



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

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January 29, 2021

INTEROFFICE MEMORANDUM

TO: City Budget Office
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps
Commissioner Carmen Rubio
Commissioner Dan Ryan
Auditor Mary Hull Caballero

FROM: Interim City Attorney Robert Taylor **Robert Taylor** Digitally signed by Robert Taylor
Date: 2021.01.28 09:24:33 -08'00'

Mayor Ted Wheeler **Ted Wheeler** Digitally signed by Ted Wheeler
Date: 2021.01.28 13:47:36 -08'00'

SUBJECT: FY 2021-22 Requested Budget of the City Attorney's Office

Enclosed for your consideration is the FY2021-22 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 includes General Fund reductions in response to the broad impacts of the global health crisis. This requested budget includes a constraint package that eliminates one Deputy City Attorney position, eliminates vacancy savings from three employees working part-time, realignment of a Manager I to an Administrative Specialist, and reductions to external materials and services.

The City Attorney's Office has experienced a large influx of new cases in the current fiscal year, due in large part to the City's response to demonstrations. With the increase in workload, the office is requesting to retain the Deputy City Attorney position, rather than resort to higher cost outside counsel.

Thank you for your consideration.



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January 22, 2021

FY 2021-22 BUDGET ADVISORY COMMITTEE SUMMARY REPORT

The City Attorney's Office Budget Advisory Committee (BAC) convened on January 22, 2021, at 11:00 a.m. The Committee members met via Microsoft Teams. Attendees were Robert Taylor, Scott Moede, Linda Law, Crystine Jividen, Kim Sneath, Darla Eng, Amaya Blanco Chapin, Shannon White, Michael Omier, budget analyst Noah Myhrum and citizen advisor Josie Aaron.

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. Personnel Services account for most of the office's expenditures. This includes salaries and benefits for the office's largest and most important asset, its employees. External Materials & Services (EMS) accounts for 3% of the budget including office supplies, publications, legal research services, education, repair and maintenance, and software. Internal Materials & Services (IMS) accounts for 10% of the budget including printing and distribution, facilities, fleet, technology services, liability, and workers' comp.

The Mayor's budget guidance to bureaus include: 1) Prioritize existing resources towards Portlanders most affected by the public health crisis and/or economic crisis, 2) leverage stable, available funding sources, 3) continue and expand cross-jurisdictional and cross-sector partnerships, 4) use data and evidence to minimize impacts to core services and vulnerable community members, and 5) present a 5% General Fund reduction.

The BAC discussed what a reduction of 5% to the General Fund would mean to the City Attorney's Office. The target amount for the reduction of the budget is \$387,321. This can be accomplished by some or all the following reductions: Deputy City Attorney - \$200,000 includes benefits/salary, Honors Attorney - \$135,000 includes benefits/salary, reduced schedule employees - \$80,000, Manager I to ASII - \$50,000, External Materials & Services - \$50,000. Other possible cuts: furloughs, office space, and or bar dues.

The BAC discussed the possibility of additional furlough days for the next budget year. When staff were required to furlough this year, during a period of increased workload, it caused an unsustainable amount of tension and stress on employees. Additionally, furloughs resulted in a huge administrative disruption trying to coordinate workloads. Furloughs also lowered morale in the office. For these reasons, it was quickly taken off the table.

Robert Taylor talked to the group about the importance of making the selection very carefully. If the office decides to reduce office space it could have a long lasting effect on the office that it is not yet prepared for. This choice wouldn't provide a reduction until the following year's budget and would require furloughs or another cut for FY22. If attorneys are asked to pay their own bar dues, it's a morale crusher and does not create enough savings to justify it. Eliminating an Honors Attorney position doesn't align with the office's equity goals and is not a good option.

Robert Taylor talked about four cuts which could help the office reach the 5% reduction with the least amount of disruption to services and employees. Cuts could be requested as "add-backs" if needed. 1) Eliminate a Deputy City Attorney vacancy (currently filled with an Honors Attorney on a limited term basis), 2) Reduce four full-time positions to part-time for employees currently working reduced schedules, 3) Convert Manager I position to ASII, and 4) reduce External Materials which includes travel, CLEs, and sponsorships. These reductions do not eliminate any positions that are currently filled, and do not include morale-reducing reductions such as furloughs or bar dues elimination.

The BAC discussed not filling the current vacant Deputy City Attorney, but also discussed how difficult it would be to get the position back. It would be easier to return the part-time positions to full-time since the requests would be incremental and not requesting a full position all at once.

The BAC discussed how reducing the Manager I position to ASII would work. The administrative duties would move to the realigned ASII, and management responsibilities would be spread among existing management staff, i.e. Chief Deputies, Paralegal Supervisor, Legal Assistant Supervisor, and Administrative Supervisor. While this is not ideal, it's a possibility.

The BAC discussed reducing the four full-time positions to part-time. Working a reduced schedule at 72 hours per pay period saves the City money in reduced salary but benefits are the same as a full-time employee. If an employee is working .8 FTE or 60 hours per pay period or less, it would reduce the amount the City pays for benefits also.

Scott Moede, Linda Law, Josie Aaron and Amaya Chapin Blanco all spoke to state they support the four cuts proposed by Robert Taylor. No BAC members opposed the proposed reductions.

The BAC closed the meeting and agreed to submit any additional feedback or comments by January 26, 2021.

