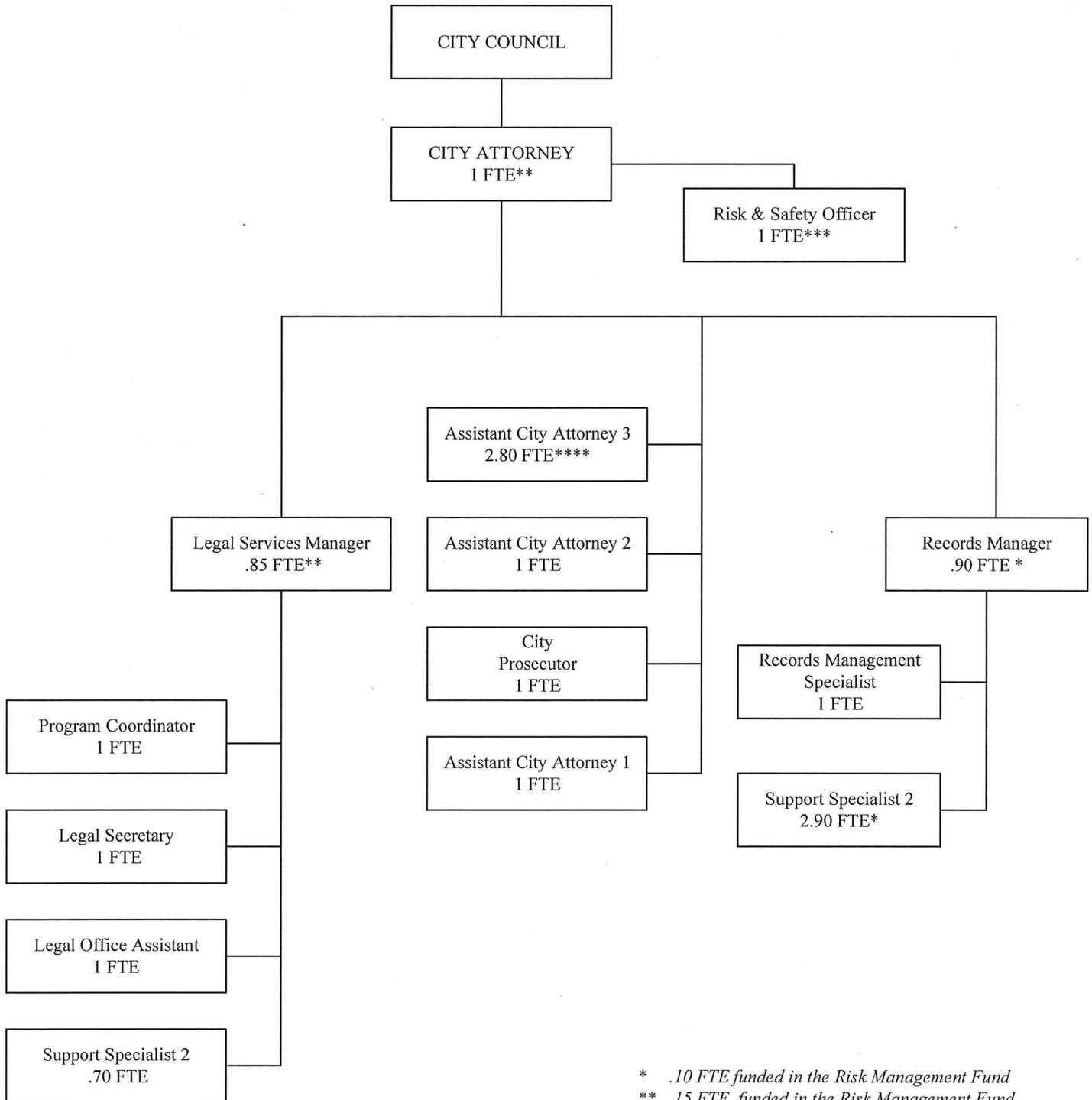


**CITY ATTORNEY**

- General Legal Services
- Records Management

# City Attorney's Office

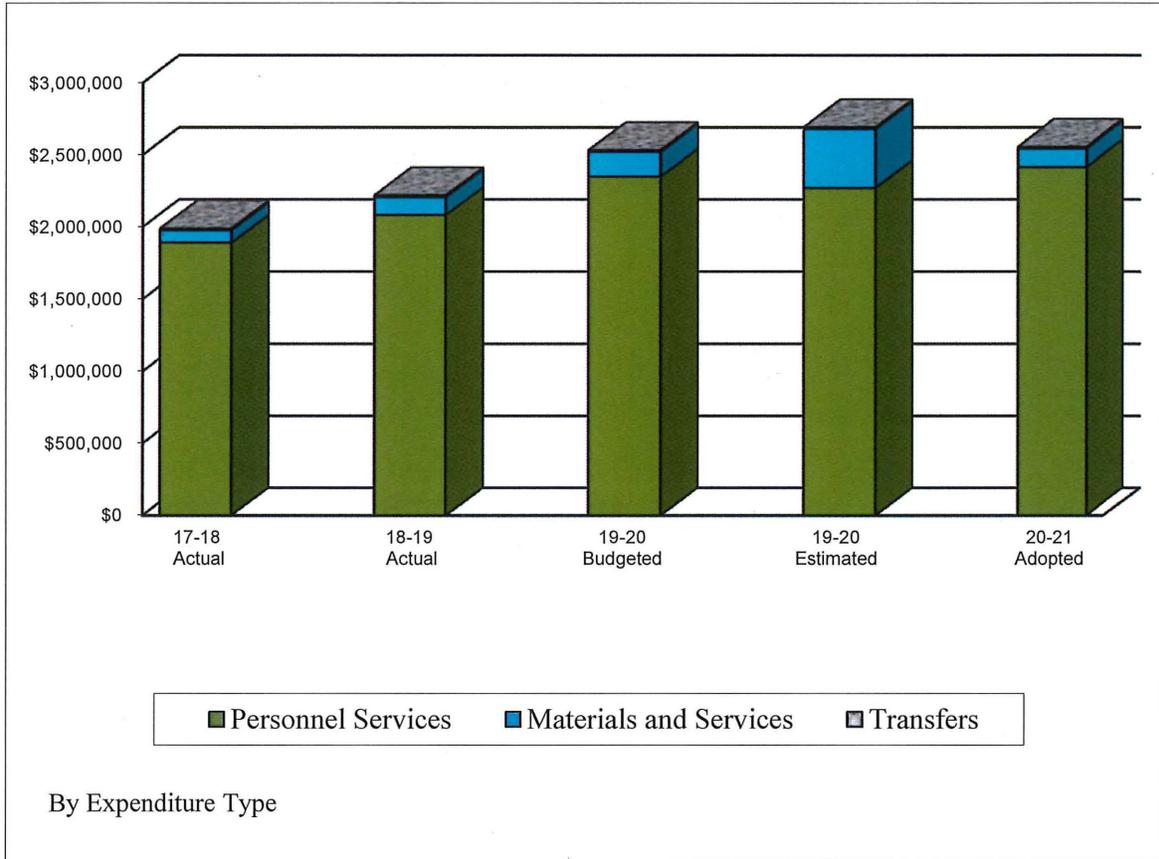
FY 2020-21 BUDGETED POSITIONS



\* .10 FTE funded in the Risk Management Fund  
 \*\* .15 FTE funded in the Risk Management Fund  
 \*\*\* 1.0 FTE funded in the Risk Management Fund  
 \*\*\*\* Partially funded in the Risk Management Fund and the General Fund - CDD's BURA Program Admin Program

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

**GENERAL FUND**  
CITY ATTORNEY'S OFFICE  
ADOPTED FY 2020-21



CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
<b>PROGRAM:</b> 0581 GENERAL LEGAL SERVICES	<b>DEPARTMENT HEAD:</b> 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 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 2017-18 ACTUAL	FY 2018-19 ACTUAL	FY 2019-20 BUDGETED	FY 2020-21 PROPOSED	FY 2020-21 ADOPTED
POSITION	15.85	15.85	15.85	16.00	16.00
PERSONNEL SERVICES	\$1,890,689	\$2,083,148	\$2,349,678	\$2,414,682	\$2,414,682
MATERIALS & SERVICES	87,826	125,619	172,589	129,853	129,853
CAPITAL OUTLAY	0	0	0	0	0
TRANSFERS	11,380	11,199	11,009	11,032	11,032
<b>TOTAL</b>	<b>\$1,989,895</b>	<b>\$2,219,966</b>	<b>\$2,533,276</b>	<b>\$2,555,567</b>	<b>\$2,555,567</b>

**SERVICES AND TRENDS:**

**Services**

The city attorney's office provides legal counsel and representation to the mayor, city council, city staff and all 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. The work of the prosecution office includes 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

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
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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 and scope of public records and discovery requests. In many instances, the requests require legal review. 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, a substantial amount of staff time is spent reviewing videos for possible and actual use at trial.

