

CITY OF BEAVERTON, OREGON
FISCAL YEAR 2018-19 BUDGET

FUND: 001 GENERAL	DEPARTMENT: CITY ATTORNEY
DEPARTMENT HEAD: BILL KIRBY	

MISSION STATEMENT:

To provide responsive, high-quality, cost-effective legal, risk and records management services to the mayor, city council, city staff and all of the city's departments, agencies, boards and commissions. *(Council Goal #2: Use city resources efficiently to ensure long-term financial stability; #4: Provide responsive, cost-effective service to the community #5 Assure a safe and healthy community; #8 Provide and support a highly-qualified and motivated workforce.)*

REQUIREMENTS	FY 2015-16 ACTUAL	FY 2016-17 ACTUAL	FY 2017-18 BUDGETED	FY 2018-19 PROPOSED	FY 2018-19 ADOPTED
POSITION	15.35	14.85	15.85	15.85	0.00
PERSONNEL SERVICES	\$1,599,098	\$1,678,016	\$2,024,577	\$2,159,950	\$0
MATERIALS & SERVICES	75,329	95,523	116,748	128,637	0
CAPITAL OUTLAY	0	0	0	0	0
TRANSFERS	14,168	11,494	11,559	11,643	0
TOTAL	\$1,688,595	\$1,785,033	\$2,152,884	\$2,300,230	\$0

SERVICES AND TRENDS:

Services

The city attorney's office provides legal counsel and representation to the mayor, city council, city staff and all of the city's departments, boards and commissions. Legal advice and counsel is provided on a broad range of matters. These include matters relating to real estate, land use, urban renewal, housing, transportation, public finance, economic development, utilities, franchises, public records, public meetings, grants, contracts, procurements, intellectual property, bankruptcy, collections, ethics, civil rights, labor, employment, torts, risk management, workers' compensation, elections, legislation, the environment and any other area of law involved in the operations of the city and its related organizations. The office is responsible for drafting the city's contracts, ordinances, resolutions, and real estate transaction documents as well as for managing, filing and/or defending civil law suits at trial and on appeal.

The office works closely with the police department and prosecutes state and local misdemeanor and violation offenses occurring within the city, including the filing of complaints, responding to discovery requests, conducting pretrial negotiations, filing and responding to motions, preparing for and attending hearings, court and jury trials, and certain appeals. Cases prosecuted by the city are prosecuted in the Beaverton Municipal Court. The office also employs a victim's advocate partially funded by the State of Oregon to assist victims of misdemeanor crimes.

The office's risk management division identifies, analyzes, evaluates and reduces the impact of risk on the city by managing and administering the city's insurance, safety and loss control programs. The division assists in safeguarding the city from the adverse impact of loss by purchasing insurance, responding to and resolving risk claims, and developing programs, plans and procedures to make the organization safer and more resilient. More information about the division is set out later in this budget document in connection with the Insurance Agency Fund's General Liability and Workers' Compensation programs.

The records management division takes a lead role in managing the information assets of the city. The division's scope of services includes the traditional archiving function that requires the retention and disposition of important city records in accordance with a schedule mandated by the state of Oregon. As well, the division responds to subpoenas, discovery requests and complex public records requests.

Trends

The city attorney's office workload largely responds to the needs of the organization. Changes in city initiatives, boundaries, municipal court caseload, and relations with other local governments and private enterprises have a direct impact on the office's workload. For example, as Beaverton's population increases, the number of police officers increases, which leads to an increase

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in the workload for the prosecutors. As the city's boundaries expand, the office's civil workload typically expands to include work on annexation agreements, infrastructure agreements, and amendments to the city's comprehensive plan and/or development code.

A second significant factor affecting the workload in the office is the frequency of public records and discovery requests, as they require legal review in many cases. Management of city records is becoming increasingly complex, as legal rights and responsibilities affect the creation, use and transmittal of information through a myriad of technologies. Similarly, the workload of the two city prosecutors and their support staff is affected by the frequency of discovery requests made by defendants for possible use at trial. With the advent of the use of body-worn cameras and the legal prohibition of releasing video showing private information of unrelated third parties, a substantial amount of staff time is spent reviewing video and obscuring certain images for legal or security purposes.