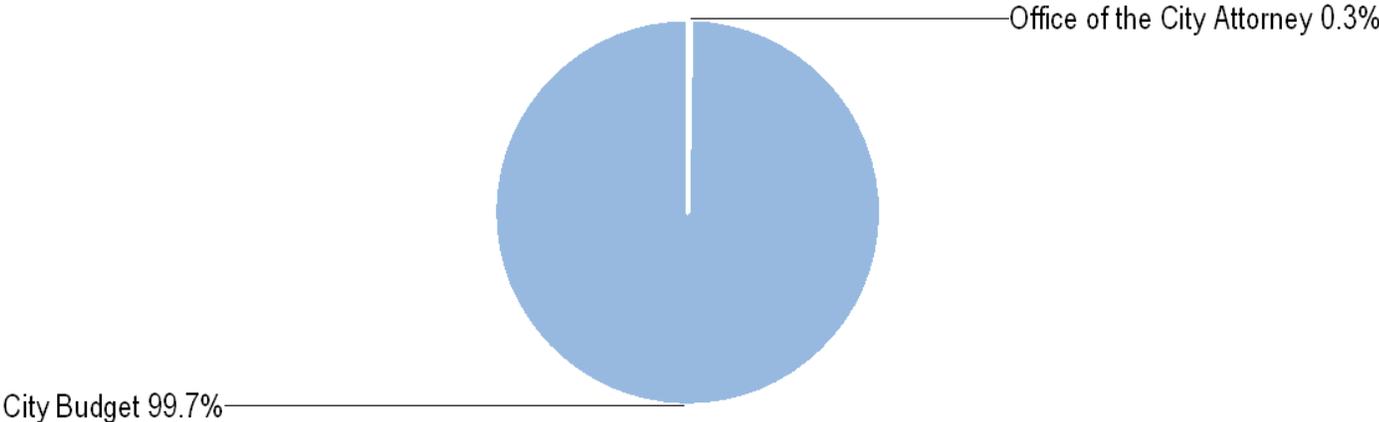
Office of the City Attorney

City Support Services Service Area

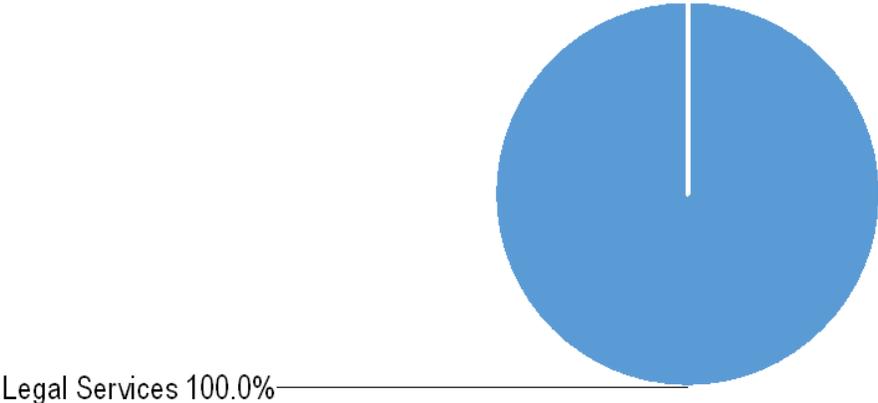
Mayor Ted Wheeler, Commissioner-in-Charge

Robert Taylor, Interim City Attorney

Percent of City Budget Graph



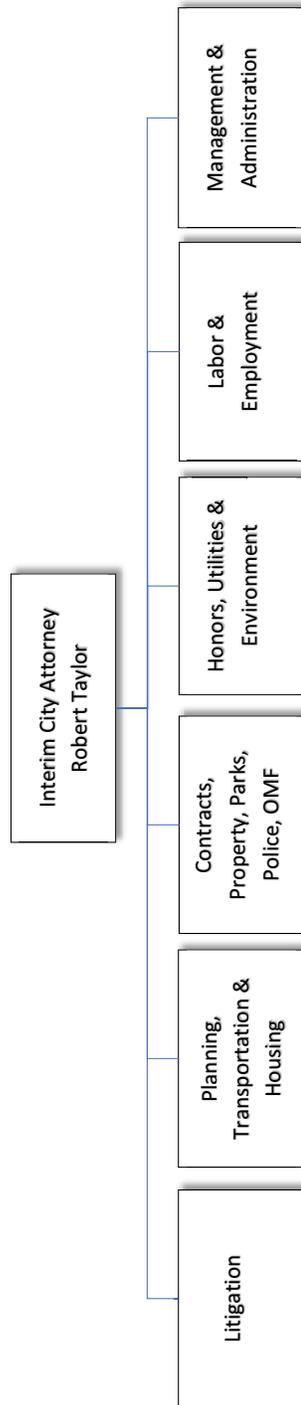
Bureau Programs



Bureau Overview

Requirements	Revised FY 2020-21	Requested FY 2021-22	Change from Prior Year	Percent Change
Operating	\$15,496,282	\$15,602,331	\$106,049	1%
Capital				
Total	\$15,496,282	\$15,602,331	\$106,049	1%
Authorized Positions	72.90	73.30	0.40	0.55%

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 legal topics. In addition, the City Attorney administers the City's occasional use of outside legal counsel.