A third significant contribution to the workload of the office is the city’s real estate development efforts. These efforts can involve all the office’s civil attorneys and entail work on negotiating and/or drafting leases, property conveyances, public solicitations and contracts, development agreements, and 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 31000:2018, provide a uniform process for assessing and mitigating risks. The city’s current primary insurer, CIS, is encouraging all its clients to use the ISO 31000:2018 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’s FY 2019-20 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. For FY 2019-20, the office budget is largely a status quo request, except for the following new items:

- The legal services division is requesting \$56,530 for a .25 FTE, on-call, part-time prosecutor to serve as a backup prosecutor as needed when one or both of city’s two full-time prosecutors is or are unavailable for work. Of the requested amount, approximately \$23,400 are wages.
- The legal services division is requesting \$53,178 for a .5 FTE to serve as a prosecutor, but only if the city establishes a behavioral health court. The addition of a third prosecutor may alleviate the need for an on-call, part-time prosecutor.
- The legal services division is requesting \$4,000 to hire a law student as a summer intern in May & June of 2021. The hiring may be coordinated through a program of the Oregon State Bar, which would contribute an additional \$4,400 in pay for the law clerk.
- The legal services division is requesting \$46,000 to allow the office to hire up to an assistant attorney 3 to fill an existing vacancy for an experienced labor and employment lawyer. The office currently has the authority to hire an assistant city attorney 1, which is typically an entry-level classification.
- The records management division is requesting \$25,000 to procure software to help the city manage public records requests. The police department’s records division is matching the \$25,000. The expectation is that both records divisions would be using the same software to manage the requests.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
<b>PROGRAM:</b> 0581 GENERAL LEGAL SERVICES	<b>DEPARTMENT HEAD:</b> 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.

REQUIREMENTS	FY 2017-18 ACTUAL	FY 2018-19 ACTUAL	FY 2019-20 BUDGETED	FY 2020-21 PROPOSED	FY 2020-21 ADOPTED
POSITION	11.05	11.05	11.05	11.20	11.20
PERSONNEL SERVICES	\$1,437,147	\$1,618,435	\$1,785,988	\$1,872,887	\$1,872,887
MATERIALS & SERVICES	49,375	76,286	138,310	70,797	70,797
CAPITAL OUTLAY					
TRANSFERS	8,630	8,355	8,257	8,710	8,710
<b>TOTAL</b>	<b>\$1,495,152</b>	<b>\$1,703,076</b>	<b>\$1,932,555</b>	<b>\$1,952,394</b>	<b>\$1,952,394</b>

**PROGRAM OBJECTIVES:**

The city attorney's office is responsible for all the legal affairs of the city. The office represents the city, mayor, and council in affirmative and defensive civil litigation, and administrative and quasi-judicial proceedings. Office attorneys draft and review local legislation, procurement contracts, real estate leases, intergovernmental agreements and other documents and legal instruments. Attorneys in the office advise on policy development and program implementation, advocate and negotiate on behalf of the city, and provide training to elected officials, city boards and commissions, and city employees in a wide variety of areas.

The city attorney's office regularly provides the following services:

- Preparing, reviewing, and editing ordinances, resolutions, policies, procedures, and agenda bills.
- Assisting in negotiating and drafting contracts and agreements with public and private counterparties.
- Working with insurance counsel to provide comprehensive defense of claims covered by insurance.
- Commencing or defending legal actions in appropriate forums to advance and protect city's legal interests.
- Assisting in advancing the city's legislative agenda before state and federal legislatures and administrative agencies.
- Advising on state and county legal requirements for candidate and measure elections.
- Advising the planning division on all manner of land use issues.
- Providing legal advice and documents for the acquisition, disposition, and redevelopment of property.
- Advising the BURA Board and staff on implementing the Central Beaverton Urban Renewal Plan.
- Advising on the legal requirements for the procurement of goods and services and the construction of public improvements.
- Assisting outside bond counsel in matters relating to the issuance of debt.
- Prosecuting 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.
- Providing a victim's advocate for victims of misdemeanor crimes and administering grant funds for that purpose.
- Providing legal training for Beaverton police officers.
- Assisting in negotiating and managing franchises and licenses with utilities operating in the city's rights of way.
- Assisting in the administration of the city's water utility.
- Negotiating collective bargaining agreements.
- Providing legal review and analysis of labor contracts and employment policies.
- Assisting in labor contract grievance arbitrations and other labor law contested cases.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
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**PROGRESS ON FY 2019-20 ACTION PLAN:**

