources to create a Chief Deputy for Management and Administration. The office also has undertaken a review and revision of policies governing attorney and staff expectations to ensure that the office is operating consistently in a manner that promotes office goals of customer service, advocacy, equity, and accountability. Office management is also evaluating the efficiency and effectiveness of work, particularly in the area of collections and contract review, to be sure the office is achieving the best rate of return for its collection efforts and that the office is using attorney resources as efficiently as possible for contract review.

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 The Legal Services Program supports the City’s goal of delivering efficient, effective, and accountable municipal services. The Legal Services Program is guided by the office’s four goals of customer service, advocacy, equity, and accountability.

Performance The City Attorney’s Office has implemented plans to achieve its goals for the Legal Services Program. The City Attorney’s Office achieved excellent results in the past year, with 89% of contested cases resolved on terms favorable to the City. The office expects to review over 10,000 contracts in FY18-19; a 13% increase over the prior year and nearly double the number from ten years ago. The office continues to focus efforts toward increasing the number of Citywide training hours provided. The total cost for legal services in the City Attorney’s Office remains significantly lower than for outside legal services. Additionally, the office increased the diversity of its lawyer and non-lawyer professional staff in its hiring over the past year.

Changes to Services and Activities The office has implemented a number of changes focused on operational improvement, including realigning its management structure and practice sections, reviewing and revising office policies, and evaluating the efficiency with which the office provides legal services.

FTE & Financials	Actual FY 2015-16	Actual FY 2016-17	Revised FY 2017-18	Requested No DP FY 2018-19	Requested FY 2018-19
FTE	64.30	66.30	67.60	65.60	68.60
Expenditures					
Legal Services	10,767,908	11,860,950	13,248,170	12,558,585	12,948,969
Total Expenditures	10,767,908	11,860,950	13,248,170	12,558,585	12,948,969

Performance	Actual FY 2015-16	Actual FY 2016-17	Yr End Est. FY 2017-18	Base FY 2018-19	Target FY 2018-19
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Key Performance Measure

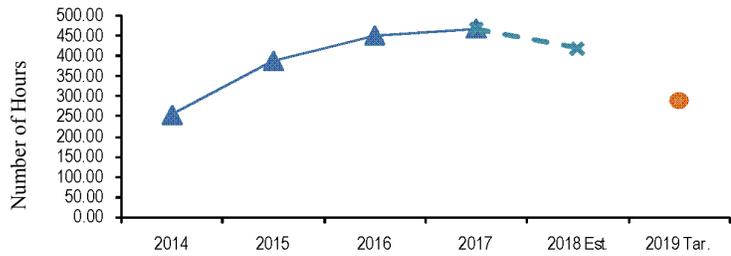
Number of training hours provided by City Attorney staff to other City staff	451	468	420	400	290
Annual costs of outside counsel	\$316,443	\$508,718	\$760,000	\$575,000	\$650,000
Cost of service per attorney hour	\$138	\$138	\$150	\$149	\$149
Percentage of cases favorably resolved	95%	90%	89%	85%	85%

Performance	Actual FY 2015-16	Actual FY 2016-17	Yr End Est. FY 2017-18	Base FY 2018-19	Target FY 2018-19
Workload					
Number of litigation cases	1,624	1,733	1,825	1,575	1,845
Number of contracts reviewed and approved	8,983	9,938	10,000	10,500	10,500

Performance Measures

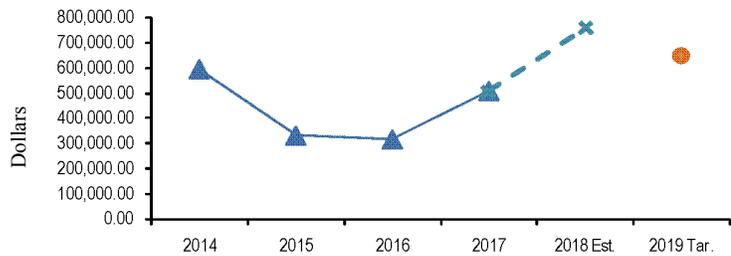
Training Hours

City Attorney staff provide Citywide training to assure consistent and coordinated City services and to minimize risks.



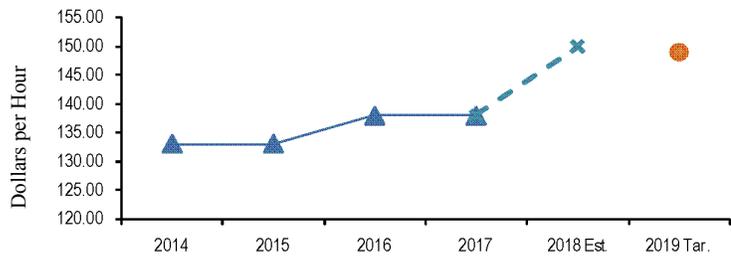
Annual Costs of Outside Counsel

Some outside counsel costs are unavoidable but the office strives to minimize these costs by having sufficient in-house staffing. Although outside counsel costs can be difficult to predict and year-to-year fluctuations are normal, outside counsel costs are expected to be similar to the last few years.



Cost of Service per Attorney Hour

The cost of service per City Attorney hour is significantly lower than outside counsel. The average rate for outside counsel is \$374 per hour and ranges up to \$550 per hour. At \$149 per hour, the City Attorney cost of service is only 40% of the average outside counsel rate.