A third significant contribution to the workload of the office is the city's property development efforts. These efforts can involve all of the office's civil attorneys and entail work on such projects as leasing, property conveyances, development agreements and the creation of targeted development incentives. Similarly, when the city simultaneously takes on multiple major construction projects, such as a public safety center, a performing arts center and a multi-story public parking garage, the office workload increases.

Major trends affecting the city's risk management program include the consideration of whether the city should self-insure for auto and general liability. The city continues working with its insurance broker to assess the benefits and burdens of self-insurance. Another major trend affecting risk management is the codification of enterprise risk management decision-making standards by the International Organization for Standardization (ISO). These new standards, commonly referred to as ISO 31000, provide a uniform process for assessing and mitigating risks. The city's current primary insurer, CIS, is encouraging all of its clients to use the ISO 31000 decision-making framework to manage risk in their organizations.

Major trends affecting the city's records management program include the growth of electronic records kept on multiple electronic devices and the city's increasing use of social media and cloud-based services. The records management program was once a program focused on paper archives, but now the records management unit's range of services has expanded to include the management of electronic records created and stored on a multitude of devices and responding to a broad range of public records requests, including civil discovery requests and subpoenas *duces tecum*.

BUDGET HIGHLIGHTS:

The city attorney's office FY 2018-19 budget is intended to provide the department the financial resources it needs to continue to provide responsive legal, risk and records management services to the department's internal and external customers.

PROGRESS ON FY 2017-18 KEY ACTION PLAN:

Below are the five key action plans identified in last year's budget (*summarized in italics*) and a description of the progress made to date.

(1) *Align the department resources to support negotiation of multiple urban service agreements with partner agencies while undertake multiple major construction projects, including a public safety center, an arts and culture center and a multi-story public parking garage.* Over the course of FY 2017-19, the department did substantial work to help assemble the team of architects, engineers, contractors and an owner's representative to construct the public safety center, arts and culture center, and public parking garage. Simultaneously, the department assisted the city in negotiating a long-term intergovernmental agreement with the Tualatin Valley Water District coordinating the delivery of potable water to city residents for the next 40 years. This substantial work delayed for several months the hiring of an attorney to replace the incumbent assistant city attorney who left Beaverton to take a position in the Portland City Attorney's Office; however, a replacement attorney has now been hired and will start work later this fiscal year.

(2) *Improve the city's ability to handle labor and employment law matter in-house.* The office added a new senior labor and employment law attorney. The attorney works closely with the human resources department. This close working relationship is evinced by the fact that when the incumbent human resources director left Beaverton to work in Arizona, the new senior labor and employment law attorney became the human resources department's interim director. The interim assignment has

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added to the attorney's workload, as she is now tasked to manage a department as well as to provide legal expertise on employee relations, employment policies, labor contract administration, labor negotiations, grievances, investigations, dispute resolution, and appropriate corrective action. The interim assignment is expected to last until sometime in Q3 of calendar year 2018. In the meantime, to manage the increased workload, the office has assigned some labor and employment work to outside council. Once a permanent human resources director is hired, the use of outside council to handle labor and employment issues is expected to tail away quickly.

(3) *Implement a new document management system to replace WINCS, the city's current document management system.* The prosecution office completed its portion of the WINCS replacement project early in FY 2017-18 when the prosecution module of the new system went live in August 2018. The municipal court is still working on its portion of the WINCS replacement project. The new case management software platform cannot be considered a functioning replacement for WINCS until both the "e-Prosecutor" and "e-Court" modules are up and running.

(4) *Evaluate whether the city should self-insurance against auto and general liability claims instead of purchasing auto and general liability insurance from an insurance company.* The risk management team, comprised of the mayor's office, finance department and the city attorney's office, worked with the city's insurance agent to evaluate whether self-insurance against auto and general liability claims makes better sense for the city compared to purchasing auto and general liability insurance from an insurance company at a current annual cost of \$545,626. Our recommendation for FY 2017-18, which is described in greater detail elsewhere in this budget document relating to the city's Insurance Agency Fund, is to keep the city's auto and general liability insurance in place and to continue to evaluate options to reduce the cost of insurance without assuming unreasonable risk.

