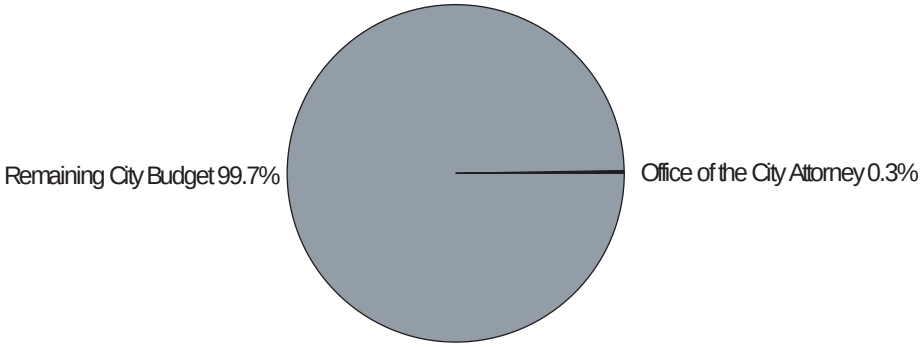
Office of the City Attorney

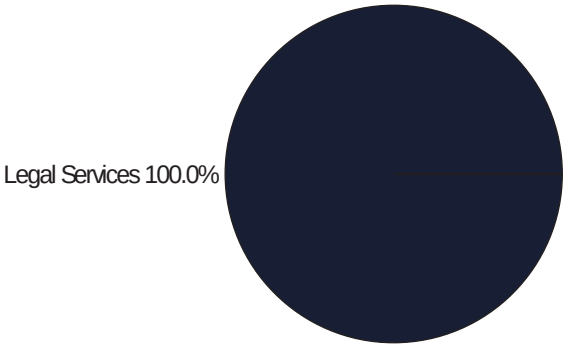
City Support Services Service Area

Mayor Sam Adams, Commissioner-in-Charge
Jim Van Dyke, City Attorney

Percent of City Budget

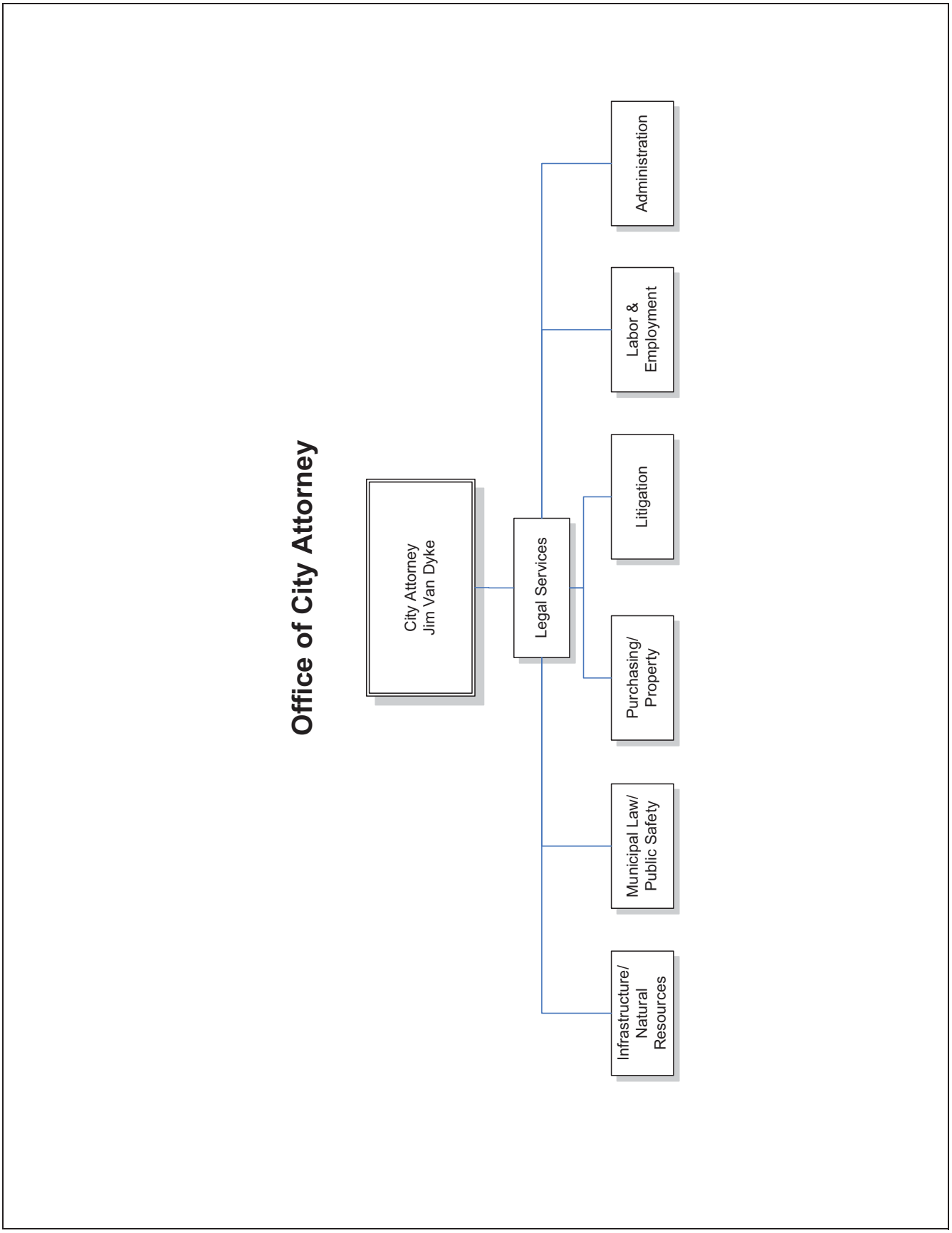


Bureau Programs



Bureau Overview

Requirements	Revised FY 2011-12	Adopted FY 2012-13	Change from Prior Year	Percent Change
Operating	9,542,419	9,533,793	(8,626)	(0.09)
Capital	0	0	0	0.00
Total Requirements	9,542,419	9,533,793	(8,626)	(0.09)
Authorized Positions	58.25	58.25	-0.00	-0.00


Office of City Attorney
City Attorney
Jim Van Dyke
Legal Services
Administration
Labor &
Employment
Litigation
Purchasing/
Property
Municipal Law/
Public Safety
Infrastructure/
Natural
Resources

Bureau Summary

Bureau Mission

To help the City achieve its policy goals in the public interest by providing excellent, objective, timely, and economical legal advice and advocacy, unaffected by politics, personalities, or self-interest.

Bureau Overview

The City Attorney is appointed by the City Council. The City Attorney provides legal services and programs for the City of Portland. Attorneys and paralegals work with City Council members and their staff to find legally acceptable ways to achieve public objectives.

The office handles work generated by the City Council, City bureaus, employees, and individuals or organizations that bring claims or actions against the City. This work includes defending the City in court, initiating legal actions when appropriate in the public interest, handling other judicial and quasi-judicial matters, negotiating and reviewing contracts, reviewing policies and programs, providing legal advice and counsel, producing formal opinions, 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.

The office works on a wide range of subjects, such as constitutional aspects of municipal legislation, personnel and labor law issues, tort claims, workers' compensation, construction contracts and claims, land use litigation and planning, environmental issues, and code enforcement. The office also works on police and public records issues, fire