	Actual FY 2015-16	Actual FY 2016-17	Revised FY 2017-18	Requested No DP FY 2018-19	Requested FY 2018-19
Resources					
External Revenues					
Charges for Services	85,709	204,338	30,000	100,000	100,000
Intergovernmental	0	38,000	0	0	0
Total External Revenues	85,709	242,338	30,000	100,000	100,000
Internal Revenues					
General Fund Discretionary	1,881,809	2,268,144	3,413,596	2,867,083	2,887,269
General Fund Overhead	3,174,964	3,524,279	3,579,712	3,359,003	3,382,951
Interagency Revenue	5,625,426	5,826,189	6,224,862	6,232,499	6,578,749
Total Internal Revenues	10,682,199	11,618,612	13,218,170	12,458,585	12,848,969
Beginning Fund Balance	0	0	0	0	0
Total Resources	\$10,767,908	\$11,860,950	\$13,248,170	\$12,558,585	\$12,948,969
Requirements					
Bureau Expenditures					
Personnel Services	9,336,197	10,045,088	10,916,669	11,020,751	11,367,384
External Materials and Services	457,209	665,995	845,081	496,554	540,305
Internal Materials and Services	974,502	1,149,867	1,486,420	1,041,280	1,041,280
Total Bureau Expenditures	10,767,908	11,860,950	13,248,170	12,558,585	12,948,969
Fund Expenditures					
Total Fund Expenditures	0	0	0	0	0
Ending Fund Balance	0	0	0	0	0
Total Requirements	\$10,767,908	\$11,860,950	\$13,248,170	\$12,558,585	\$12,948,969
Programs					
Legal Services	10,767,908	11,860,950	13,248,170	12,558,585	12,948,969
Total Programs	10,767,908	\$11,860,950	\$13,248,170	\$12,558,585	\$12,948,969

Class	Title	Salary Range		Revised FY 2017-18		Requested No DP FY 2018-19		Requested FY 2018-19	
		Minimum	Maximum	No.	Amount	No.	Amount	No.	Amount
30002134	Attorney, Assistant Deputy City	71,510	95,472	2.00	160,560	2.00	163,310	2.00	163,310
30000597	Attorney, Chief Deputy City	115,814	165,797	5.00	799,644	5.00	810,727	5.00	810,727
30000418	Attorney, City	146,474	209,893	1.00	197,064	1.00	205,146	1.00	205,146
30000595	Attorney, Deputy City	97,989	132,766	15.00	1,783,325	15.00	1,825,216	16.00	1,935,220
30000596	Attorney, Sr Deputy City	105,248	169,019	14.80	2,165,632	14.80	2,209,237	13.80	2,076,469
30000440	Business Operations Supervisor	75,150	100,526	1.00	100,524	1.00	100,524	1.00	100,524
30000600	Law Office Administrator	84,739	112,882	1.00	112,884	1.00	112,884	1.00	112,884
30000591	Legal Assistant	50,877	78,333	7.00	449,456	7.00	464,032	8.00	524,032
30000592	Legal Assistant, Sr	61,734	82,285	4.00	326,790	4.00	328,764	4.00	328,764
30000450	Management Assistant	50,877	78,333	1.00	60,504	1.00	62,574	1.00	62,574
30000012	Office Support Specialist II	34,798	49,962	2.00	92,592	2.00	95,782	2.00	95,782
30000593	Paralegal	61,734	82,285	6.00	463,083	6.00	474,487	7.00	552,547
30000830	Paralegal Supervisor	71,510	95,472	1.00	95,472	1.00	95,472	1.00	95,472
30000594	Paralegal, Sr	68,078	90,792	3.00	261,624	3.00	263,535	3.00	263,535
30000462	Program Specialist, Assistant	50,877	78,333	1.00	65,556	1.00	67,572	1.00	67,572
TOTAL FULL-TIME POSITIONS				64.80	7,134,710	64.80	7,279,262	66.80	7,394,558
30000596	Attorney, Sr Deputy City	105,248	169,019	0.80	117,576	0.80	117,576	0.80	117,576
TOTAL PART-TIME POSITIONS				0.80	117,576	0.80	117,576	0.80	117,576
30000595	Attorney, Deputy City	97,989	132,766	2.00	213,720	0.00	0	1.00	122,004
TOTAL LIMITED TERM POSITIONS				2.00	213,720	0.00	0	1.00	122,004
GRAND TOTAL				67.60	7,466,006	65.60	7,396,838	68.60	7,634,138

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01 **Type:** Reductions

Decision Package: AT_01 - 5% Reduction

Program: Legal Services

	FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget		
EXPENDITURES									
Personnel Services	0	(301,451)	(301,451)	0	0	0	0	0	0
External Materials and Services	0	(9,123)	(9,123)	0	0	0	0	0	0
TOTAL EXPENDITURES	0	(310,574)	(310,574)	0	0	0	0	0	0
REVENUES									
General Fund Discretionary	0	(142,047)	(142,047)	0	0	0	0	0	0
General Fund Overhead	0	(168,527)	(168,527)	0	0	0	0	0	0
TOTAL REVENUES	0	(310,574)	(310,574)	0	0	0	0	0	0
FTE									
Full-Time Positions	0.00	-2.00	-2.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	0.00	-2.00	-2.00	0.00	0.00	0.00	0.00	0.00	0.00

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01

Type: Reductions

Decision Package: AT_01 - 5% Reduction

Program: Legal Services

FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget
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Description:

A five percent reduction to the General Fund portion of the City Attorney’s Office budget is \$310,574. Since 88% of the office budget is devoted to personnel, a five percent cut necessarily would require eliminating attorney and staff positions. To meet the five percent reduction target, the office considered three different options. Although none of these options are in the City’s best interests, the third option would have the least detrimental effect on core legal services particularly when an equity lens is applied.