(5) *Work with the information services division to evaluate and recommend whether to purchase, install and maintain the city's own version of the HPeRM records management software locally rather than by subscribing to a web-based version of hosted by a privately owned company at a current annual cost of \$59,972 for 135 named licenses.* A preliminary evaluation of the cost to purchase, install and maintain the city's own version of the HPeRM software locally shows that the first year cost of the needed hardware, software, and one year of software maintenance is nearly \$700,000. After one year, the ongoing cost would drop to about \$30,000. Given the size of the required initial investment, we are not proposing at this time to change how the city accesses HPeRM and will continue to evaluate options to reduce the cost and improve the functionality of the city's records management software.

CITY OF BEAVERTON, OREGON
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FUND: 001 GENERAL	DEPARTMENT: CITY ATTORNEY
PROGRAM: 0581 GENERAL LEGAL SERVICES	DEPARTMENT HEAD: BILL KIRBY

PROGRAM GOAL:

To provide high-quality, cost-effective legal services to the mayor, city council, city staff and all the city’s departments, agencies, boards and commissions. *(Council Goal #2: Use city resources efficiently to ensure long-term financial stability; #4: Provide responsive, cost-effective service to the community; #5 Assure a safe and healthy community; #8 Provide and support a highly-qualified and motivated workforce.)*

REQUIREMENTS	FY 2015-16 ACTUAL	FY 2016-17 ACTUAL	FY 2017-18 BUDGETED	FY 2018-19 PROPOSED	FY 2018-19 ADOPTED
POSITION	10.55	10.05	11.05	11.05	0.00
PERSONNEL SERVICES	\$1,212,753	\$1,258,789	\$1,578,501	\$1,675,885	\$0
MATERIALS & SERVICES	41,201	62,650	75,720	67,712	0
CAPITAL OUTLAY					
TRANSFERS	10,966	8,815	8,807	8,871	0
TOTAL	\$1,264,920	\$1,330,254	\$1,663,028	\$1,752,468	\$0

PROGRAM OBJECTIVES:

Law Enforcement

- Work closely with the Beaverton Police Department and prosecute state and local misdemeanor and violation offenses occurring within the city, including the filing of complaints, coordinating discovery requests, responding to evidentiary suppression motions, and conducting pre-trial negotiations, court and jury trials, and certain appeals.
- Provide legal training for police officers.
- Support policy development and refinement in key areas, such as body cameras, Brady disclosures, and records and evidence retention.
- Assist in developing and maintaining good working relationships with key agency partners, including surrounding cities, school districts and district attorney’s offices.
- Provide a victim’s advocate to assist victims of misdemeanor crimes, and administer state and federal grant funds for that purpose.

Community and Economic Development

- Assist in negotiation of urban services agreements and major infrastructure agreements with partner agencies.
- Provide legal review and drafting of development code and comprehensive plan text revisions, annexation and development agreements.
- Review and edit staff reports that constitute the findings for land use decisions and prepare final land use orders; litigate contested cases at LUBA and the appellate courts as needed.
- Provide legal advice and draft documents for economic development and Beaverton Urban Redevelopment Agency (BURA) programs.
- Provide legal advice and draft documents necessary for redevelopment of property.
- Assist in negotiating and managing franchises with utilities operating in the city’s rights of way.
- Assist in managing the licensing of utilities operating in the city’s rights of way.
- Provide legal advice to implement state and regional legislation as well as comprehensive land use plan amendments.

General Legal Services

- Prepare ordinances, resolutions and other actions to implement new laws and program objectives and to revise city code to conform to changes in federal, state and local law.
- Assist with revisions to the city’s electronic records retention policies and practices.
- Assist in labor contract grievance arbitrations, labor law contested cases and development and implementation of employment policies.

