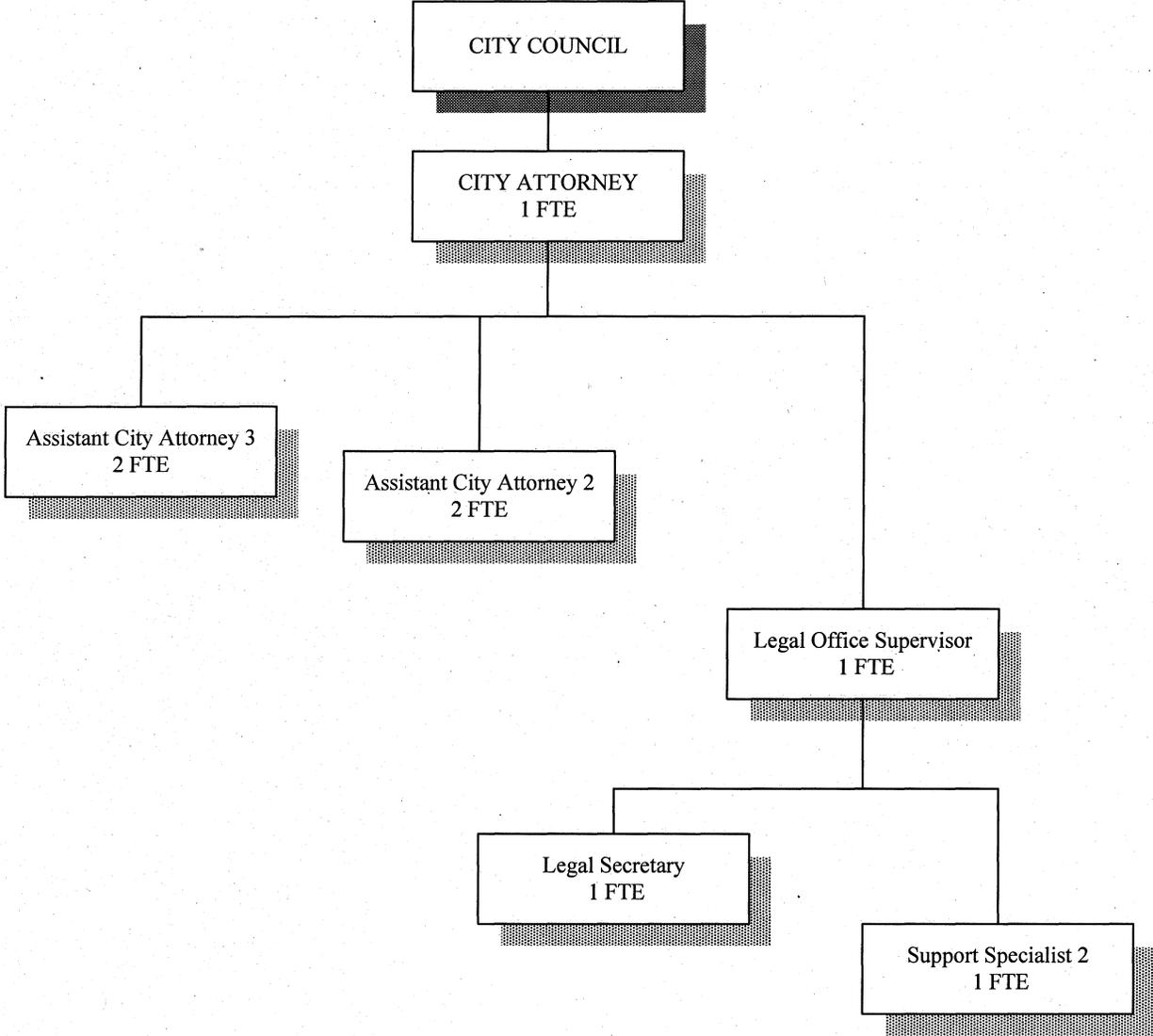
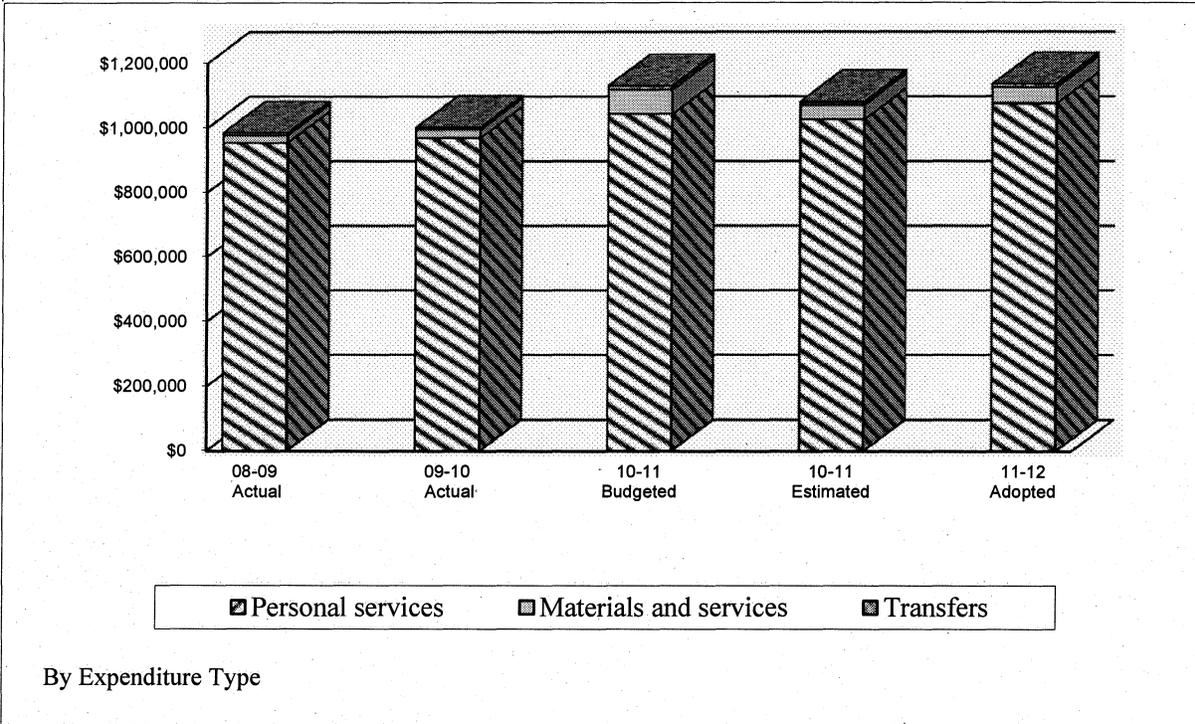