Option 1. Eliminate Honors Attorney Program

The Honors Attorney Program consists of two junior level attorneys who each work for limited two-year periods. These attorneys provide tremendous value to the office in terms of their high quality of work and relatively low range of pay. One of the goals of the Honors Attorney Program is to recruit attorneys from communities that are historically under-represented in the legal field, and to provide high-quality legal training to those with an interest in public service. The total cost of the two Honors Attorney positions is \$244,000. The City Attorney’s Office has decided not to propose a cut to this program. First, eliminating the entire program would not reach the desired five percent cut. Second, the program provides considerable value to the office in terms of the work produced for the level of investment in these positions. Third, this program advances the office’s and City’s equity goals by recruiting and training attorneys from historically under-represented communities. The Oregon State Bar, as a whole, is less diverse than the population of the state, so helping to increase the number of attorneys in Oregon from diverse backgrounds is a goal of the office. Eliminating this program would have a negative effect on the office’s ability to achieve its equity goals.

Option 2. Eliminate Business Tax Collections Team

Currently, the office has a team of Attorneys, Paralegals and Legal Assistants working to collect the City’s business license tax for the Revenue Division. To reach the five percent cut, the office could eliminate one Deputy City Attorney position (\$145,000), one Paralegal position (\$120,000), and half a Legal Assistant position (\$50,000). This would total a cut of \$315,000. In some sense, this affirmative collection work is not a “core service” in the same way that defending lawsuits, or providing preventive legal advice to bureaus are “core services.” Indeed, instead of having the City Attorney’s Office do the collection work, the Revenue Division could task a collection agency with some of the same functions. Accordingly, there are other alternatives available to the Revenue Division to accomplish its revenue generating goals, albeit at greater cost to the City. However, the City Attorney’s Office has decided not to propose a cut to this program for two reasons. First, the Mayor’s budget guidance instructs bureaus to hold harmless revenue generating programs. This program generates revenue for the General Fund, and the revenue generated is increasing. Second, the office has developed a strategy to make this program even more efficient and effective. As discussed in a separate decision package, the office is requesting one new Paralegal position and one new Legal Assistant position to devote to the program. These additional resources, coupled with other changes aimed at properly aligning resources and focusing on methods with the highest rate of return, will make the office’s collection efforts an even more successful revenue generating program for the City. It is important to note that the Revenue Division is requesting five new positions to work on collection efforts as well. The City Attorney’s Office supports the Revenue Division’s request and expects that more timely entry of returns will lead to more timely collection efforts by the Revenue Division. However, given the rising number of new accounts, the City Attorney’s Office expects that the legal collection work will continue to rise and believes that its collections team should be expanded as well, instead of cut, to most efficiently generate additional revenue for the General Fund.

Option 3. Eliminate the Legal Records Management Program

Currently the City Attorney’s Office has a Senior Deputy City Attorney and a Paralegal dedicated to the Legal Records Management Program. This program provides training to all City bureaus and employees on public records matters, processes public records requests for the Mayor and some Commissioners, assists bureaus with complex requests, manages the City’s public records management software system (GovQA), manages the City’s Text-to-Archive system (SMARSH), and represents the City in public records challenges before the District Attorney. Eliminating this Senior Deputy City Attorney position (\$185,000) and Paralegal position (\$120,000) would total a \$305,000 cut. This program is not revenue generating like the collections work and does not support the Office’s equity goals as directly as the Honors Attorney Program. And, while advising bureaus on legal issues related to records requests, and defending bureaus’ public records decisions before the District Attorney and in Court are core legal services of the office, providing training and assisting with public records requests could be done by others in City government (albeit requiring the devotion of other City resources to perform these functions). Eliminating the program would certainly have severe negative consequences, but the City Attorney’s Office is not able to achieve the requested 5% general fund reduction without severe consequences to necessary services.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01

Type: Reductions

Decision Package: AT_01 - 5% Reduction

Program: Legal Services

FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget
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Expected Results:

Eliminating the Legal Records Management Program in the City Attorney's Office would mean that the bureaus would no longer receive public records training from the City Attorney's Office. Currently, these two positions provide over 120 hours of legal training each year to bureaus regarding public records requests and records preservation. Without this training, the likelihood of substandard and legally noncompliant public records management increases along with a greater risk of adverse court decisions against the City if records are not maintained or produced in accordance with public records laws.