The City Attorney's Office consists of six sections, staffed with 42 lawyers and 31 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 half 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 revenue. The personnel services category represents 87% 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. Office 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 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 93% of its cases resolving 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 preventive 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 office's attorney 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 is \$168. The average outside counsel rate is \$400 and can range up to \$550 or more 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 bureaus’ 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. 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 regularly reviews and revises 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. In addition, the office worked closely with the Procurement Division to assign specific routine contract reviews to Procurement staff, freeing up attorney time to focus on more difficult legal reviews. The major challenge in the coming fiscal year is effectively handling the large volume of new litigation cases resulting from the City’s response to demonstrations. The office is managing this challenge by trying to marshal and deploy the appropriate resources to handle these cases without resorting to more expensive outside counsel.

Office of the City Attorney

Performance	Actuals FY 2018-19	Actuals FY 2019-20	Target FY 2020-21	Target FY 2021-22	Strategic Target
EFFICIENCY					
Annual costs of outside counsel	\$341,568	\$838,595	\$500,000	\$850,000	\$500,000
Cost of service per attorney hour	\$150	\$168	\$166	\$168	\$168
OUTCOME					
Percentage of cases favorably resolved	96%	96%	95%	90%	90%
WORKLOAD					
Number of contracts reviewed and approved	10,290	9,016	10,200	8,000	8,000
Number of litigation cases	1,324	1,055	1,100	1,300	1,300
Number of training hours provided by City Attorney staff to other City staff	421	205	300	300	400

	Actuals FY 2018-19	Actuals FY 2019-20	Revised FY 2020-21	Base FY 2021-22	Requested FY 2021-22
Resources					
External Revenues					
Charges for Services	43,556	90,867	25,000	20,000	20,000
Miscellaneous	33	0	0	0	0
External Revenues Total	43,589	90,867	25,000	20,000	20,000
Internal Revenues					
General Fund Discretionary	2,119,300	3,063,180	3,616,388	3,408,449	3,322,733
General Fund Overhead	3,747,426	3,996,724	4,229,429	4,337,962	4,228,869
Interagency Revenue	6,560,569	7,093,940	7,625,465	8,030,729	8,030,729
Internal Revenues Total	12,427,295	14,153,844	15,471,282	15,777,140	15,582,331
Beginning Fund Balance					
Resources Total	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331
Requirements					
Bureau Expenditures					
Personnel Services	10,924,452	12,487,482	13,144,137	13,721,529	13,557,500
External Materials and Services	413,395	598,645	892,283	574,844	544,064
Internal Materials and Services	1,133,036	1,158,584	1,459,862	1,500,767	1,500,767
Bureau Expenditures Total	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331
Ending Fund Balance					
Requirements Total	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331
Programs					
Legal Services	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331
Total Programs	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331

Office of the City Attorney

Class	Title	Salary Range		Revised FY 2020-21		Requested No DP FY 2021-22		Requested FY 2021-22	
		Min	Max	No.	Amount	No.	Amount	No.	Amount
30003003	Administrative Specialist II	48,277	94,878	4.00	300,082	4.00	300,082	5.00	380,082
30003011	Business Systems Analyst II	63,336	111,681	1.00	69,593	1.00	75,920	1.00	75,920
30003017	City Attorney	147,035	249,288	1.00	198,588	1.00	198,588	1.00	198,588
30003018	City Attorney, Assistant Deputy	69,805	133,873	2.00	183,997	2.00	183,997	2.00	183,997
30003019	City Attorney, Chief Deputy	130,478	221,240	6.00	1,104,188	6.00	1,104,188	6.00	1,104,188
30003020	City Attorney, Deputy	91,728	161,390	18.00	2,326,924	19.00	2,579,210	18.40	2,525,210
30003021	City Attorney, Senior Deputy	111,696	201,191	14.90	2,490,537	14.90	2,514,936	14.90	2,514,936
30003077	Legal Assistant	53,290	104,701	10.00	728,922	10.00	747,363	10.00	747,363
30003078	Legal Assistant Supervisor	63,336	111,681	1.00	75,296	1.00	75,296	1.00	75,296
30003081	Manager I	80,205	148,724	1.00	139,110	1.00	139,110	0.00	0
30003087	Paralegal	63,336	111,681	12.00	1,080,706	12.00	1,080,706	12.00	1,080,706
30003088	Paralegal Supervisor	69,805	133,873	1.00	106,974	1.00	106,974	1.00	106,974
30003104	Supervisor II	69,805	133,873	1.00	119,018	1.00	119,018	1.00	119,018
	Total Full-Time Positions			72.90	8,923,935	73.90	9,225,388	73.30	9,112,278
	Grand Total			72.90	8,923,935	73.90	9,225,388	73.30	9,112,278