and safety requirements, telecommunications, utilities and license fees, collection of revenues owed to the City, and franchises and contracts. Additional work includes advising, advocating, analyzing, reviewing activities and materials, negotiating agreements, drafting documents and legal instruments, and assisting in policy development and program implementation as requested and needed.

Legal services are affected by decisions made by City government, other governments, and private parties. Legal issues usually originate outside of the direct control of the City Attorney's Office. The office works with Council members and bureau managers to review the legal issues that may be associated with City projects and to assist in the successful completion of these projects.

Funding Sources and Uses

Interagency agreements with other bureaus and offices for specialized legal work in specific areas represent about 54% of the total operating budget of the City Attorney's Office. The remainder of the budget is supported by General Fund discretionary revenue (17%) and General Fund overhead recovery revenue (29%). Over 84% of the City Attorney's costs are for personnel services. The Adopted Budget includes 58.25 FTE.

Strategic Direction

Summary

The City Attorney's Office continues to face increasingly complex legal issues and litigation. The City's legal work is usually not optional and must be performed by City lawyers or more expensive outside counsel. The City Attorney's Office continues its efforts to control overall legal costs by minimizing the use of outside counsel and by maximizing the use of paralegal assistants.

Service Improvement Plan

Provide timely responses to inquires

The office initiated a 24-hour goal for initial responses to legal inquiries and continues to maintain that goal. When immediate answers cannot be provided, attorneys and staff will work with the client to agree on a reasonable timetable for response. Over 80% of clients rated initial response time as positive or very positive in the 2010 Customer Service Survey. However, the office would like to continue improvement in this area.