# City Attorney's Office

FY 2011-12 BUDGETED POSITIONS



**GENERAL FUND  
CITY ATTORNEY'S OFFICE  
ADOPTED FY 2011-12**



CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2011-12 BUDGET

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
<b>DEPARTMENT HEAD:</b> BILL SCHEIDERICH (Acting)	

**MISSION STATEMENT:**

To provide high quality, cost-effective legal advice and representation to the City, its officials and employees. *(Council Goals #1: Preserve and enhance our sense of community; #3: Continue to plan for, improve and maintain the City's infrastructure; #4: Provide responsive, cost-effective service to the community; #5: Assure a safe and healthy community; #6: Manage growth and respond to change consistent with maintaining a livable, full-service city.)*

REQUIREMENTS	FY 2008-09 ACTUAL	FY 2009-10 ACTUAL	FY 2010-11 BUDGETED	FY 2011-12 PROPOSED	FY 2011-12 ADOPTED
POSITION	8.00	8.00	8.00	8.00	8.00
PERSONAL SERVICES	\$954,711	\$969,528	\$1,043,783	\$1,072,370	\$1,075,912
MATERIALS & SERVICES	22,333	25,371	74,341	49,227	49,227
CAPITAL OUTLAY	0	0	0	0	0
TRANSFERS	7,827	7,123	12,316	10,494	10,494
<b>TOTAL</b>	<b>\$984,871</b>	<b>\$1,002,022</b>	<b>\$1,130,440</b>	<b>\$1,132,091</b>	<b>\$1,135,633</b>

**Department Services and Trends:**

**Services**

The City Attorney's office manages all legal relations for the City. The staff attorneys and support personnel provide the following services: advice to the Council and management, prosecution, victim assistance, purchasing and procurement, draft ordinances and resolutions, defend and prosecute civil legal actions, draft licenses and franchises and other agreements, advise as to legislation or other policy initiatives.

**Trends**

The overall level of public service the City provides to the community is a significant factor in determining the workload of the City Attorney's office. As the level of service increases, the workload in the City Attorney's office increases, too. For example, as the number of police officers increase and as the number of photo radar and photo red light deployments increase, the workload of the prosecutors increases. A second significant factor affecting the workload in the office is the extent of any changes made in federal, state and local law. Examples include changes to public records law and evolving requirements relating to discovery in civil litigation. Public records production, with or without a related lawsuit, requires legal review in many cases, too. Laws relating to the discovery of electronic communications require continuing interpretation and management of the e-discovery function.