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PROGRAM: 0581 GENERAL LEGAL SERVICES	DEPARTMENT HEAD: BILL KIRBY

- Ensure effective representation of the city's interests in delivering the highest quality of public utilities and related services, including review of urban service agreements and administration of joint water supply agreements.
- Commence or defend legal actions in appropriate forums to advance and protect 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 tort claims.
- Review and update city's codes, policies and procedures as appropriate to repeal or replace obsolete provisions and to implement new federal, state and local laws.
- 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 on implementing the urban renewal plan.
- 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.
- Advise on the legal requirements regarding the procurement of goods and services and the construction of public improvements.
- Assist in preparing revisions to the Beaverton Purchasing Code.
- Advise on the legal requirements for urban renewal, issuance of bonded debt, imposition of user fees, LIDs, SDCs and other funding sources for infrastructure and development projects.
- Advise city recorder on state and county legal requirements for candidate and measure elections.

PROGRESS ON FY 2017-18 ACTION PLAN:

Mayor's Office

- Assist in city efforts to address homelessness in Beaverton.
We provided legal advice pertaining to the regulation of urban camping and the administration of support service programs. We also provided legal advice and counsel relating to parking enforcement within the city.
- Help expand city events such as by working with staff to ensure that the vendors have appropriate forms and insurance.
We provided training to staff on permitting and insurance.
- Provide legal assistance in updating city's civil infraction ordinance.
This project has started, but will likely conclude in FY 2018-19.
- Amend city sidewalk code to clarify property owner responsibility for maintaining safe sidewalks.
These code amendments have been deferred, but should be completed in FY 2018-19.
- Continue to support activities of the real estate committee, including the purchase of property to advance the city's redevelopment efforts and establishing or update policies on managing rental properties owned by the city.
This office provided legal assistance in numerous real estate transactions, including the acquisition of the former Ludeman's property, the sale of acreage to the park district, the purchase of four-tenths of an acre of land immediately south of the new public safety center site, and the negotiation of a disposition and development agreement for a hotel on the former Westgate theatre site. The office also assisted staff in establishing and updating city polices regarding the acquisition of real estate.
- Review and revise as needed the city's pay day lender ordinance.
This project has been deferred, but should be completed in FY 2018-19.
- Keep policymakers informed regarding opportunities for the city to participate in community solar projects.
We provided advice to staff regarding a city program to promote the installation of solar panels on residential properties.
- Support the goals and implementation of Beaverton's Diversity, Equity and Inclusion Plan.
We provide legal advice regarding the administration of the city's Business Inclusion and Diversity program (formally MWESB/SDV program), Qualified Rehabilitation Facilities (QRF) program, Veteran's Preference in Public Employment program. One staff member is on the city's cross-departmental internal equity team, which seeks to expand the organization's capacity for reaching its diversity, equity and inclusion goals.

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- Participate in the FEMA Region 10 seismic exercise in June.
We participated in the exercise.
- Review city’s older intergovernmental agreements to assure they are still appropriate for current circumstances.
This is an on-going project; many older agreements have been reviewed and classified as either “in force” or “expired.” A database of intergovernmental agreements organized by partner agency has also been created.
- Complete the review and update of the city’s regulatory ordinances partially completed in FY 2015/16. These include ordinances related to parking, alarms, background checks, second hand dealers, emergency management, water service, property disposition, license revocation process, code infraction proceeding, nuisance abatement procedures; and council rules.
While some work was done on some of these ordinances, none have been updated. This project will carry over to FY 2018/19.

Community Development

- Support efforts to promote affordable housing solutions by providing legal services to BURA and the city’s redevelopment efforts.
The office provides substantial legal advice and support to BURA and the city’s redevelopment efforts.
- Provide legal assistance in updating the city’s sign code.
Completed. Sign code ordinance was amended.
- Continue to support redevelopment of the Westgate site, including the construction of a hotel on the property.
Substantial private redevelopment of the site is underway, and a disposition and development agreement for the construction of a hotel on the property was entered into in FY 2017/18 as well.