In addition, the Mayor and Commissioners would have to respond to their own public records requests, and the City Attorney's Office could not provide the current level of support on complex requests to the other bureaus. Another bureau would need to assume responsibility for managing the City's public records software system (GovQA) or the City would need to return to a paper-based public records process. This is not practical or efficient, especially with the recent revisions to the public records law mandating new deadlines for public records responses. It is also likely that City bureaus would need to return to manual text archiving if the office loses the Paralegal position that manages the Smarsh program. Manual archiving was not effective in the past and a return to this approach would put the City at substantial legal risk.

One main benefit of the centralized Legal Records Management Program is that it is efficient and provides consistent best practices to the enterprise. These benefits would be lost if the program is eliminated. Further, the Council offices will face an increased work load if those offices have to handle all of their own public records requests. Finally, eliminating in-house Attorney and Paralegal positions with extensive public records and e-discovery expertise will likely result in higher outside counsel costs

Equity Impacts: As discussed above, the City Attorney's Office sought to avoid any severe equity impacts with its proposed cuts. Notably, one option considered was to eliminate the Honors Attorney Program, but that was rejected because of the equity impacts such a cut would have. While elimination of the Legal Records Management Program would have detrimental impacts on the public generally by impeding the City's ability to respond quickly and consistently to public records requests, it is not anticipated that those negative impacts would disproportionately affect underserved communities or communities of color.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 01

Type: Adds

Decision Package: AT_02 - Legal Services to BDS for Vacant Houses Work

Program: Legal Services

	FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget	
EXPENDITURES								
Personnel Services	0	154,170	154,170	0	0	0	0	0
External Materials and Services	0	11,080	11,080	0	0	0	0	0
TOTAL EXPENDITURES	0	165,250	165,250	0	0	0	0	0
REVENUES								
Interagency Revenue	0	165,250	165,250	0	0	0	0	0
TOTAL REVENUES	0	165,250	165,250	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 Deputy City Attorney position supports Portland's effort to reduce vacant and abandoned houses by foreclosing on City liens. This position has been funded using one-time resources for each of the past two budget cycles, including a General Fund appropriation in FY2016-17 and an interagency agreement between the Bureau of Development Services (BDS) and the City Attorney's Office in FY2017-18.

Based on the success of the foreclosure program, the office requests \$165,260 in ongoing interagency funding. This request addresses all four of the office's strategic goals and addresses Citywide housing and livability goals. For example, vacant and abandoned houses are a major problem affecting neighborhood livability, particularly during a housing crisis. Collecting the money due on the liens and returning these properties to productive use as housing stock benefits the City, neighborhoods, and residents.

To date, the foreclosure and lien recovery work has brought in more than \$737,000 in revenue to the City through BDS, which covers the liens, penalties, interest, collection costs and sales costs. Under this program, the City successfully pursued foreclosure for the first time in about 50 years. Utilizing the foreclosure process in appropriate cases improves neighborhood livability by targeting abandoned and dilapidated properties throughout the City. Such properties often have issues with squatters, criminal behavior, and unsafe or unhealthy conditions which detrimentally affect livability and often occur in underserved neighborhoods. Often, when the City starts the foreclosure process an existing lender or new owner will step forward and take responsibility for improving or rehabilitating the vacant or dilapidated property. As a result, foreclosure is one tool to resolve blight and put properties back into productive use.

The City Attorney's Office has spent considerable time over the past two years getting this program up and running, and that effort is paying dividends. For example, the office has: 1) helped amend the City Code to ensure the foreclosure process is neutral, transparent, and procedurally sound; 2) advised multiple bureaus including BDS, Treasury, the Auditor, Mayor and Council on all aspects of the program; 3) researched and advised policymakers on alternatives to the foreclosure process; and 4) collaborated with other municipal attorneys throughout the state to share ideas and techniques to make the program even more successful.

The City Attorney's Office expects to build on this success by continuing to pursue foreclosures, collect money due on City liens, and help bring these properties back into productive use as housing stock for the residents of the City. The Bureau of Development Services agrees that ongoing interagency funding for this position is appropriate.

Decision Package Summary

Bureau: Office of the City Attorney	Priority: 01	Type: Adds
Decision Package: AT_02 - Legal Services to BDS for Vacant Houses Work	Program: Legal Services	

FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget
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Expected Results:

In about the first 18 months of this program, the office successfully shepherded ten properties through the foreclosure process from June 2016 through October 2017. At the most fundamental level, this program was successful in bringing the responsible parties' attention to the dilapidated properties in the first place, which then spurred them to take some action. Financially, this work resulted in over \$737,000 in revenue for the City and an estimated six of the ten properties were ultimately sold to new owners. These ten properties will now likely return to productive use as housing stock since private parties have now made the investment necessary to pay off the liens.

Currently there are hundreds of open housing cases for properties which are suspected to be vacant. Of those, an additional nine houses have been identified by the Auditor for potential inclusion on the foreclosure list, and the office is evaluating those properties for action. The office anticipates that even more properties will be formally selected by the Auditor for foreclosure as the Auditor continues to evaluate the properties identified by BDS. The City Attorney's Office has been working with the Auditor's Office and the Mayor's Office to establish a more efficient method of identifying houses for foreclosure, and the City Attorney's Office believes those efforts will be successful. Ultimately, the success of this program can be measured in part by the number of properties in the program that result in lien payoffs.