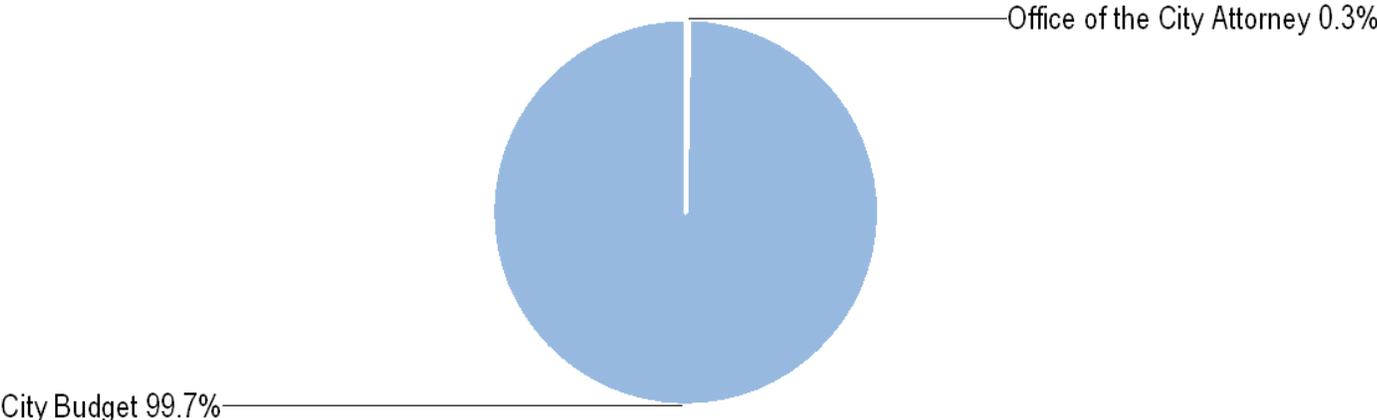
Office of the City Attorney

City Support Services Service Area

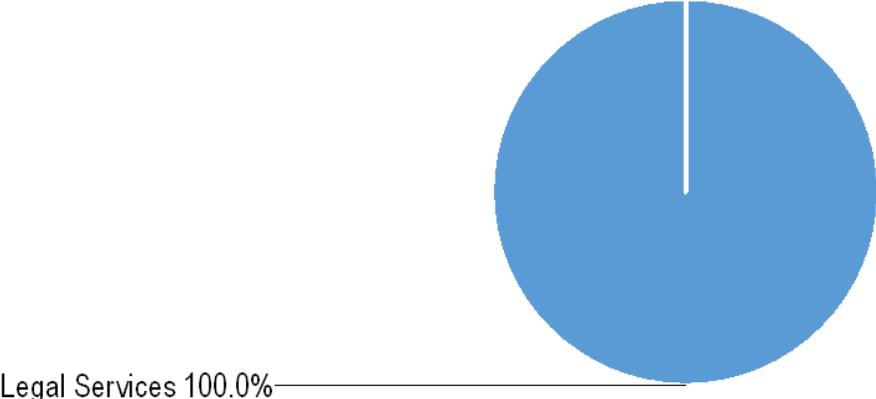
Mayor Ted Wheeler, Commissioner-in-Charge

Robert Taylor, Interim City Attorney

Percent of City Budget Graph



Bureau Programs



Bureau Overview

Requirements	Revised FY 2020-21	Requested FY 2021-22	Change from Prior Year	Percent Change
Operating	\$15,496,282	\$15,602,331	\$106,049	1%
Capital				
Total	\$15,496,282	\$15,602,331	\$106,049	1%
Authorized Positions	72.90	73.30	0.40	0.55%

Legal Services

Program Description & Goals

The City Attorney’s Office performs all legal work for the City, with a few exceptions. The office represents the City and its elected officials, employees, bureaus, offices, boards, and commissions in court, administrative matters, and other proceedings. The program provides legal advice and training to help the City identify risks and create good laws and policies.

Good legal advice helps avoid risk, including litigation, but there is no way to measure the lawsuits the City avoided. However, the success of the program is shown by the low cost of service, \$168 versus \$400 per hour for outside counsel, and a 93% success rate in litigation.

Performance	Actuals FY 2018-19	Actuals FY 2019-20	Target 2020-21	Target FY 2021-22	Strategic Target
Annual costs of outside counsel	\$341,568	\$838,595	\$500,000	\$850,000	\$500,000
Cost of service per attorney hour	\$150	\$168	\$166	\$168	\$168
Percentage of cases favorably resolved	96%	96%	95%	90%	90%
Number of contracts reviewed and approved	10,290	9,016	10,200	8,000	8,000
Number of litigation cases	1,324	1,055	1,100	1,300	1,300
Number of training hours provided by City Attorney staff to other City staff	421	205	300	300	400

Explanation of Services

Legal Services is an essential program that provides excellent, objective, timely, and cost-effective legal advice and advocacy in support of the City’s policy goals and ensures that the official actions of the City, its elected officials, and its employees comply with the law. This essential work includes defending the City in court, initiating legal actions when appropriate, negotiating and reviewing contracts, reviewing policies and programs, providing legal advice and counsel, and performing any other legal services needed.

Legal obligations are created by the City Code and Charter, state statutes, regulations, administrative requirements, and federal law. In addition, the Oregon State Bar establishes ethical professional requirements that govern lawyers and the work performed for the City and City officials. City attorneys work with clients to provide solutions-oriented legal services to help achieve City policy objectives. 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.

Attorneys and staff in the office provide a wide variety of legal services. Office staff draft and review local legislation, contracts, real estate leases, intergovernmental agreements and other legal documents, and negotiate on behalf of the City. The program also provides preventive legal services, including training for City staff on a broad spectrum of legal topics, which can help reduce risk and prevent serious problems before they arise. Finally, attorneys evaluate cases to determine how best to protect the City’s interests and represent the City in court. Because almost all litigation is handled in-house, the office can try cases in a cost-effective manner. The office is effectively achieving this goal, with 93% of its cases resolved favorably to the City.

The Legal Services Program has a positive impact on the City. By providing good legal advice, the City Attorney's Office helps ensure that the City complies with the law and avoids litigation. This helps reduce costs to the City and also ensures that the City is acting lawfully toward all Portlanders.

Equity Impacts

Advancing equity is an explicit goal of the City Attorney's Office. Office attorneys provide legal advice to all City bureaus to help advance the City's policy objective of achieving equity in all of its programs, services, and activities. Internally, the office encourages employees to devote up to two hours per month of work time to equity trainings. In addition, employees are permitted to attend equity trainings and conferences on a case-by-case basis where those advance the work of the City. This helps attorneys and staff use an informed equity lens when conducting the City's legal work.