Finance

- Assist in identifying and capturing non-property tax revenue funding sources for an Arts & Culture Center.
The city’s transient lodging tax is being collected.
- Continue to diversify city revenue sources, especially non-property tax revenue streams, by working with the finance department to increase compliance with the city’s business licenses ordinance by those who have businesses and have not paid their business license.
The office identified classes of businesses that are subject to the ordinance but have not obtained the required license. Additional work will be done in FY 2018/19, with help of new attorney.
- Assist in the implementation of new policies regarding regulatory licenses.
Not completed. With help of new attorney, further work will be done in FY 2018/19.

Police

- Provide requested legal services to finance and construct a new public safety building.
Ongoing, further work will be done in FY 2018/19.
- Continue to work with the police department’s patrol division through officer trainings, attendance at briefings, as well as accessibility of the city attorney’s office by phone and email.
Ongoing, further work will be done in FY 2018/19.
- Provide legal review of police department’s policy on body-worn cameras.
Ongoing, further work will be done in FY 2018/19.
- Provide legal review of police department’s policy on evidence retention relating to officer involved shooting incidents.
Completed.
- Present a class on search and seizure law to the Citizen’s Academy.
Completed.
- Help police department draft policy and notices to effectively implement exclusions from city property.
Completed.
- Continue to work with police to refine and improve the “No Refusal” DUII program.
Completed.
- Provide legal training to police officers on ways to identify, investigate and document impaired driving.
Ongoing, further work will be done in FY 2018/19.

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- Work with Beaverton School District to review and revise school policy on parental notification of police interviews. Once district policy is set, train police on the policy requirements.
Awaiting school district action. Otherwise completed.

Public Works

- Participate in the Willamette Water Group to establish agreements regarding an expanded regional water system.
Major agreements entered into regarding the expansion of the Willamette River intake facility and the city's purchase of a share of the facility. More agreements will be entered into in FY 2018/19.
- Ensure smooth implementation of Utility Facilities in Public Rights of Way ordinance; identify all utilities that use the rights of way and require utility licenses, business licenses and payment of applicable permit fees.
Ongoing. With help of new attorney, further work will be done in FY 2018/19.
- As directed, move forward with plan to withdraw service areas from water districts where the service area is within the Beaverton Urban Services Area.
An agreement was entered into in January and an Ordinance withdrawing substantial amount of service area within Beaverton City limits was enacted in March. Pursuant to state law, the withdrawals will take effect July 1, 2019
- Initiate informal lunches with telecommunications staff from surrounding jurisdictions to share ideas and best practices.
One lunch held. Plans are for more to take place.
- Review IGA with Clean Water Services to assure it is still appropriate for current circumstances.
Not completed. With help of new attorney, further work will be done in FY 2018/19.

Library

- Review and revise library policies as requested.
Ongoing, further work will be done in FY 2018/19.

Human Resources

- Assist in the recruitment, selection and training of an employee and labor relations manager.
Completed.

City Attorney's Office

- Continue to improve employee access to records, legal forms and information.
Ongoing, further work will be done in FY 2018/19.
- Successfully transition the prosecution team from WINCS to Journal Technologies' e-suite document manage system used for prosecuting criminal cases in the municipal court.
The prosecution office completed its portion of the WINCS replacement project early in FY 2017-18 when the prosecution module went live in August 2018. The municipal court is still working on its portion of the WINCS replacement project. The new case management software platform cannot be considered a functioning replacement for WINCS until both the "e-Prosecutor" and "e-Court" modules are up and running.
- Staff the city's award-winning B-SOBR program consistent with city support.
Ongoing, further work will be done in FY 2018/19.

FY 2018-19 ACTION PLAN:

Mayor's Office

- Assist in city efforts to address homelessness in Beaverton.
- Provide legal advice and counsel regarding street camping.
- Assist in the implementation of a rental inspection program.
- Provide legal assistance in updating city's civil infraction ordinance.
- Amend city sidewalk code to clarify property owner responsibility for maintaining safe sidewalks.
- Continue to support activities of the real estate committee.
- Review and revise as needed the city's pay day lender ordinance.
- Support the goals and implementation of Beaverton's Diversity, Equity and Inclusion Plan.