There are ongoing legal issues involving the new foreclosure process including liability, lien priority, redemption periods, and demolition rights, for example. The Attorney working on these issues maintains weekly contact with the Treasurer, Auditor and BDS and provides in-depth explanations of the complex legal issues surrounding the foreclosure process. Funding for this position will provide the necessary legal resources to advance this program, help make a positive impact on neighborhood livability, continue to collect money owed to the City, and return formerly abandoned or vacant houses to the active housing stock.

If this position is not funded, the legal work required to proceed with foreclosures will need to be handled by outside counsel. Outside counsel rates average \$374 per hour which is much higher than the City Attorney cost of \$149 per hour. This is not cost-effective.

The alternative to sending this work outside is to redistribute work among other attorneys in the office. However, office attorneys are already averaging 121 hours of overtime each year which equates to 4,800 hours of extra work or 2.6 FTE for the City. Timeliness of legal advice, quality of work product and work satisfaction of legal staff will suffer if additional work is demanded without sufficient resources. Additionally, having a single attorney focused on the program ensures continuity for the bureaus when they need assistance with foreclosure issues, which can be specialized and highly-technical. As a result, it is beneficial to have a single attorney focused on this program, rather than spread the work across several attorneys

Finally, the Mayor's budget guidance "direct[ed] all revenue generating programs to be held harmless" from the requested 5% reductions. That same rationale supports retaining and funding this position, since it generates more revenue than it costs. Also, to the extent this is an ongoing add request, this position advances the following key priorities outlined in the Mayor's budget guidance: Increasing housing options, enhancing livability, and increasing public safety.

Equity Impacts: This program aligns with the goals in the office's Racial Equity Plan by increasing the level of service to communities of color. Thus far, nine out of ten (90%) of the vacant or abandoned homes pursued through the foreclosure process were located in areas where representation of communities of color is greater than the average for the City of Portland. As a result, these problematic properties are being addressed most often in communities of color. These communities receive the benefit of vacant homes being returned to productive housing stock and by reducing problems with squatters, criminal behavior, and unsafe or unhealthy conditions associated with these properties. The office expects this trend to continue as more vacant and abandoned homes are pursued through this program in the future.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 02

Type: Adds

Decision Package: AT_03 - Legal Services to PPB for Policy Analysis

Program: Legal Services

	FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget	
EXPENDITURES								
Personnel Services	0	169,206	169,206	0	0	0	0	0
External Materials and Services	0	11,794	11,794	0	0	0	0	0
TOTAL EXPENDITURES	0	181,000	181,000	0	0	0	0	0
REVENUES								
Interagency Revenue	0	181,000	181,000	0	0	0	0	0
TOTAL REVENUES	0	181,000	181,000	0	0	0	0	0
FTE								
Limited Term 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 request will continue one-time interagency funding for 1.0 FTE Attorney to support the Portland Police Bureau's (PPB) policy development and training. Work includes researching relevant legal standards, synthesizing input from multiple internal and external stakeholders, producing and reviewing documents, ensuring that all necessary policies are drafted in accordance with the settlement with the United States Department of Justice (DOJ) and other legal requirements, and regularly and systematically monitoring legal precedent on law enforcement policies and tactics to update PPB.

PPB has over 200 policy directives that require review and revision to ensure they align with the City's vision for 21st Century Policing. During the prior year, this policy review focused on the 47 policies identified by the DOJ as part of the settlement. In the coming year, some of these DOJ-approved policies are already up for review, and these policies will be revisited with the assistance of this position. Additionally, work remains to be done on the other policies. PPB has realigned internal resources to create a "policy team." The policy team is able to produce a higher volume of policies at an accelerated rate, which is a desired outcome. Legal analysis and advice is a critical component of policy development. Office attorneys are currently working at or above capacity, so the loss of this position would have a detrimental impact on the office's ability to assist the PPB "policy team" in reviewing and revising the remaining policies. By retaining this attorney primarily for this purpose, PPB can continue to process its directives more quickly and efficiently. The attorney will continue to be at the table from the outset of policy review and development to identify issues and provide the necessary counsel so that policies are legally sound and compatible with the DOJ Settlement Agreement and other legal requirements at the time the draft is completed. Further, as policies are revised, there is a resulting increase in requests for legal training on the new policies. The attorney currently performing this work is also available to assist PPB with policy implementation and, time permitting, to assist PPB with other DOJ-related legal needs. If this position is not renewed, these legal services will be severely diminished, if not eliminated entirely. The Police Bureau agrees that continuing this funding through FY18-19 is critical.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 02

Type: Adds

Decision Package: AT_03 - Legal Services to PPB for Policy Analysis

Program: Legal Services

FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget
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Expected Results:

Continuing to fund an Attorney position will result in more directives being produced and reviewed within the time frames required by PPB's rules. This is critical to keep PPB in compliance with its own rules and to ensure that the policies reflect the vision and priorities of the City and PPB. Results will be immediate and PPB and the City Attorney's Office can measure its success in this regard by tracking the number of directives enacted on an annual basis. In addition, this attorney will continue to help PPB with ongoing implementation and monitoring of policies. The entire community will be better served by having the policies that guide PPB members' behavior and actions completed in a more efficient and effective manner. All will be aware of the expectations imposed on a member of the Police Bureau. PPB is currently making great strides in addressing concerns that the community has raised, particularly regarding use of force and the treatment of persons with mental illness. These are outlined in directives that will benefit the community in significant ways if they come in contact with a Bureau member.