In FY2019-20, the office began a year-long multi-faceted inclusive workplace project to continue to build a more equitable office culture. However, that project was suspended due to the budget impacts of COVID19, logistical challenges caused by the pandemic, and a desire to ensure that the project was best meeting the needs of the office. Further, the office runs an Honors Attorney Program aimed at training new lawyers interested in public service who come from historically underserved communities. In developing budget constraints, the office protected these investments in advancing equity by maintaining them in the base budget.

Changes to Program

The requested budget contains a 5% General Fund reduction package including the elimination of a Deputy City Attorney position. However, the demand for legal services across the City continues to rise. In particular, the large number of new litigation cases related to the City's response to demonstrations is causing a major strain on the legal services program. The office has requested to retain the Deputy City Attorney position to meet the legal needs of the City. Without this position, the legal services program will be negatively affected, either in terms of poor outcomes, staff burnout, or fewer hours spent handling each case. Alternatively, the City would need to hire outside counsel at a far greater cost to the City. Other reductions in the package, including realignment of a Manger position to an Administrative Specialist, elimination of part-time vacancy savings, and reductions to travel, publications and other external materials and services, likely can be weathered without significant impact to services.

Program Budget

	Actuals FY 2018-19	Actuals FY 2019-20	Revised FY 2020-21	Requested No DP FY 2021-22	Requested FY 2021-22
Requirements					
Bureau Expenditures					
Personnel Services	10,924,452	12,487,482	13,144,137	13,721,529	13,557,500
External Materials and Services	413,395	598,645	892,283	574,844	544,064
Internal Materials and Services	1,133,036	1,158,584	1,459,862	1,500,767	1,500,767
Bureau Expenditures Total	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331

Program Budget

	Actuals FY 2018-19	Actuals FY 2019-20	Revised FY 2020-21	Requested No DP FY 2021-22	Requested FY 2021-22
Ending Fund Balance					
Requirements Total	12,470,884	14,244,711	15,496,282	15,797,140	15,602,331
FTE	70.60	70.88	72.90	73.90	73.30

Budget Narrative

Resources The Requested budget for Legal Services is \$15.6 million. Interagency agreements with other bureaus for specialized legal work represent half of the total operating resources of the office. The remainder is supported by General Fund discretionary and overhead revenue.

Expenses Personnel Services represent 87% of the office’s expenditures. Internal services, such as rent and technology services, make up 10%. The remaining 3% is for external services such as office supplies, legal research services, continuing legal education, and legal software. The office created a technology replacement fund with resources carried over from underspending in prior years to fund the purchase and implementation of and training for new legal software solutions. This fund enables the office to put aside funds to pay for technology upgrades and replacement costs that otherwise would not be possible within one year’s budget.

Staffing The office has 42 lawyers and 31 support professionals. The office is led by the City Attorney, who is appointed by the City Council. The office has recently experienced increased employee turnover due to retirements. To remain competitive and attract and retain the best legal professionals to the City, the office should keep its staffing at sufficient levels to ensure staff are not compelled to work unreasonable hours.

Assets & Liabilities The office’s legal practice management and knowledgebase software system is its only physical asset.

Program Information

Program Contact: Crystine Jividen

Contact Phone: (503) 823-4047

Website: <https://www.portland.gov/attorney/>

City of Portland
Office of the City Attorney

PM1. Report for FY 2021-22 Requested Budget

Run Date & Time

Friday, January 29, 2021

9:54:58 AM

OUTCOME MEASURES

Performance Measure	KPM	FY 2017-18 Actuals	FY 2018-19 Actuals	FY 2019-20 Actuals	FY 2020-21 Target	FY 2020-21 YTD Actuals	FY 2021-22 Target	Strategic Target
AT_0010 Percentage of cases favorably resolved	X	97%	96%	96%	95%	0	90%	90%

EFFICIENCY MEASURES

Performance Measure	KPM	FY 2017-18 Actuals	FY 2018-19 Actuals	FY 2019-20 Actuals	FY 2020-21 Target	FY 2020-21 YTD Actuals	FY 2021-22 Target	Strategic Target
AT_0007 Annual costs of outside counsel	X	\$490,695	\$341,568	\$838,595	\$500,000	0	\$850,000	\$500,000
AT_0008 Cost of service per attorney hour	X	\$141	\$150	\$168	\$166	0	\$168	\$168

WORKLOAD MEASURES

Performance Measure	KPM	FY 2017-18 Actuals	FY 2018-19 Actuals	FY 2019-20 Actuals	FY 2020-21 Target	FY 2020-21 YTD Actuals	FY 2021-22 Target	Strategic Target
AT_0004 Number of contracts reviewed and approved	X	11,432	10,290	9,016	10,200	0	8,000	8,000
AT_0006 Number of training hours provided by City Attorney staff to other City staff	X	394	421	205	300	0	300	400
AT_0001 Number of litigation cases		1,481	1,324	1,055	1,100	0	1,300	1,300

DP: 11379 - 5% Reduction

DP Type

Priority

New

SUB

0

No

Package Description

The City Attorney's Office would need to reduce its General Fund resources by \$387,321 to achieve a 5% General Fund reduction. The office proposes four budget reductions to reach the required total: (1) eliminate one Deputy City Attorney position; (2) eliminate partial vacancy savings by converting three full-time time positions into part-time positions; (3) reduce personnel expenses by converting a Manager I position to an Administrative Specialist II position; and (4) reduce the office's external materials and services budget.