**Budget Highlights:**

This office will take a lead role in:

- Assisting the City Recorder in revising the City's electronic records retention policies and practices and assisting the other departments in conforming to the new policies and practices;
- Advising City staff, the Planning Commission and Council on land use decisions, plan and code amendments, and annexation agreements;
- Advising the BURA Board with regard to the formulation, implementation and referral to the general election of an urban renewal plan;
- Providing legal counsel for the City's employment and labor relations functions;
- Assisting in the development and implementation of a legally sound, enterprise-wide information management strategy;
- Serving as a pilot project for configuring and testing a new electronic records and document management system, if procured;
- Managing compliance with City ordinances and franchises for private utilities' use of public right of way, by intergovernmental agreement with compliance staff in other cities nearby;
- Revising City code as to utility billing and connection to the public water supply.

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**Program Goal:**

To provide high quality, cost-effective legal services, advice and representation to the City, its Council and administration.

**Program Objective (services provided):**

- Law enforcement, including Municipal Court prosecution and providing advice and training for police officers;
- Assist with labor contract grievance arbitrations, labor law contested cases and employment policies;
- Negotiating new right of way licenses and franchises with private utilities and managing compliance with same;
- Community development, including legal review and drafting of development code and comprehensive plan text revisions, annexation and development agreements, and property management;
- Assisting with revisions to the City's electronic records retention policies and practices;
- City staff, Planning Commission and other boards and commissions support, including review and editing of staff reports that are part of land use decisions;
- Prepare ordinances and other actions to implement new laws and program objectives;
- Serving as a pilot project for configuring and testing a new electronic records and document management system, if procured.

Each element of the program goal is reflected in the following focused objectives:

**1. LAW ENFORCEMENT:**

Municipal Court. Prosecute all misdemeanor crimes and traffic violations in the Beaverton Municipal Court and assist on appeals to the Oregon Court of Appeals. Work with the court on case load management.

Police Administration. Provide legal advice and training to police personnel.

Victims Assistance. Maintain a staff position for an experienced victim/witness coordinator.

**2. COMMUNITY DEVELOPMENT:**

Downtown Redevelopment. Provide legal advice on long range planning, development agreements, property transactions and financing for development or construction on City property.

Long Range Planning/Development Review. Provide legal advice to implement state and regional legislation as well as long range planning efforts.

Public Facilities, Utilities and Services. Ensure effective representation of the City's interests in delivering the highest quality of public utilities and related services, e.g., street maintenance, development fees and new water supply sources.

**3. GENERAL LEGAL SERVICES:**

Litigation. Commence legal actions in appropriate forums to advance City's legal interests. Defend against all legal challenges brought against the City, including land use appeals, contract and liability claims not covered by insurance, challenges to resolutions, ordinances, contract awards and other official enactments of the City. Work with insurance counsel to provide comprehensive defense of claims.

City Code and Administrative Policies. Review and update City's codes, policies and procedures as appropriate to repeal or replace obsolete provisions and to implement new state laws.

Mayor and Council Support. Prepare, review or edit the form of all ordinances submitted to the Council for enactment. Review the form of all contract awards (including those not requiring Council action), land use final orders, and agenda bills on subject matters involving federal, state or local law. Advise the BURA Board.

Labor and Employment. Provide legal advice and defend as necessary all employment rights claims against the City not covered by the City's insurance and all labor relations contested cases. Provide legal review and analysis of labor contracts and employment policies.

Contracts. Advise on the legal requirements regarding the procurement of goods and services and the construction of public improvements.

Funding Sources. Advise on legal requirements for urban renewal, issuance of bonded debt, imposition of user fees, LIDs, SDCs and other funding sources for infrastructure and development projects.