In addition, this request will provide for internal organizational development in the policy arena which is sorely needed and long overdue as these are the rules that guide all officers' actions in the performance of their duties. It will also contribute to the training and growth of the other members of the policy team as they learn to become sensitive to areas of legal concern. As time allows, the attorney will be available to assist with other aspects of PPB legal needs. Without this request, the City Attorney's Office will be able to provide assistance in the directives' process but only as time allows. Outcomes will be adversely affected, both short term and long term, as it will take much longer to get policies enacted.

Equity Impacts: PPB policies affect every person in Portland, and it is important that PPB policies be equitable to all. In particular, to the extent police interact with people experiencing homelessness, those in mental health crisis, or those living in areas of the City most impacted by inequities, PPB policies must adequately consider and advance the City's equity goals. In addition to advising on legal requirements, the attorney providing these services helps to bring an equity lens to PPB's policies to ensure that PPB policies better reflect the City's commitment to equity.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 03

Type: Adds

Decision Package: AT_04 - Collections Paralegal and Legal Assistant

Program: Legal Services

	FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget	
EXPENDITURES								
Personnel Services	0	208,122	208,122	0	0	0	0	0
External Materials and Services	0	20,000	20,000	0	0	0	0	0
TOTAL EXPENDITURES	0	228,122	228,122	0	0	0	0	0
REVENUES								
General Fund Discretionary	0	104,336	104,336	0	0	0	0	0
General Fund Overhead	0	123,786	123,786	0	0	0	0	0
TOTAL REVENUES	0	228,122	228,122	0	0	0	0	0
FTE								
Full-Time Positions	0.00	2.00	2.00	0.00	0.00	0.00	0.00	0.00
TOTAL FTE	0.00	2.00	2.00	0.00	0.00	0.00	0.00	0.00

Description:

This decision package adds two ongoing positions – a Paralegal and a Legal Assistant – to support the business license tax collections work of the City Attorney’s Office. The cost of the Paralegal position is \$126,586, and the cost of the Legal Assistant position is \$101,536 for a total request of \$228,122.

Over the past three years, the office’s business license tax collection efforts have brought in over two million dollars to the General Fund. Currently, the office pursues collection efforts against individuals and businesses in cases referred by the Revenue Division. This work is dispersed in the office among two attorneys and several support staff, none of whom work exclusively on collections matters. Further, the high volume of collections work is straining the current resources in the office to the extreme, which has resulted in a backlog for the City’s collection efforts. In FY 2011-12, the office handled 86 collections matters. In FY2016-17 that number had increased nearly tenfold to 831 matters. Without additional resources, the office simply cannot keep up with this work.

The City Attorney’s Office has a threefold strategy to address this problem. First, the office has reviewed the cost-effectiveness of its collection efforts so it can focus on those matters with the best return on investment. This will allow the office to more cost-effectively allocate resources to the collections work. Second, the office intends to realign the collections work so that it is handled primarily (if not exclusively) by one Deputy City Attorney, one Paralegal, and two Legal Assistants. This realignment will allow these employees to focus their efforts on collections, with that specialization expected to result in efficiencies. Third, to cost-effectively address the high volume of cases, the office is asking to add one Paralegal and one Legal Assistant position. Adding these positions will help meet the workload demands and will allow the office to recruit specifically for the skills needed to do this high-volume, detail-oriented work. Further, adding these new staff positions will free up the other staff currently doing some of this collection work to devote their attention to other pressing needs of the office. Over time, the office’s non-attorney staffing levels have not kept pace with the growing legal demands placed on the office. This decision package will allow these new positions to focus on the specialized area of collections work, while easing the existing strain on other staff resources.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 03

Type: Adds

Decision Package: AT_04 - Collections Paralegal and Legal Assistant

Program: Legal Services

	FY 2018-19	FY 2018-19	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
	Requested	Requested	Requested	Estimated	Estimated	Estimated	Estimated
	1 Time DP	Ongoing DP	Budget	Budget	Budget	Budget	Budget

Expected Results:

If this decision package is approved, the office expects to better perform its collection efforts and bring in more business license tax revenues to the City. By adding a Paralegal and Legal Assistant, and making the other realignments as noted, the office expects to reduce or eliminate the backlog of collection matters in the office. Over time, the office expects to improve its overall return on investment for collection activities by focusing on the most cost-effective collection methods. If approved, this package will also have the benefit of returning some other staff resources to support the other critical needs of the office.

On a related note, the Revenue Division is asking to add five new positions to focus on collection efforts as well. The City Attorney's Office supports the Revenue Division's request and expects that more timely entry of returns will lead to more timely collection efforts by the Revenue Division. However, given the rising number of new accounts, the City Attorney's Office expects that the legal collection work will also continue to rise. If this package is not approved, the office will need to reduce its current collection efforts by half when the one-time Paralegal funding ends this fiscal year and the office will not be able to handle the expected increase in workload. The Revenue Division supports this request.

