



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

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September 7, 2022

INTEROFFICE MEMORANDUM

TO: City Budget Office

FROM: Robert L. Taylor
City Attorney

SUBJECT: FY2022-23 Fall Budget Monitoring Process

Enclosed is the City Attorney's Office's Fall Budget Monitoring Report for FY2022-23. In summary, the Office's prior year expenditures were 4% under budget. There are no significant issues to report for the prior year.

The City Attorney's Office is requesting approval of the following decision packages:

- Encumbrance Carryovers for two projects that started in FY2021-22 that are continuing into FY2022-23. The office requires encumbrance carryover funds to complete these one-time projects.
- \$200,000 transfer from the Legal Priorities Reserve to pay the settlement authorized by Council, Ordinance No. 190921, City of Portland v. Bartlett.

With the approval of these decision packages, the City Attorney's Office should have sufficient resources for the year.

Thank you for your consideration.

RT/ccj
c: Crystine Jividen
Tony García

AT - Office of the City Attorney

DP Type

Policy Set-aside

Request Name: 14353 -Legal Settlement

Package Description

This package requests \$200,000 from the Legal Priorities Reserve to pay the settlement authorized by Council, Ordinance No. 190921, Pay attorney's fees settlement from City of Portland v. Bartlett litigation in the sum of \$200,000.

Service Impacts

The City Attorney's Office does not have funds budgeted for unexpected expenses for legal settlements. The Citywide Legal Priorities reserve was created for this purpose and funding this request will prevent the City Attorney's office from overspending its operating budget for the year.

Equity Impacts

NA

2022-23 FALL Requested Adj

Expense	External Materials and Services	\$200,000
Expense	Sum:	\$200,000

2022-23 FALL Requested Adj

Revenue	Fund Transfers - Revenue	\$200,000
	General Fund Discretionary	\$0
Revenue	Sum:	\$200,000

AT - Office of the City Attorney

DP Type

Encumbrance Carryover (Fund 100 ONLY)

Request Name: 14354 -Encumbrance Carryovers

Package Description

The office request 2 encumbrance carryovers:

1) The City contracted with the Independent Monitor LLC to provide expert services and advice regarding the City's response to crowd management events. \$300,000 was allocated to the City Attorney's Office's budget in the FY 2021-22 Fall BMP. The office has spent \$158,673. The office requests an encumbrance carryover in the amount of \$141,327.

2) The office is working with Facilities to make safety and security improvements to the office's reception area. Construction is in progress and nearly complete. The office requests an encumbrance carryover of \$33,450 to complete the construction.

Service Impacts

The office does not have sufficient funds in its materials and services budget to pay for these one-time projects. The crowd control assessment is required by the USDOJ Settlement and the safety and security of employees and visitors is important to the office. These one-time projects require encumbrance carryover funds for completion.

Equity Impacts

The Independent Monitor contract is essential to assess the actions of the City in response to crowd control activities in 2020 and 2021. Consultant will provide recommendations for policy, tactics, training, leadership and communications to help the City work toward its equity goals.

The safety and security improvements provide safer space to all employees and public guests receiving services.

2022-23 FALL Requested Adj		
Expense	External Materials and Services	\$174,776
Expense	Sum:	\$174,776

2022-23 FALL Requested Adj		
Revenue	General Fund Discretionary	\$174,776
Revenue	Sum:	\$174,776

Prior Year Fund Reconciliation Report

Office of the City Attorney

100 - General Fund

EXPENDITURES	2021-22 Revised Budget	2021-22 Actuals	Percent of Actuals to Revised
Personnel	14,588,619	14,293,162	97.97%
External Materials and Services	961,484	699,740	72.78%
Internal Materials and Services	1,673,150	1,581,725	94.54%
TOTAL EXPENDITURES	17,223,253	16,574,628	96.23%

REVENUES	2021-22 Revised Budget	2021-22 Actuals	Percent of Actuals to Revised
Charges for Services	20,000	28,712	143.56%
General Fund Discretionary	4,188,858	0	0%
Interagency Revenue	8,390,729	8,390,729	100%
General Fund Overhead	4,623,666	0	0%
TOTAL REVENUES	17,223,253	8,419,441	48.88%

Expenditure Discussion

Expenditures were on target and 4% under budget. Personnel Services were 2% under budget due to retirements and turnovers resulting in a small amount of vacancy savings. External Materials was underspent by 27% due in part to a few projects spanning two fiscal years. Encumbrance Carryovers have been requested for those projects. Internal Materials and Services expenses were 5% under budget due to a Facilities project spanning two fiscal years and a reduction in copier services.

Revenue Discussion

All revenues were collected as expected. The Charges for Services category, which includes legal services for civil forfeiture work, public records fees, and miscellaneous revenue, exceeded target. These revenues are inconsistent and difficult to predict but are only a small fraction of the office's overall revenue.

Other Notes

Bureau Performance Narrative

Office of the City Attorney

Key Performance Measures		Measure Type Name	FY 2019-20 Actuals	FY 2020-21 Actuals	FY 2021-22 Target	FY 2021-22 Actuals	FY 2022-23 Target	Strategic Target	Details
AT_0006	Number of training hours City Attorney staff provide to City staff	WORKLOAD	205	426	300	310	400	400	Training hours can help reduce risk to the City and the office exceeded its target.
AT_0007	Annual costs of outside counsel	EFFICIENCY	\$838,595	\$801,086	\$850,000	\$879,068	\$1,200,000	\$500,000	Outside counsel costs were slightly over the estimate.
AT_0008	Cost of service per attorney hour	EFFICIENCY	\$168	\$161	\$168	\$171	\$180	\$200	Cost of service remains very low compared to outside counsel rates.
AT_0010	Percentage of cases favorably resolved	OUTCOME	96%	91%	90%	95%	90%	90%	The office continues to earn very high success rates in litigation.
Other Performance Measures		Measure Type Name	FY 2019-20 Actuals	FY 2020-21 Actuals	FY 2021-22 Target	FY 2021-22 Actuals	FY 2022-23 Target	Strategic Target	Details
AT_0001	Number of litigation cases	WORKLOAD	1,055	973	1,100	1,078	1,000	1,200	Number of litigation cases was as expected.
AT_0004	Number of contracts reviewed and approved	WORKLOAD	9,016	7,216	8,000	6,440	7,000	8,000	The number of contract reviews are fewer than prior years due in part to a slowdown in contracting resulting from the pandemic.