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Cost of Service Per Hour:	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Budgeted	FY 2011-12 Adopted
Support Staff:	\$40.89	\$40.92	\$42.00	\$42.94
Attorney:	\$77.47	\$78.58	\$82.78	\$87.22
<b>TOTAL</b>	<b>\$118.35</b>	<b>\$119.50</b>	<b>\$124.78</b>	<b>\$130.16</b>

**Prior Year Accomplishments:**

FINANCE

- Negotiated the IGA with the Secretary of State for an ERMS.
- Developed a policy regarding quota and storage of email.
- Conducted one-on-one training sessions with staff to implement and enforce the email policy.
- Finished the tentative principles of an intergovernmental agreement for the JWC proposed takeover of the Hagg Lake reservoir from the Bureau of Reclamation.
- Concluded settlement negotiations with Verizon and Qwest.
- Assisted purchasing staff and end users in the issuance of multiple RFP's, contract negotiations and proposer evaluations including: Master Developer; Sexton Mountain Pump Station; WINCS Replacement RFP; Urban Renewal Plan; Target Industries; Strategic Plan; Socioeconomic Analysis; LED Street Lighting Fixtures (and protest resolution); State Government Relations; Federal Government Relations; Civic Plan; Cabling (and protest resolution); Branding (and advised on contract termination and RFP re-issuance); and the Web Content Management System.

HUMAN RESOURCES

- Reviewed and revised various adoption agreements and plan amendments for the City's deferred compensation plan.
- Negotiated an employment termination agreement with an employee.
- Responded to an unfair labor practices complaint at the state Employment Relations Board regarding a new position for Victims Assistance.
- Represented the City's position in the "unit clarification" proceeding at ERB.

CDD

- Worked with CDD staff in drafting the urban renewal ordinance and bylaws.
- Advised on significant annexation agreements with Lamphere, Murray Village, and the Peterkorts.
- Researched and advised staff on dispute with ODOT and Metro as to state transportation planning rule requirements in cases of plan map amendments and rezones.
- Advised on the statutory requirements in adopting the school district's facilities plan as part of City's comp plan.
- Advised staff on provisions of City-TVWD service provider agreements to be renegotiated.
- Advised staff on the process to acquire right of way for the extension of Rose Biggi Avenue and Westgate Drive.
- Defended a challenge at the Court of Appeals and LUBA over a subdivision permit for Habitat for Humanity.

MAYOR and COUNCIL

- Worked with a League of Oregon Cities group to develop a social media policy which has been adopted to fit the City's needs.
- Wrote new Council Procedures Ordinance.
- Reviewed new Sister Cities bylaw amendments and drafted ordinance amendments.
- Drafted the Branch Library Lease, the 6160 SW Main Lease, the First & Angel/Providence MOU, and the deeds for the Schiffler Park property transfer to THPRD.

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POLICE

- Provided training to the police on new legal issues by way of providing information for their training bulletins and attending briefings.
- Received validation of our drafting in a tricky legal area when the City's Inventory Ordinance was upheld by the Court of Appeals in a motion to suppress in a felony criminal case arising out of Washington County.

RECORDER

- Assisted the Recorder and the Council with the appointment process for Councilor King.
- Responded to various public records.

RISK MANAGEMENT - TORT CLAIMS AND CASES

- Completed the annual report on tort claims and litigation which is provided to the auditor and copied to the Council. Refer to that report for the details of these cases and claims.

**New Year Action Plan:**

- Work with the City's lobbyist on legislation important to the Council, Mayor and staff.
- Review and conform bylaws of various boards and commissions.
- Work on tracking quantitative measures with regard to prosecution in the Municipal Court.
- Rewrite City code relating to use of City right of way by telecom companies.
- Implement the ECMS through file restructuring and organization using the new HP Trim system.

**Performance Measures:**

Civil & Administrative Projects: The City Attorney's office has provided the City Council with 27 reports highlighting the office's major projects for calendar year 2010, down one from 28 in calendar year 2009. These highlights cover hundreds of projects that the attorneys have worked on in support of our client.

Criminal Justice: The City Attorney's prosecution team is estimated to file 2,542 criminal charges (including major traffic and DUII's) in FY 2010-11, up from 2,309 in FY 2009-10. We are projecting an increase of approximately 500 crimes to be filed in FY 2011-12, bringing the statistic up to approximately 2,600.

Victim Assistance: The City Attorney's Victim Assistance Coordinator is on course to service approximately 300 civilian victims and a grand total of 700 victims including our local merchants here in Beaverton, in FY 2010-11.

**Performance Outcomes:**

Law Enforcement: Public confidence and safety is maintained with quality law enforcement and full and fair criminal prosecution.

Community Development: The City Attorney's availability increases the efficiency and confidence of the development staff. Legal advice allows staff to balance the general public and development applicants' interests, resulting in legally-defensible land use decisions.

General Legal Services: Stable and predictable business relations between the City as a municipal corporation and its citizens and other public and private entities is maintained.

**Program Trends, Needs and Performance:**

The demand for services is driven by City service levels as well as external factors such as changes in federal, state and local laws, development activity, claims, lawsuits and new court decisions that affect existing practices.