Equity Impacts: The office does not anticipate any significant equity impacts as a result of this decision package.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 04

Type: Adds

Decision Package: AT_05 - Contract Approval Paralegal Support

Program: Legal Services

	FY 2018-19 Requested 1 Time DP	FY 2018-19 Requested Ongoing DP	FY 2018-19 Requested Budget	FY 2019-20 Estimated Budget	FY 2020-21 Estimated Budget	FY 2021-22 Estimated Budget	FY 2022-23 Estimated Budget	
EXPENDITURES								
Personnel Services	0	116,586	116,586	0	0	0	0	0
External Materials and Services	0	10,000	10,000	0	0	0	0	0
TOTAL EXPENDITURES	0	126,586	126,586	0	0	0	0	0
REVENUES								
General Fund Discretionary	0	57,897	57,897	0	0	0	0	0
General Fund Overhead	0	68,689	68,689	0	0	0	0	0
TOTAL REVENUES	0	126,586	126,586	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 decision package would add one ongoing Paralegal position to support the work of the City Attorney's Office in reviewing virtually every contract entered into by the City. The cost of this position is \$126,586. Adding a Paralegal position will help address the steep increase in the office's contract review workload, while at the same time offering a lower cost alternative than adding a Deputy City Attorney. Currently, two attorneys do most of the contract review work for the City Attorney's Office. One attorney focuses on the complex technology contracts, and the other attorney focuses on the more routine, higher-volume contracts.

Over the past ten years, the number of contracts the office reviews has increased greatly. In FY2007, the office reviewed 5,055 contracts. In FY2017, that number had risen to 9,938. FY2017/18 is on track to exceed 10,000 contracts. By City Code, every contract entered into by the City must be reviewed and approved as to form by a City Attorney. Accordingly, this work is a true core service of the office that benefits all bureaus, and the demands on this core service have been steadily increasing.

This increasing demand on contract review services has led to two concerns. First, the volume is becoming increasingly more difficult to handle and the office's contract review resources are being stretched to the breaking point. The current workload is not sustainable with the current staffing resources. Second, the office needs to have some additional capacity to review the more complex technology contracts. For example, currently the office has to hire expensive outside legal counsel to do complex technology contract work when the one Deputy City Attorney assigned to this work is unavailable. A better approach would be to cross-train the other contract review attorney to be able to handle these more complex technology contracts. However, given the pressing workload on that attorney, cross-training has not been possible.

Decision Package Summary

Bureau: Office of the City Attorney

Priority: 04

Type: Adds

Decision Package: AT_05 - Contract Approval Paralegal Support

Program: Legal Services

	FY 2018-19	FY 2018-19	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
	Requested	Requested	Requested	Estimated	Estimated	Estimated	Estimated
	1 Time DP	Ongoing DP	Budget	Budget	Budget	Budget	Budget

Expected Results:

Adding a Paralegal position is aimed at solving both of these concerns. First, by adding a Paralegal position, the office will have another resource to focus on the high-volume, routine contract review. This paralegal will be able to perform many tasks currently being handled by an attorney, with oversight and final approval still being provided by the attorney. The Paralegal position is lower cost, so this high-volume work can be done at a more efficient expense to the City. This will free up the attorney’s time to focus on cross-training on the more complex technology contracts. This in turn will help the office build internal capacity to draft and review complex technology contracts resulting in lower outside counsel costs to the City. In addition, the City Attorney’s Office is also pursuing other ways to help free up attorney time by exploring ways to improve training for contract specialists in bureaus, including the use of pre-recorded online training tools.

With this added capacity, the office expects to continue to meet its standard for timely contract review, even while the number of contracts the office reviews continues to grow. Without this added capacity, the office expects that current contract review resources will be overwhelmed and timeliness standards will falter significantly.

Equity Impacts: The office does not anticipate any significant equity impacts as a result of this decision package.



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 (BAC) 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.

In compliance with Civil Rights laws, it is the policy of the City of Portland that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any City program, service, or activity on the grounds of race, color, national origin, or disability. To request accommodations, translation and/or interpretation, to file complaints, or for additional information or services, please contact us at 503-823-4433, City TTY 503-823-6868, or Oregon Relay Service: 711.

SECTION ONE: BASE BUDGET

Bureaus should consider the following questions in developing their base budgets. These questions should clarify how resources could be reallocated within the base budget in order to achieve more equitable outcomes. These questions are most effectively considered in the early stages of budget development when bureau leadership is considering priorities and potential realignments. Please contact your Equity Advisor or City Budget Office analyst for ideas on how to specifically incorporate these questions into your bureaus budget development process.

1. In what areas did you consider the impacts on underserved communities in the development of your base budget?

The City Attorney's Office continues to prioritize equity. The office has made advancing equity an explicit office goal, and the office has devoted budget resources toward that goal. For example, the office encourages employees to devote up to two hours per month of work time to equity trainings. This helps attorneys and staff use a more informed equity lens when conducting the City's legal work. Further, the office has maintained its Honors Attorney Program that is aimed at recruiting and training new lawyers interested in public service who come from historically underserved communities. In developing proposed budget cuts, the office was mindful to protect these investments in advancing equity by maintaining them in the base budget.

2. In what ways have your base budget been realigned and in what ways will these realignments impact communities of color?

The office has realigned its internal organizational chart due to several recent retirements. As part of this realignment, the office has also looked to develop future leaders in the organization. This has included the designation of a formal Public Safety Coordinator position and a Property & Assets Coordinator position using existing resources. Both of these newly designated positions come with supervisory responsibilities in legal areas with significant impacts on the City. Both of these positions have been filled by highly-qualified Senior Deputy City Attorneys who are also women of color. The office believes this realignment will help better serve the legal needs of the City while also advancing the office's equity goals.