City Council

- Work with the human resources director to revise process for annual review by the city council of the city’s two judges and the city attorney.
  - *Revised process presented to council and approved.. City attorney’s review held February 2020. Presiding judge’s review expected by end of FY 2019-20.*
- Revise Council Rules
  - *An ordinance revising the rules took effect in July 2019.*

Mayor’s Office

- Assist in city efforts to address homelessness in Beaverton, including providing legal advice regarding the city’s pilot safe parking program.
  - *Reviewed safe parking program guest agreements and manager agreement to determine risk allocation among the parties.*
  - *Advised on guidelines for the management and control of the Community Center parking lot site where pilot program is located.*
  - *Advised regarding law enforcement options relating to camping around the library’s west parking lot (across the street from the safe parking program).*
  - *Helped draft text amendment for the Development Code and City Code relating to the number of people who may live in vehicles parked on commercial lots adjacent to commercial structures.*
- Support the implementation of a rental inspection program.
  - *Provided input on RFPs for program-related services.*
  - *Advised on amendments to city code regarding residential property maintenance code and other City Code sections that give Council authority to review enforcement actions.*
- Review and update the city's regulatory ordinances. These include ordinances related to parking, code infraction proceedings, licenses, water service, building codes, license revocation process, nuisance abatement procedures, and residential property maintenance.
  - *Advised on amendments to the building code chapter of City Code to address changes to the state building code administrative rules.*

Community Development

- Support efforts to promote affordable housing solutions by providing legal services to BURA and the city's redevelopment efforts, including implementation of Metro bond.
  - *Prepared disposition and development agreement with a nonprofit community development organization for construction of the Mary Ann apartments, a 54-unit, 71,000 square feet affordable housing project serving an average 45% AMI.*
  - *Prepared grant and regulatory agreement to provide \$100,000 in assistance for the development of the Cedar Grove affordable housing project.*
  - *Helped negotiate and draft an IGA with Metro for distribution to city of approximately \$31 million in affordable housing bond proceeds.*
  - *Assisted public works and community development with a systems development charge ordinance that will address affordable housing concerns, such as SDC waivers.*
- Assist in providing legal advice on parking as the city’s parking manager develops the city’s new parking management plan.
  - *Assisted in developing a statement of work for a parking enforcement program. Advised CDD regarding PECBA obligations affected by the proposed statement of work.*
  - *Advised Police and CDD on new state laws affecting private party impounds.*
- Assist in providing legal advice around a pilot program to test how dockless bike share companies can operate in Beaverton.
  - *Paused work on this project as city intends to revisit after completion of a comprehensive mobility assessment in FY 2020.*