The office is in its third year of the reorganization into practice groups. This has assisted attorneys in giving timely responses by providing additional support through information sharing and cross training. Practice groups will work to develop ways to improve timeliness, including providing additional feedback to clients and requesting feedback from clients as well.

Provide consistent legal advice throughout bureaus and council offices

The purpose of practice groups is to take advantage of the expertise of attorneys in the office and provide opportunities for sharing that knowledge. The groups meet monthly to discuss legal issues and projects generated by City bureaus. This provides additional resources and better consistency for the City. In addition, the office implemented a new practice management software system to provide information resources that are accessible to all office staff. As the system usage progresses, information will be more easily and quickly accessible to attorneys and staff and will facilitate consistent responses to inquiries. Progress will be measured externally through the customer service survey, and internally from employee responses.

Continue providing training to bureaus and council offices

The office continues to provide high quality legal advice and trainings to guide bureaus and officials and avoid risk. The office plans to increase trainings in ethics, public records and meetings, employment, construction, and tort liability. The office's website contains a link for City employees to access training materials and will continue to increase the use of technology and easily accessible media to provide training to bureaus and council offices on matters of general government.

Summary of Budget Decisions

Reductions

4% Reduction

The City Attorney's Office identified an ongoing 4% reduction to General Fund discretionary revenue. The office will reduce external materials and services in the amount of $72,167, including reductions in travel, education, office supplies, and miscellaneous expenses.

6% Reduction

The City Attorney's Office identified an additional 2% ongoing reduction in the amount of $36,084 for a total 6% reduction of $108,251. The office will reduce external materials and services in the amount of $36,084 including legal publications and miscellaneous services. Reducing external services will require legal staff to perform non-legal work which reduces efficiency.

OMF Interagency Adjustments

This decrease of $34,468 in interagency costs result from decision packages in the Office of Management and Finance. An adjustment to the bureau's ongoing General Fund discretionary target was made to balance the decreased costs.

Non-Represented Merit Freeze

This decrease of $58,697 in personnel services costs result from a freeze on merit increases in FY 2012-13 for non-represented employees making more than $45,000 per year.

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 and City bureau staff. The Legal Services program allows the City Attorney's Office to represent the City in court litigation, administrative proceedings, appeals, and other judicial processes. This program also provides advice, consultation, and research on issues and questions regarding municipal operations and programs, contract negotiations, and training.

Goals

The Legal Services program supports the City's goal of delivering efficient, effective, and accountable municipal services.

Performance

The cost for legal services in the City Attorney's Office remains significantly lower than outside legal services. The total number of cases in which the City Attorney's Office has represented the City remains high and the complexity of those cases continues to increase.

Changes to Services and Activities

There are no significant changes to the Legal Services program.

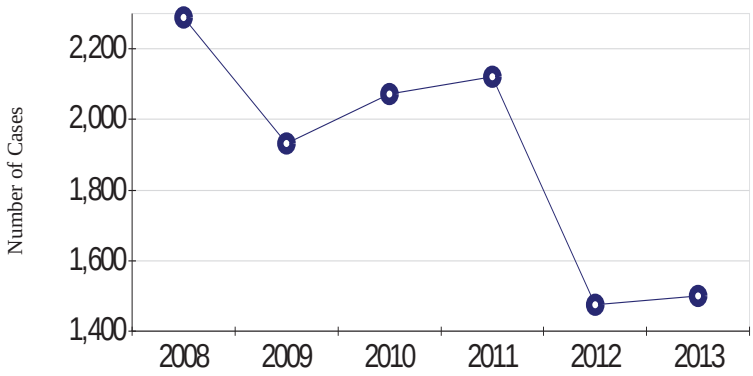
FTE & Financials	Actual FY 2009-10	Actual FY 2010-11	Revised FY 2011-12	Proposed FY 2012-13	Adopted FY 2012-13
FTE	60.50	59.60	58.25	58.25	58.25
Expenditures					
Legal Services	8,415,443	8,426,608	9,542,419	9,497,793	9,533,793
Total Expenditures	8,415,443	8,426,608	9,542,419	9,497,793	9,533,793

Performance	Actual FY 2009-10	Actual FY 2010-11	Yr End Est. FY 2011-12	Base FY 2012-13	Target FY 2012-13
Efficiency					
Hourly Rate	$141	$144	$161	$162	$160
Workload					
Litigation Cases	2,072	2,121	1,475	1,500	1,500
Contracts Review and Approval	6,395	6,668	7,000	7,200	7,200
Training hours provided by City Attorney staff to other City staff	303	350	300	300	200