3. Are there specific realignments in your base budget that would advance or inhibit your achievement of equity goals outlined in your bureau's Racial Equity Plan?

Please see above.

4. What funding have you allocated for translation, interpretation and ADA (Americans with Disability Act) Title II modification including ASL (American Sign Language) interpretation and video captioning? What are the impacts of these allocations?

The City Attorney's Office is primarily internal facing and does not provide services directly to the public. As a result, the need for translation and interpretation services has been minimal and any costs have been absorbed by the office's materials and services budget. However, the office has ensured that interpretation services are available at legal proceedings such as the DOJ status conference where members of the public might benefit from such services. The office has installed relevant software on shared laptops and has enough resources in its budget to cover anticipated potential expenses.

5. Are there deficiencies in the ongoing funding of your base budget that inhibit your bureau's achievement of equity or the goals outlined in your Racial Equity Plan?

The office's small administrative staff was reduced in the FY2016-17 budget cycle due to a mandatory reduction. As a result, the office has not had the ability to track data as thoroughly as we would like to report on the office's equity plan and strategies in a timely manner. Without the proper data collection and analysis, it is difficult to do the type of evaluation we would like as far as progress on our equity goal. In addition, the office continues to want to revamp its website to provide more information to the public about legal resources for low income and historically disadvantaged communities. This work, however, would require research, engagement, and translation services at a cost not included in our base budget.

6. Identify impacts on workforce demographics in the development of the base budget and relevant decision packages.

From a workforce demographic standpoint, the major limitation of the office is the historical lack of diversity in the Oregon State Bar when trying to recruit and retain attorneys. Despite that limitation, the proportion of attorneys of color in the office (more than 25%) far exceeds the proportion of attorneys of color overall in the Oregon State Bar (less than 10%). In the base budget, the office continues to make equity and diversity a valued goal by encouraging employees to devote up to two hours per month on equity trainings to ensure that the City Attorney's Office is using an equity lens in all of its legal work. As far as workforce demographics and decision packages, the office has requested that the attorney position focused on the vacant and abandoned house foreclosure program be funded on an ongoing basis. That position is currently occupied by a person of color, so if that position is not funded the office's workforce demographics would be affected accordingly.

7. Please include any information about funding for workplace accommodation for applicants and employees with disabilities.

The office has received one request for a workplace accommodation for an employee with a disability and was able to make the accommodation with existing resources. The office also has installed height adjustable workstations at most desks which would benefit employees

with physical disabilities. The office expects it would be able to meet future accommodation requests with existing resources as well.

Section Two: EQUITABLE ENGAGEMENT AND ACCESS (Racial Equity Goal #2)

This section is intended to assess the community engagement in the budget process and whether there was equitable representation and input. Bureaus should consider these questions as they plan for the budget advisory committees and specifically identify how their Budget Advisory Committee (BAC) will use the tool. If needing assistance in incorporating the Budget Equity Tool into the bureau's BAC process, please contact your OEHR Equity Advisor and/or your City Budget Office analyst.

1. How has community engaged with your requested budget, including this tool?

The budget advisory committee for the City Attorney's Office includes a member of the public. The committee reviewed and considered the office's budget and provided feedback.

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.)

The office's requested budget preserves all positions in the office except two, but particularly shielded those that directly advance the office's equity goals. This budget provides additional leadership opportunities to women of color with the advent of a formal Public Safety Legal Coordinator position and a Property & Asset Coordinator position, which were accomplished by realigning existing resources.

3. 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.)

The office's requested budget seeks to extend the attorney position working on the vacant and abandoned houses program, which is filled by an attorney of color working on this program that increases livability in historically underserved communities. Further, the budget seeks to extend the attorney position devoted to helping the Police Bureau write its policies, which advances the City's equity goals by ensuring an equity lens is applied to Police Bureau policies.

Identifying Impacts Worksheet

Once you have identified the populations/communities impacted by both base budget decisions and decision packages with notable impacts on specific populations, use the following chart to name the potential burdens and benefits.

Populations Impacted	Potential Positive Impacts	Potential Negative Impacts
People interacting with the police, particularly those experiencing mental illness and those in underserved communities.	Extending the attorney position working on PPB policies will help ensure that PPB policies are equitably drafted for all people, particularly those experiencing mental illness and those in underserved communities.	
Underserved communities with vacant and abandoned houses.	Extending the attorney position working on the vacant and abandoned house foreclosure program will help improve livability in underserved communities.	
Attorneys of color in the Office	With the realignment of the office, two women of color are taking on supervisory duties as the Public Safety Legal Coordinator and the Property & Assets Coordinator. Also, the attorney that would continue to work on the vacant and abandoned house foreclosure program is a person of color.	
New attorneys of color in Oregon, or who may come to Oregon.	The office has elected to retain the Honors Attorney Program, which is designed to help increase public service opportunities for lawyers from historically underrepresented communities.	If the Honors Attorney Program were cut, this would have a negative impact on the office's ability to advance equity in the legal profession.

Crystine Jividen

Name of Staff Contact

Tracy Reeve

Name of Bureau Director

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