First, eliminating a Deputy City Attorney position will reduce the office budget by \$192,511. The City Attorney's Office has experienced a large influx of new cases in the current fiscal year, due in large part to the City's response to demonstrations. As a result, the office was required to take steps to immediately shore up its attorney staffing to meet this large influx of cases. The office used a vacant Deputy City Attorney position to temporarily extend the service of an Honors Attorney whose limited duration position was set to expire. This stop-gap measure is helping the office get through the remainder of the current fiscal year. The extension provided to the Honors Attorney is set to expire which will again create a vacant Deputy City Attorney position. The office would prefer to recruit and hire for this position given the office's continuing high workload, but because it will be vacant, it is the best option for a budget reduction. The office will request an "add back" for this position to meet the critical staffing needs of the office. Without this position, outside counsel will be required which will cost the City significantly more.

Second, converting three full-time positions to part-time positions will reduce the office budget by \$87,184. Currently, there are three positions budgeted as full-time that are filled by employees working a reduced schedule. This results in some vacancy savings for these positions. Reducing these positions to partial FTEs would result in a budget savings, and the employees could maintain their existing reduced schedule. This budget reduction, however, would limit the office's flexibility to increase the workload of these employees, if necessary, and reduce the resiliency of the budget to address unforeseen issues during the fiscal year without resorting to the budget monitoring process.

Third, converting a Manager I position to an Administrative Specialist II position would reduce the office budget by \$76,845. This change in the budget would be made in anticipation of the announced retirement of the City Attorney's Office Manager currently in the Manager I position. The existing managerial duties of the Manager I position could be spread amongst the office's management team, and the remaining administrative tasks could be assigned to the converted Administrative Specialist II position.

Fourth, eliminating \$30,780 from the external materials and supplies budget would achieve the remaining budget savings needed to meet the 5% cut target. This change to the budget would reduce the office's spending on legal publications, travel, sponsorships and other miscellaneous materials and supplies.

Service Impacts

The largest service impact will come from eliminating the Deputy City Attorney position. The office used a vacancy to temporarily extend the service of an Honors Attorney to help get the office through the large increase in workload. Ideally, to meet this increased workload, the office would fill this vacancy to maintain current staffing levels once the Honors Attorney departs. However, if this vacancy is eliminated, the office will have to redistribute work to others who are already facing extremely heavy workloads. This may have a negative impact on legal services, either in terms of poor outcomes, staff burnout, or fewer hours spent handling each case. Alternatively, outside counsel will be required to handle the extra workload. Average outside counsel rates are \$400 per hour compared to the City Attorney's Office cost of \$168 per hour. For the cost of this position, the City will only get 480 hours of outside counsel time versus 1,800 to 2,000 hours of Deputy City Attorney time.

The other budget reductions will have less of an impact on service delivery. Reducing the partial vacancy savings associated with attorneys working reduced schedules will not have an impact on their existing ability to provide excellent legal work. These attorneys with reduced schedules provide advice to bureaus, so increasing their schedules to full-time will not help fill the workload required by the sharp increase in litigation, since the legal skills of advice attorneys and litigators are distinct. The office would lose the ability to increase the schedules of these three advice attorneys to full-time if the need arose, but those issues can be managed either through future budget requests or internal management of staff schedules. Converting the Manager I position to an Administrative Specialist II position may have some impact to services, but the main impact will be the loss of the institutional knowledge of the current Office Manager. By spreading her management responsibilities among the rest of the management team and assigning the remaining administrative work to an Administrative Specialist II, we hope to leverage the institutional knowledge of others in the office to fill the gap left by the long-time Office Manager. Finally, reducing the external materials and services budget may have a small impact on services, since it will reduce the resources available for travel, legal publications, and sponsorships.

Equity Impacts

The office has been placing an increased emphasis on recruiting attorneys with more diverse backgrounds and experience. Eliminating a Deputy City Attorney vacancy will eliminate an opportunity to further advance the office's equity goal to expand the diversity of the office. Additionally, the office sponsors certain events that promote equity and diversity in the legal profession. As part of the external materials and services budget reduction, the office would not have resources available for these sponsorships.

Budget Detail

Decision Package Summary

Run Date: 1/29/21

Details

Run Time: 11:31:37 AM

Fund		2021-22 Request - V52 with DP	2021-22 CBO Recommended- V53	2021-22 Proposed-V54	2021-22 Approved - V55	2021-22 Adopted - V56
	Major Object Name	Expense				
100000	External Materials and Servi	-30,780	0	0	0	0
100000	Personnel	-356,540	0	0	0	0
	Sum:	-387,320	0	0	0	0

	Major Object Name	Revenue				
100000	General Fund Discretionary	-170,422	0	0	0	0
100000	General Fund Overhead	-216,898	0	0	0	0
	Sum:	-387,320	0	0	0	0

Position Detail						
	Job Class - Name	FTE	Salary	Supplemental	Benefit	Total
	30003003 - Administrative Specialist II	1.00	80,000	0	34,888	121,008
	30003020 - City Attorney, Deputy	-1.60	-189,000	0	-76,236	-279,695
	30003081 - Manager I	-1.00	-139,110	0	-48,101	-197,853
	Total	-1.60	-248,110	0	-89,449	-356,540

Decision Package Summary

DP: 11380 - Attorney Add Back

DP Type

Priority

New

ADD

1

No

Package Description

As part of the required 5% constraint package, the office proposed to eliminate one Deputy City Attorney position. This add package seeks to retain that position to meet the significant legal demands of the City and the escalating workload in the office. In FY2020-21, the office has seen a steep increase in the number of lawsuits filed against the City due to the response to demonstrations. For example, as of January 2021, the office is handling over 50 active litigation matters involving the Police Bureau, and we expect that number to increase. This is in addition to the already high workload of the office. These lawsuits include three class action cases and dozens of individual lawsuits alleging excessive force and constitutional violations.