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- Complete the review and update of the city’s regulatory ordinances partially completed in FY 2015/16. These include ordinances related to parking, alarms, background checks, second hand dealers, emergency management, water service, property disposition, license revocation process, code infraction proceeding, nuisance abatement procedures; and council rules.

Community Development

- Support efforts to promote affordable housing solutions by providing legal services to BURA and the city’s redevelopment efforts.
- Support efforts to negotiate and enter into urban planning area agreements.

Finance

- Continue to diversify city revenue sources, especially non-property tax revenue streams, by working with the finance department to increase compliance with the city’s business licenses ordinance by those who have businesses and have not paid their business license.
- Assist in the implementation of new policies regarding regulatory licenses.
- Assist in the municipal court’s transition from WINCS to Journal Technologies’ e-suite document manage system.

Police

- Provide requested legal services to finance and construct a new public safety building.
- Continue to work with the police department’s patrol division through officer trainings, attendance at briefings, as well as accessibility of the city attorney’s office by phone and email.
- Provide legal review of police department’s policy on body-worn cameras.
- Provide requested legal services select and contract with a photo red light/photo speed camera vendor.
- Assist in the implementation of new photo speed program.

Public Works

- Participate in the Willamette Water Group to establish agreements regarding the Willamette Water Supply System.
- Assist in the full implementation of Utility Facilities in Public Rights of Way ordinance; identify all utilities that use the rights of way and require utility licenses, business licenses and payment of applicable permit fees.
- Provide legal services as needed to design and construct the city’s connection to the JWC north transmission line.
- Review IGA with Clean Water Services to assure it is still appropriate for current circumstances.
- Provide legal services in connection with the implementation of a non-potable water irrigation system.

Library

- Review and revise library policies as requested.

Human Resources

- Continue to provide interim human resources director until a new director is hired.
- Assist in the implementation of Oregon’s Equal Pay Act.
- Provide legal services to complete the adoption and implementation of an ADA self-evaluation and transition plan.

COMMUNITY VISION:

Examples of Beaverton Community Vision action items that the legal services program helped the city accomplish in FY 2017-18 include:

- *Community Vision Action Item #4: Increase city workforce diversity.* A staff member is on the Internal Equity Team, which was created, in part, to make recommendations to the mayor on how the City could increase the diversity of the City workforce to reflect Beaverton’s demographic profile.
- *Community Vision Action Item #5: Expand outreach to under-represented populations.* Provided legal advice on the application of the M/W/SDV/ESB policy to specific circumstances.
- *Community Vision Action Item #17: Enhance police and court facilities.* Provided public contracting and real estate acquisition services to assist the City in designing and constructing an earthquake-resilient public safety center.

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- *Community Vision Action Item #18:* Support proactive criminal justice initiatives. Participated in city’s award-winning B-SOBR program.
- *Community Vision Action Item #34:* Adopt measures to reduce or prevent homelessness. Provided legal advice and counsel relating to homelessness.
- *Community Vision Action Item #48:* *Install safe sidewalks and pedestrian lighting citywide.* Provided legal advice on the requirements of the ADA relating to streets and sidewalks and the adoption of a transition plan to document the schedule by which the city will install ADA-compliant curb ramps.
- *Community Vision Action Item #62:* Create several unique districts. Provided legal services on several projects affecting the Beaverton Central District and Old Town.
- *Community vision Action Item #64* Implement a storefront improvement program. Provided legal services relating to the storefront improvement program.
- *Community Vision Action Item #67:* Redevelop blighted properties. Served as legal counsel for the city’s redevelopment agency.
- *Community Vision Action Item #71:* Develop an arts and cultural center. Provided legal advice to assist staff in considering best route forward in developing an arts and cultural center.