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

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- Support transportation technology planning and initial deployment, including small cells in the city’s rights-of-way.
  - *Negotiated a master lease agreement with AT&T; approved by council in 2019.*
  - *Coordinated with the Telecom Law Firm and CDD to complete a draft of small cell regulations for further revision based on input from the planning process.*
  - *Advised on federally imposed limits on aesthetic review and requirements applicable to wireless facilities.*
- Review the city’s policies on system development charges and suggest any needed revisions.
  - *Coordinated review with the water master plan.*
- Review the city’s policies on utility undergrounding and suggest any needed revisions.
  - *Assisted site development team and awaiting further action.*
- Assist in creation of a housing advisory committee, if approved by the city council.
  - *Advised on public meetings law and public records law applicable to formal boards and commissions.*
  - *Staff opted to create a technical advisory group to advise the city’s housing development project manager instead.*
- Review all legal instruments extensively used by the city’s site development division and revise as needed.
  - *All easements and deeds used by Site Development updated.*
- Assist in the department’s procurement and implementation of an electronic document review process.
  - *Advised on legal matters related to the request for proposals and the city’s proposed contract for software as a service.*
- Assist in construction of the Patricia Reser Center for the Arts (PRCA) and adjacent parking garage.
  - *Drafted amendments to the scope of work for the owner’s representative contract to include construction oversight after the PRCA/garage have broken ground.*
  - *Drafted a template contract for staff to use when fabricating and installing artwork for the plaza associated with the Public Safety Center and the PRCA/garage.*
  - *Negotiated and drafted amendments to CM/GC contract relating to the project’s GMP.*
  - *Negotiated and drafted a corporate guarantee form for the PRCA project that can be used for future projects.*
  - *Negotiated and drafted amendments to the PRCA/garage architectural contracts to allow for assistance with construction activities.*
  - *Addressed issues related to IGA between the city and BURA concerning construction of the PRCA/garage.*
  - *Negotiated and drafted agreement on how donated funds flow from the BAF to the city.*
  - *Negotiated and drafted agreement with the EPA concerning PRCA/garage construction in area protected by 1994 Biggi litigation settlement judgment.*
  - *Drafted a temporary construction easement to allow city use of a small portion of property abutting the PRCA/garage site during construction.*
  - *Advised CDD on parking rights and obligations at The Round.*
  - *Prepared agreements with condominium owners at The Round under which they relinquish their parking rights in Lots 2 and 3 in exchange for relocated parking.*
  - *Drafted leases for parking on two privately-owned lots.*
  - *Reviewed past agreements and participated in discussions concerning parking in the garage on Lot 8.*

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 and payment of required fees.
  - *Advised on scope of city’s business licensing ordinance and assisted in drafting a late payment letter to select businesses.*
  - *Notified an incumbent local exchange carrier of deficiencies in payments of rights of way fees and brought company into full compliance, including payment of past due franchise fees.*
  - *Notified a national telecommunication company of deficiencies in rights of way fees and brought the company into partial compliance.*
- Assist in the municipal court’s build out of Journal Technologies’ e-Court case management system.
  - *Provided legal assistance on documents used in e-court and the transfer of information between the system’s e-court and e-prosecutor modules. Transition complete summer 2019.*

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

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- Assist in updating the Beaverton Purchasing Code to reflect changes made to Oregon public contracting laws.
  - *Drafted an amendment to Beaverton Purchasing Code Section 48-0210 to take advantage of procurement options available under state law that allow an informal selection procedure to be used for architectural, engineering, and related contracts between \$100,000 and \$250,000.*
- With municipal court, continue to evaluate the feasibility of expanding the Beaverton Municipal Court’s specialty court to include a behavioral health court or a community court.
  - *Participated in a behavioral health court steering committee that has held two in-depth planning sessions for a behavioral health court in Beaverton.*
- With municipal court, consider feasibility of expanding sentencing resources to attain restorative justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.
  - *Supported the inclusion of two members for the city’s center for mediation and dialogue (CMD) to be part of the behavioral health specialty court steering committee to potentially have the CMD facilitate conversations between victims and offenders enrolled in the behavioral health court.*

Police

- Provide requested legal services to construct a new public safety building.
  - *Reviewed and edited terms of \$509,000 renewable development fund award to city from PGE.*
  - *Reviewed and edited the Energy Storage Microgrid Agreement with PGE to provide emergency power to public safety building.*
  - *Reviewed and edited the Dispatchable Standby Generation Agreement with PGE to provide an emergency generator for the public safety building.*
- Complete acquisition of corner lot at SW Hall and Allen that abuts the public safety building.
  - *Resolved condemnation trial by settlement of the disputed value of the property.*
- Assist in implementing the new photo speed program.
  - *Advised on implementation of the new photo speed program. Trained officers and support staff on how to prepare and try speed on green cases.*
- Provide ongoing, as-needed legal advice and counsel regarding street and public camping.
  - *Advised on enforcement of city’s camping ordinance. Attended quarterly cross-departmental team meetings to discuss and advise on public camping issues*
- Assist in implementing the new police records database system (PSNet) by drafting intergovernmental agreements so that other local governments may use or access the system.
  - *Negotiated and drafted IGAs with Hillsboro and Washington County (and associated smaller jurisdictions like King City) regarding their access and use of PSNet*
- Assist in the transition from the old secondhand dealer program to the new secondhand dealer program based on changes made to the secondhand dealer ordinance.
  - *Provided the requested assistance.*
- Streamline business processes for handling discovery requests relating to traffic citations.
  - *Collaborated with BPD on a new, more efficient procedure for providing discovery on unrepresented violation matters.*

