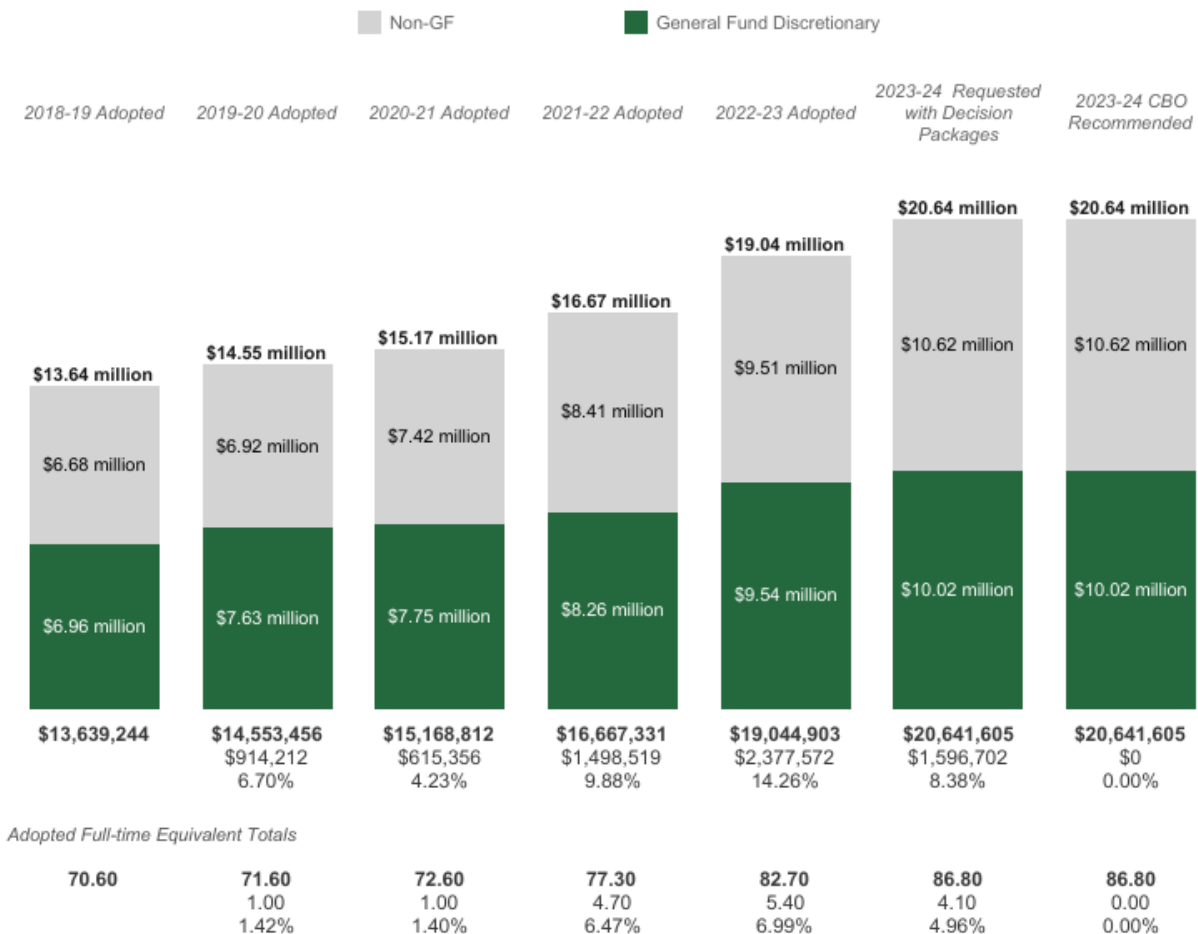




# Office of the City Attorney

## Adopted Budget Revenues | 5-Year Lookback



## EXECUTIVE SUMMARY

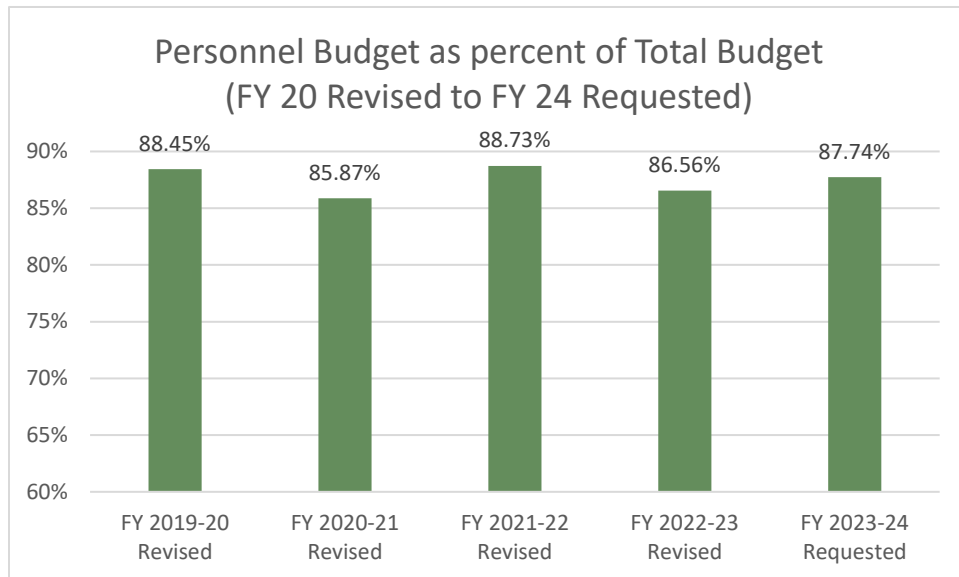
The FY 2023-24 City Attorney's Office Requested Budget totals \$20.6 million, with no decision packages. This is an increase of 6% over the FY 2022-23 Revised Budget. This review highlights: the increase of regular authorized Full Time Equivalent (FTE) positions in the base requested budget, the importance of maintaining and refining the Legal Priorities Reserve, and highlights an anticipated one-time need in FY 2023-24 to complete a contract with Independent Monitor, LLC to adhere with the U.S. Department of Justice settlement with the City of Portland. The bureau's FY 2023-24 Requested Budget includes the following within base Current Appropriation Level (CAL) and bureau-specific interagency resources:

- Adds 3.0 regular FTE funded through increased interagency agreements with the Office of Management and Finance (OMF) Risk Management Division, and
- Adds 1.0 limited term position associated with a one-year limited term interagency agreement with Portland Fire & Rescue to cover the cost of loaning an employee to the Fire Bureau's Professional Standards Program. This work is planned to be complete by the end of FY 2023-24. The Fire Bureau currently does not have ongoing resources identified to support the continuation of this position.

## BASE BUDGET & KEY ISSUES

### Increased Base Budget FTE

The Office of the City Attorney has increased the total number of authorized FTE over the past few fiscal years in accordance with the development of the City's annual budget. The funding sources for these increases have come through approval of Decision Packages for new General Fund ongoing revenue and through negotiated increases from interagency revenues paid by bureaus for services. Overall, the percentage of the City Attorney's Office budget dedicated to personnel has remained relatively stable, remaining between 85% to 90% of the bureaus ongoing budget since FY 2019-20.



The FY 2023-24 Requested Budget includes an increase of 3.0 regular FTE positions funded by an increased interagency agreement with the Office of Management and Finance Risk Management Division. These positions have been added to address increased workload demand as litigation cases increase in complexity and number. The City Attorney's Office works closely with the Risk Management Division and interagency agreements are reviewed each year to ensure the work and funding are in alignment. There is also the inclusion of the second year of interagency agreement funds supporting 1.0 limited term position with Portland Fire & Rescue to cover the cost of loaning a City Attorney's Office employee to the Fire Bureau's Professional Standards Program. The work is planned to be completed in FY 2023-24. Without ongoing resources from the Portland Fire Bureau, the position will likely be abolished when funding is no longer able to support the initiative.

### Legal Priorities Reserve

In the Fall Budget Monitoring Process (BMP) of FY 2021-22, City Council established the Citywide Legal Priorities Reserve, a sub-fund within the Citywide Obligations Reserve Fund (CORF). The primary purpose of

this sub-fund is to support costs of multi-fund or Citywide litigation that may arise because of Council's desire to pursue a legal, regulatory or policy change, or as a result of litigation against the City. Since the establishment of the Legal Priorities Reserve, the fund has been drawn down and replenished on an ad-hoc basis, most recently In the Fall BMP of FY 2022-23 where the Attorney's Office drew \$200,000 from the Legal Priorities Reserve, and the reserve was separately restored to a balance of \$500,000 for the current fiscal year. CBO continues to recognize the utility of this reserve fund, and recommends, as in previous analysis, that the administrative management of the reserve require the City Attorney, the Chief Financial Officer, and the Budget Director all approve future draws upon the reserve. This may be achieved in the short-term through a Budget Note, and long-term through amendments to City Financial Policies.

### **Anticipated One-Time Need**

In the FY 2021-22 Fall BMP, \$300,000 of one-time general fund resources was allocated to the City Attorney's Office budget for the contract with Independent Monitor, LLC to critically assess the City's response to crowd control events in 2020 in a public-facing report, which will be used as a basis for a training needs assessment for policing crowd control events. This is part of the City's mediation efforts under the settlement agreement with the U.S. Department of Justice. At the time, the Attorney's Office requested \$400,000, but was allocated less due to competing priorities for available one-time of resources. The bureau has high confidence that the \$300,000 appropriated will be spent in FY 2022-23 and an additional \$200,000 will be required to complete the contract in FY 2023-24. CBO notes that the City Attorney's Office typically has less than 5% of their budget left at the end of the year, indicating little flexibility in the ongoing budget. With this in mind, CBO recommends the bureau request program carryover of underspending, if available, in the FY 2022-23 Spring Budget Monitoring Process to cover this legally obligated, one-time need.

## **DECISION PACKAGE ANALYSIS**

The Office of the City Attorney does not have decision packages in their requested budget.

# SUMMARY OF REQUESTS & RECOMMENDATIONS (ALL FUNDS)

## Office of the City Attorney

		2022-23 Adopted Budget	2023-24 Requested Base (A)	Bureau Decision Packages (B)	CBO Recommended Adjustments (C)	Total Recommended Budget (A+B+C)
Revenue	Interagency Revenue	\$9,493,782	\$10,611,763	\$0	\$0	\$10,611,763
	General Fund Overhead	\$5,470,672	\$5,849,680	\$0	\$0	\$5,849,680
	General Fund Discretionary	\$4,068,449	\$4,170,162	\$0	\$0	\$4,170,162
	Charges for Services	\$12,000	\$10,000	\$0	\$0	\$10,000
Revenue	Sum:	\$19,044,903	\$20,641,605	\$0	\$0	\$20,641,605
Expense	Personnel	\$16,398,638	\$18,110,090	\$0	\$0	\$18,110,090
	Internal Materials and Services	\$1,705,293	\$1,829,702	\$0	\$0	\$1,829,702
	External Materials and Services	\$940,972	\$701,813	\$0	\$0	\$701,813
Expense	Sum:	\$19,044,903	\$20,641,605	\$0	\$0	\$20,641,605