PERFORMANCE MEASURES:

Cost of Service Per Hour:	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Budget	Proposed
Support Staff:	\$34.84	\$46.30	\$46.57	\$49.35
Attorney:	<u>82.42</u>	<u>72.33</u>	<u>89.59</u>	<u>97.78</u>
TOTAL	\$117.26	\$118.63	\$136.16	\$147.13

Civil & Administrative Projects: The city attorney’s office provided the city council with four reports highlighting the office’s major projects for calendar year 2017. These highlights cover the significant projects that the attorneys have worked on in support of our client. In addition, city attorney staff periodically meets one-on-one with council members once or twice a month. The city attorney also meets regularly with the council president to discuss broader management issues.

Police Training: The city prosecutor regularly attends police department shift briefings and conducts a four-hour training on the legal system for all newly-hired police officers.

**CITY OF BEAVERTON, OREGON
FISCAL YEAR 2018-19 BUDGET
CURRENT LEVEL OF SERVICES**

FUND: 001 GENERAL	DEPARTMENT: CITY ATTORNEY
PROGRAM: 0533 RECORDS MANAGEMENT	PROGRAM MANAGER: DEBBIE BAIDENMANN

PROGRAM GOAL:

To provide responsive, high-quality, cost-effective records management services to the mayor, city council, city staff and all of the city's departments, agencies, boards and commissions. (*Council Goal #2: Use city resources efficiently to ensure long-term financial stability; #4: Provide responsive, cost-effective service to the community; #8 Provide and support a highly-qualified and motivated workforce.*)

REQUIREMENTS	FY 2015-16 ACTUAL	FY 2016-17 ACTUAL	FY 2017-18 BUDGETED	FY 2018-19 PROPOSED	FY 2018-19 ADOPTED
POSITION	4.80	4.80	4.80	4.80	0.00
PERSONNEL SERVICES	\$386,345	\$419,227	\$446,076	\$484,065	\$0
MATERIALS & SERVICES	34,128	32,873	41,028	60,925	0
CAPITAL OUTLAY					
TRANSFERS	3,202	2,679	2,752	2,772	0
TOTAL	\$423,675	\$454,779	\$489,856	\$547,762	\$0

PROGRAM OBJECTIVES:

Administer a city-wide records and information management program, including:

- Training all city staff in appropriate management of public records and information and the use of the city's records management and archiving systems.
- Controlling and safeguarding the information assets of the city throughout the information lifecycle.
- Coordinating access to public records and information, whether in response to an internal request, a public records request, a subpoena or a request for discovery in connection with litigation.

PROGRESS ON FY 2017-18 ACTION PLAN:

Records Management (Archives):

- Develop a five year plan for Records Management Division.
A 2018 through 2023 five-year plan is in progress.
- Work with the information services division to evaluate and recommend whether to purchase, install and maintain the city's own version of the HPeRM records management software locally rather than by subscribing to a web-based version of hosted by a privately owned company at a current annual cost of \$59,972 for 135 named licenses.
A preliminary evaluation of the cost to purchase, install and maintain the city's own version of the HPeRM software locally shows that the first year cost of the needed hardware, software, and one year of software maintenance is nearly \$700,000. After one year, the ongoing cost would drop to about \$30,000. Given the size of the required initial investment, we are not proposing at this time to change how the city accesses HPeRM and will continue to evaluate options to reduce the cost and improve the functionality of the city's records management software.
- Work with human resources to regularly provide RM 101 training to every new employee.
Meeting with HR has been scheduled to discuss RM training with a goal to develop training opportunities and implement training to new staff at orientation and follow up training on a quarterly basis for city employees in a classroom style presentation to review public records responsibilities, records management principles, retention rules and how they apply to electronic records, e-mail and paper-based records.
- Keep staff aware of sound records management practices.
Project implementation program with Public Involvement and Communication Division (PIC) is in progress to develop outreach communication to staff. The Records Management Division takes a lead role in managing the city's information assets including archiving and retention in accordance with state regulations. It is important for employees to understand this function and their individual responsibilities as city staff. Objectives are to develop and enhance RM communications to staff and support communication for employee training opportunities.