Performance Measures

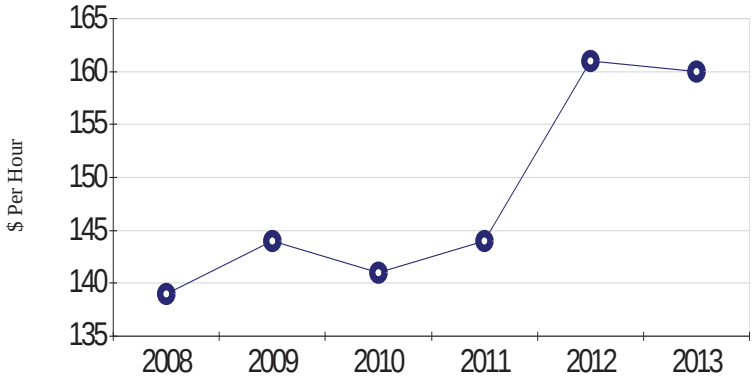
Litigation Cases Handled

Litigation cases handled include pending cases and new cases filed during the fiscal year. While there is fluctuation in total numbers of cases, the complexity of cases is consistently increasing.



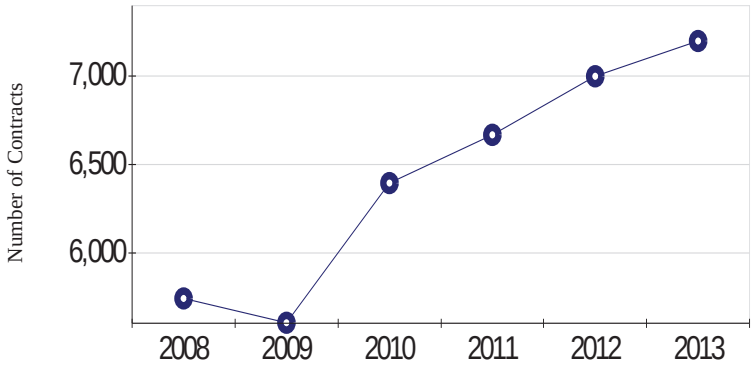
Hourly Rates

The fully loaded hourly rate includes expenses for staff and materials, and is significantly lower than outside counsel rates. For comparison, the average rate for Oregon attorneys according to the most recent Bar survey is $250-275 per hour. (Oregon State Bar 2008 Hourly Rates Survey)



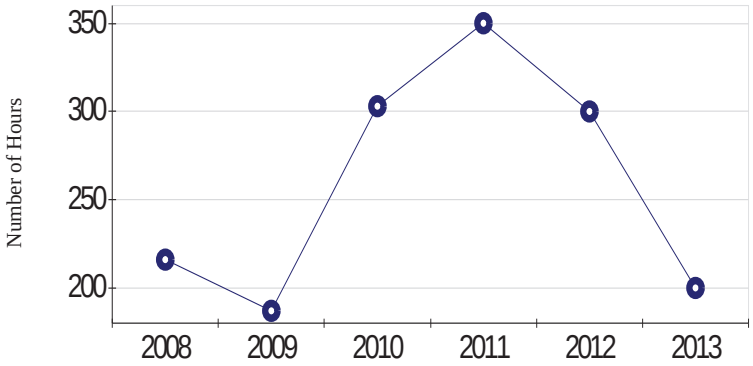
Contracts Reviewed and Approved

Contracts and agreements are reviewed for accuracy, completeness, and legal sufficiency.