The increasing number of cases is causing the office's workload to increase at an unsustainable pace. For example, the number of hours devoted to tort cases has increased sharply, as measured by attorney hours spent on cases for the City's Risk Management Division. In FY2019-20, the office devoted 13,889 attorney hours to tort cases handled for Risk Management. In FY2020-21, it's estimated that by fiscal year end, the office will have devoted 16,300 hours to these types of cases, a 17% increase. This has put a significant strain on staff as demonstrated by the number of hours the litigators are required to work over and above their normal schedule. For example, in FY2019-20, the litigators worked 1,066 hours in excess of their normally scheduled hours. In FY2020-21, the number of extra hours is expected to surpass 2,500 by fiscal year end, a 135% increase. If left unaddressed, this steep and unsustainable workload will likely lead to poor case outcomes, attorney burnout, and the loss of talented legal professionals. Alternatively, outside counsel will be required at significantly greater cost. The Deputy City Attorney position would work 1,800-2,000 hours for the same cost as 480 hours of outside counsel.

Accordingly, the office asks to retain the existing Deputy City Attorney position. It is more cost-effective to recruit and fill the position to meet the legal needs of the City, than to resort to more expensive outside counsel. The cost of the position is \$192,511.

Service Impacts

Retaining the Deputy City Attorney position will allow the office to more effectively handle the large influx of litigation faced by the City. Retaining this position will help put the office back on a more sustainable trajectory, and without the position we are concerned about the long-term negative impacts on the office and the City. If the office does not have sufficient staffing, the litigation outcomes will be poor, and the City may lose talented legal professionals who choose to go elsewhere to achieve a more sustainable workload.

Separately, Risk Management has agreed to extend a limited term litigation position to ongoing through an interagency agreement, and the office is grateful for Risk Management's support. Without this support from Risk Management, the office would lose the services of yet another attorney position as well. However, the office still faces increased workload even with the ongoing position funded by Risk Management. As a result, the office still needs to fill the existing vacancy to meet the legal demands of the City.

If this vacant Deputy City Attorney position is eliminated, the office will be forced to confront the increasing workload with a reduced staff of attorneys. The existing vacancy was used as a stop-gap measure to extend the service of an Honors Attorneys to meet the immediate legal needs of the office and the City. The extension provided to the Honors Attorney is set to expire which will result in a real and substantial loss in capacity for the office. But for the need to propose budget cuts, the office would be immediately recruiting to fill this vacant position. Accordingly, if the office does not retain the Deputy City Attorney position, the office will be forced to meet a steeply increased workload with a reduced staff of attorneys. This is not a sustainable solution. The alternative is to hire outside counsel to handle the increase in workload. Outside Counsel costs average \$400 per hour compared to \$168 in-house, which will cost the City far more than it will save by eliminating an attorney position.

Equity Impacts

Retaining the Deputy City Attorney position will allow the office to further advance the office's equity goal by recruiting for an attorney with a diverse experience and background.

Budget Detail

Fund	Major Object Name	2021-22 Request - V52 with DP	2021-22 CBO Recommended- V53	2021-22 Proposed-V54	2021-22 Approved - V55	2021-22 Adopted - V56
	Expense					
100000	Personnel	192,511	0	0	0	0
	Sum:	192,511	0	0	0	0
	Revenue					
100000	General Fund Discretionary	84,706	0	0	0	0
100000	General Fund Overhead	107,805	0	0	0	0
	Sum:	192,511	0	0	0	0

Decision Package Summary

Details

Budget Detail

Fund	2021-22 Request - V52 with DP	2021-22 CBO Recommended- V53	2021-22 Proposed-V54	2021-22 Approved - V55	2021-22 Adopted - V56
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Major Object Name	Revenue
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Position Detail

Job Class - Name	FTE	Salary	Supplemental	Benefit	Total
30003020 - City Attorney, Deputy	1.00	135,000	0	47,183	192,511
Total	1.00	135,000	0	47,183	192,511

City of Portland
Requested Budget Equity Report

Office of the City Attorney

Requested Budget & Racial Equity Plan Update:

The Racial Equity Plan for the City Attorney's Office identifies the following long-term goals: 1) End disparities in City government hiring and promotion; 2) Provide equitable City services to all residents; 3) Create greater opportunities for City government contracting and procurement; and 4) Make racial equity and inclusion an integral component of the Office's identity and culture.

The Racial Equity Plan identifies several concrete actions to pursue these goals, and the following identified actions are all funded in the requested budget for the City Attorney's Office: 1) Continue Honors Attorney program to provide opportunities for lawyers from historically underrepresented and diverse backgrounds; 2) Costs to advertise in print and web-based minority outreach services and to recruit from law schools with substantial populations of people of color, including historically black law schools; 3) Require all lawyers and staff to attend two racial equity training events per year; 4) Support Oregon State Bar equity programs by paying for all attorneys to participate in the Bar's Diversity Section, and support a variety of other specialty bar events.