**CITY OF BEAVERTON, OREGON
FISCAL YEAR 2018-19 BUDGET
CURRENT LEVEL OF SERVICES**

FUND: 001 GENERAL	DEPARTMENT: CITY ATTORNEY
PROGRAM: 0533 RECORDS MANAGEMENT	PROGRAM MANAGER: DEBBIE BAIDENMANN

- Work with records coordinators to regularly identify information for inclusion in HPeRM.
RM staff regularly work with records coordinators to identify electronic information and workflow process for permanent inclusion in HPeRM through transfer of files temporarily stored on network drives and then moved to HPeRM.
- Track volume of records put into HPeRM.
Volume of electronic records are regularly tracked along with number of times city staff access HPeRM.

Litigation, Discovery & Subpoenas:

- Develop an action plan and resource plan for meeting e-discovery demands in a cost-effective manner, focusing on the improvement of the city's legal hold process.
There has been one request in 2017 from the HR department through the city attorney's office for a legal hold on the city's public records. Records staff carefully monitor records involved to comply with the legal hold. No other action has been taken at this time.

Public Record Requests:

- Continue to assist the city attorney's office to coordinate responses to public records requests.
Continuing to work with city attorney's office to implement and closely follow changes in public records laws by Oregon State Legislature and respond to complex and/or requests for legal opinion. Records staff closely follow the Beaverton Public Records policy developed by the Attorney's office in December 2017.
- Implement an updated, coordinated, city-wide policy for processing public records requests.
Completed and in use.
- Recommend new fee schedule for public records to city council.
Work has not begun.
- Create a Web application for public records requests and implement an on-line payment system.
There is a web application currently on line, with a goal to update a new fee schedule and Beaverton branding (logo and color) applied. This site is regularly monitored by records management staff. RM is currently in the process of reviewing third-party cloud systems for public record request management.
- After the 2017 state legislative session concludes in July, and with help of city legal counsel, evaluate if any changes are needed regarding city policies or practices affecting public records requests.
City attorney's office produced a new public request policy inclusive of all 2017 state legislative changes – this policy is in use. Records staff respond to policy timelines and adhere to new privacy guidelines.

FY 2018-19 ACTION PLAN:

Records Management (Archives)

- Continue to manage HPeRM content to reduce archive paper storage footprint in accordance with applicable city policies and administrative rules.
- Continue to evaluate options to reduce the cost and improve the functionality of HPeRM records management software.
- Finish a five-year plan for records management division.
- Recommend a new fee schedule for public records to city council.
- Scan and destroy 500 boxes from the 1000 boxes stored at offsite storage (Harvest Court).
- Properly dispose of 200 boxes stored at the Griffith Drive Building.
- Start to relocate physical records stored at Harvest Court to Griffith Drive Building, thus eliminating the need for paper storage at Harvest Court by 2020. (To fully accomplish the elimination of storage at Harvest Court, the remaining 500 boxes will be destroyed or moved by 2020.)

Public Records Requests, Litigation, Discovery & Subpoenas

- Review and revise as needed Beaverton's public records request policy standards.
- Evaluate and, if justified, purchase third-party public records request on-line system capable of processing payments for use by records management and police.

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PERFORMANCE MEASURES:

Performance Measures:	FY 2015-16 Actual	FY 2016-17 Actual	FY 2017-18 Projected/Revised	FY 2018-19 Proposed
Research and retrieval requests filled for citizens/staff (combined research + retrieval)	600	600	650	600
Number of cubic feet (boxes) destroyed per retention schedule	104,375*	83,500*	250	500
Number of real estate documents recorded in county land records per year using Simplifile, electronic recording software	71	80	80	90

*The prior years reflect number of pages. Starting FY 2017-18, the measure changed to reflect cubic feet (boxes).

COMMUNITY VISION:

Examples of Beaverton Community Vision action items that the records management program accomplished in FY 2017/18:

- *Community Vision Action Item #2:* Create a Beaverton brand and market identity. Researched and printed historic legislative information regarding Beaverton Mayors and City Councilors and Judges.
- *Community Vision Action Item #25:* Expand community involvement in schools. Provided historical records to the Beaverton Historical Society and to two local authors to help them capture the story of Beaverton for use in cultural education.