Training Hours

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



	Actual FY 2009-10	Actual FY 2010-11	Revised FY 2011-12	Proposed FY 2012-13	Adopted FY 2012-13
Resources					
External Revenues					
Charges for Services	2,109	2,377	0	0	0
Miscellaneous	151	0	0	0	0
Total External Revenues	2,260	2,377	0	0	0
Internal Revenues					
General Fund Discretionary	1,829,648	1,361,207	1,686,115	1,602,764	1,638,764
General Fund Overhead	2,209,030	2,539,320	2,806,711	2,823,060	2,823,060
Interagency Revenue	4,374,506	4,523,704	5,049,593	5,071,969	5,071,969
Total Internal Revenues	8,413,184	8,424,231	9,542,419	9,497,793	9,533,793
Beginning Fund Balance	0	0	0	0	0
Total Resources	$8,415,443	$8,426,608	$9,542,419	$9,497,793	$9,533,793
Requirements					
Bureau Expenditures					
Personnel Services	7,265,656	7,320,411	8,149,019	8,004,274	8,004,274
External Materials and Services	370,644	386,043	628,946	581,993	581,993
Internal Materials and Services	779,143	720,154	764,454	911,526	947,526
Total Bureau Expenditures	8,415,443	8,426,608	9,542,419	9,497,793	9,533,793
Fund Expenditures					
Total Fund Expenditures	0	0	0	0	0
Ending Fund Balance	0	0	0	0	0
Total Requirements	$8,415,443	$8,426,608	$9,542,419	$9,497,793	$9,533,793
Programs					
Legal Services	8,415,443	8,426,608	9,542,419	9,497,793	9,533,793
Total Programs	8,415,443	$8,426,608	$9,542,419	$9,497,793	$9,533,793

		Salary Range		Revised FY 2011-12		Proposed FY 2012-13		Adopted FY 2012-13	
Class	Title	Minimum	Maximum	No.	Amount	No.	Amount	No.	Amount
30000597	Attorney, Chief Deputy City	102,648	146,952	4.80	705,360	4.80	705,360	4.80	705,360
30000418	Attorney, City	129,834	186,056	1.00	186,060	1.00	186,060	1.00	186,060
30000595	Attorney, Deputy City	86,840	117,686	15.55	1,675,445	15.55	1,714,614	15.55	1,714,614
30000596	Attorney, Sr Deputy City	93,288	130,291	11.70	1,500,663	11.70	1,515,939	11.70	1,515,939
30000440	Business Operations Supervisor	66,602	89,107	1.00	89,112	1.00	89,112	1.00	89,112
30000213	Inf Syst Analyst III-Generalist	63,378	84,635	1.00	84,636	1.00	84,636	1.00	84,636
30000600	Law Office Administrator	75,109	100,048	1.00	100,044	1.00	100,044	1.00	100,044
30000591	Legal Assistant	45,074	69,451	8.00	536,056	8.00	540,948	8.00	540,948
30000829	Legal Assistant Supervisor	60,341	80,475	1.00	79,716	1.00	80,472	1.00	80,472
30000592	Legal Assistant, Sr	54,725	72,925	1.00	65,628	1.00	68,092	1.00	68,092
30000012	Office Support Specialist II	31,512	43,950	2.00	87,912	2.00	87,912	2.00	87,912
30000593	Paralegal	54,725	72,925	4.00	249,796	4.00	256,836	4.00	256,836
30000830	Paralegal Supervisor	63,378	84,635	1.00	76,164	1.00	79,284	1.00	79,284
30000594	Paralegal, Sr	60,341	80,475	2.00	135,192	2.00	136,501	2.00	136,501
TOTAL FULL-TIME POSITIONS				55.05	5,571,784	55.05	5,645,810	55.05	5,645,810
30000595	Attorney, Deputy City	86,840	117,686	0.80	94,152	0.80	94,152	0.80	94,152
30000593	Paralegal	54,725	72,925	0.80	51,156	0.80	53,070	0.80	53,070
30000594	Paralegal, Sr	60,341	80,475	1.60	128,760	1.60	128,760	1.60	128,760
TOTAL PART-TIME POSITIONS				3.20	274,068	3.20	275,982	3.20	275,982
TOTAL LIMITED TERM POSITIONS				0.00	0	0.00	0	0.00	0
GRAND TOTAL				58.25	5,845,852	58.25	5,921,792	58.25	5,921,792

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

Action	Amount			FTE	Decision
	Ongoing	One-Time	Total Package		
FY 2012-13	9,699,209	0	9,699,209	58.25	FY 2012-13 Current Appropriation Level
CAL Adjustments					
	0	0	0	0.00	None
Mayor's Proposed Budget Decisions					
	(72,167)	0	(72,167)	0.00	4% reduction
	(36,084)	0	(36,084)	0.00	2% reduction to 6% total
	(34,468)	0	(34,468)	0.00	OMF interagency adjustments
	0	(58,697)	(58,697)	0.00	Non-represented merit freeze
Approved Budget Additions and Reductions					
	0	36,000	36,000	0.00	FY 2011-12 Carryover: Moving Expenses
Adopted Budget Additions and Reductions					
	0	0	0	0.00	None
	(142,719)	(22,697)	(165,416)	0.00	Total FY 2012-13 Decision Packages
			9,533,793	58.25	Total Adopted Budget