Racial Equity Plan Link: <https://www.portlandoregon.gov/oehr/article/595601>

Requested Budget Community Engagement:

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

Base Budget Constraints:

Limited staffing has inhibited the office's ability to track progress on equity goals. 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 it 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 a thorough evaluation of progress toward equity goals. 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 the base budget. Finally, the office is interested in adding a dedicated equity manager position to the office, but given the budget constraints this year, the office has not requested the addition of this position at this time.

City of Portland
Requested Budget Equity Report

Notable Changes:

The office has increased its focus on equity in recent years. The office retained outside equity consultants to provide officewide, small group, and individual equity coaching sessions; however, this work was suspended due to the budget impacts of the pandemic and other challenges caused by teleworking. In addition, the office encourages employees to devote up to two hours per month of work time to equity trainings. Employees also are permitted to attend equity trainings and conferences on a case-by-case basis where these advance the work of the City. Developing a 5% budget reduction would require elimination of positions. Eliminating the Honors Attorney Program would help meet the 5% target and it could be argued that abolishing the least experienced lawyer positions in the office would make good financial sense. However, the Honors Attorney program is an important part of the office’s racial equity plan. The office intends to keep the program and has not offered it as part of its cut package.

Equity Manager Role in Budget Development

The office does not have dedicated equity staff such as an Equity Manager. However, the office has an Equity Leadership Team, and several members of that Team participated in the budget development process, including the Interim City Attorney.

Equity Manager:	--	Contact Phone:	--
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ADA Title II Transition Plan:

The office budget maintains funding for attorney positions that advise all City bureaus on their ADA Title II obligations. Maintaining funding for these positions is a critical way the office helps the City achieve its equity goals.

Accommodations:

Translation services, and access to those translation services are included in the base budget.

Capital Assets & Intergenerational Equity

The base budget funds attorneys that regularly advise bureaus on their ADA Title II obligations.

Measure Title	PM 2018-19 Actuals	PM 2019-20 Actuals	PM 2019-20 Target	PM 2020-21 Target	Strategic Target
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City of Portland
Requested Budget Equity Report

**Data Tracking
Methodology:**

The office uses both quantitative and qualitative data to track progress toward the goals in its Racial Equity Plan. For example, the office tracks quantitative data regarding the demographics of its legal professionals to compare the office's composition to the legal market in Oregon and the overall population in Portland. The office also tracks quantitative data on the number of equity training events employees attend. Also, on a qualitative basis, the annual performance evaluation process for the office includes an explicit question asking how employees contribute to an equitable and inclusive workplace. The office then evaluates employees based on many factors, including factors that explicitly assess how well the employees advance equity in the workplace and in their work for the City.

Hiring, Retention, & Employment Outreach:

The office's requested budget preserves all positions in the office in an effort to maintain progress toward the office's equity goals. Eliminating the vacant Deputy City Attorney position as proposed in the budget reduction package will impact the office's ability to recruit an additional attorney with a diverse background and life experience.

Contracting Opportunities

The office budget maintains funding for attorney positions advising the City on its efforts to promote contracting opportunities for disadvantaged, minority, women, and emerging small businesses. This includes both general contracting advice and legal advice regarding specific programs such as the Community Equity and Inclusion Plan (CEIP), Community Opportunities and Enhancement Program (COEP), and Clean Energy Community Benefits Fund. Maintaining the budget for these legal services helps the City achieve its equity goals.

City of Portland
Requested Budget Equity Report

Engaging Communities Most Impacted by Inequities

The budget retains the Honors Attorney program which is aimed at providing high-quality legal experience to attorneys of diverse backgrounds and those from underrepresented communities. These programs provide valuable help to the office, and they also help address systemic and institutional barriers in the legal market that have historically made it difficult for people of color to achieve equal success in the profession.

On a community wide basis, the budget continues ongoing funding for an attorney position advising the Police Bureau regarding its policies and compliance with the U.S. Department of Justice Settlement Agreement. Police Bureau policies impact underserved communities and providing support to the Police Bureau's policy team is important legal work to advance the City's equity goals. The budget request also continues the staff support for tax collection efforts on behalf of the Revenue Division. The office has helped collect millions for the General Fund, and that money can be used to support programs that assist the most vulnerable in our community. Ensuring that for-profit businesses pay their legally required share in taxes to help support the most vulnerable in our community represents important equity work contemplated by the budget.

Equity continues to be one of the office's four strategic goals and the office will continue to fund training on use of an equity lens in the provision of legal services. Office lawyers also continue to actively track and participate in many national legal issues that raise very significant equity concerns, including challenges to a variety of the former President's immigration actions, DACA restrictions, national Opioid litigation and environmental justice litigation.

Empowering Communities Most Impacted by Inequities

The budget maintains funding for the Honors Attorney program which is designed to build capacity and increase outreach to people of color and those traditionally underrepresented in the legal profession, and provide exposure to a career in public interest law. The budget continues funding for attorney participation in Oregon State Bar activities that support equity and equity education. The budget continues funding for tax collection work, so that businesses will pay their legally required taxes and the revenue can be used by the City Council to help those most in need in our community. The budget includes the attorney position devoted to helping the Police Bureau write and periodically update its policies, which advances the City's equity goals by ensuring an equity lens is applied to Police Bureau policies. The budget continues funding for civil rights related legal work, including legal work to support the City's Title VI and ADA Title II programs, anti-discrimination training for City employees and myriad other legal and policy obligations that are equity-related.