Public Works

- Assist in the full implementation of Utility Facilities in Public Rights-of-Way ordinance: identify all utilities using the rights-of-way; require utilities to obtain appropriate licenses; and require payment of applicable permit fees.
  - *Worked with Finance and PW to gain compliance and collect late payments from certain companies.*
- Provide legal services related to the design and construction of the city's connection to the JWC north transmission line.
  - *Advised on the JWC north transmission line connection, which is one of the projects that will be financed in part by the WIFIA loan.*
- Review IGA with Clean Water Services to assure it is still appropriate for current circumstances.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

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- Completed a restatement of the IGA for internal use. An in-depth review of the agreement will occur in 2021 (the earliest the agreement expires is June 30, 2022).
- Provide legal services in connection with the implementation of a non-potable water irrigation system.
  - Reviewed contracts and grant agreements, responding to legal questions raised by the project team, and identifying issues with systems development charges and the utility ordinance.
- Provide legal services to assist with the withdrawal of more than 460 properties from the TVWD.
  - Withdrawals completed.
- Provide legal services related to the Willamette Water Supply Project, including entering into an intergovernmental agreement with Hillsboro and TVWD.
  - Signed the WWSS IGA in June of 2019.
  - Negotiated and drafted construction agreements allowing the City of Beaverton to coordinate local construction projects with Willamette pipeline construction projects.

Human Resources

- Assist in on-boarding of a new human resources director.
  - New HR director worked closely with the former interim HR director (an assistant city attorney) during on-boarding
- Assist in implementation of Oregon's Equal Pay Act.
  - Work completed.
- Provide legal services to complete the adoption and implementation of an ADA self-evaluation and transition plan.
  - Council adopted the city's ADA Transition Plan on October 15, 2020.
- Assist in revising the city's policy regarding employee and volunteer background checks.
  - Drafted ordinance that council adopted to repeal outdated ordinances and adopt a replacement ordinance regarding background checks.
- Assist in updating the city's employee handbook.
  - Worked on portions of the handbook in relation to the cybersecurity program (i.e., removing sections related to IT into a separate city policy). Advised HR on other sections of the handbook in need of revision.

**FY 2020-21 ACTION PLAN:**

City Council

- Provide annual update to council on city's ADA transition plan after the end of FY 2019-20.

Legal Services

- Hire a replacement labor and employment lawyer.
- Hire a summer law clerk for legal research and writing on administrative rules project.
- If a behavioral health court program is funded, hire a .5 FTE prosecutor.

Mayor's Office

- Amend city sidewalk code to clarify property owner responsibility for maintaining safe sidewalks.
- Provide legal services as requested to create a Climate Action Advisory Committee.
- Provide legal services as requested to promote emergency preparedness at the neighborhood level.
- Provide legal services as requested to develop a policy for the use and management of city-owned properties.
- Continue implementation of the Housing Action Plan.
- Assist in negotiating and drafting an operating agreement for the PRCA.
- Provide input regarding city attorney departmental space needs in the Griffith Building.
- Assist in contracting for design and reconstruction of repurposed space within the Griffith Building.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

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Community Development

- Negotiate and draft a disposition and development agreement and related documents for Beaverton Central Two-Acre Site.
- Assist CDD in contract negotiations for electronic document review software.
- Work with CDD on development of a new downtown code.
- Assist CDD with small cell-related issues, including reviewing design specifications, reviewing amendments to the development code, and advising on individual land use applications.
- Provide legal services as requested regarding construction of the PRCA and district parking garage.
- Provide legal services as requested to develop a concept for local transit.
- Assist in the development and implementation policies, procedures and practices relating to parking and towing.

Finance

- Work with court and ISD on continuous improvements of e-court and e-prosecutor.
- Update purchasing code to reflect state statutory changes.
- Assist with improving compliance with city business license ordinance.
- Assist in the development of a behavioral health court program, if funded.
- Provide input on a five-year plan for the municipal court.

Human Resources

- Hire a replacement labor and employment attorney.
- Assist in development of council performance evaluation process for council employees.
- Assist in revisions to the Employee Handbook.

Police

- Designate a prosecutor who, in addition to other prosecutorial duties, serves as the legal advisor for code services officers.
- Provide prosecution services on misdemeanor criminal arrests.
- Attend police department shift briefings and conduct specialized training on the legal system for all newly-hired police officers.

Public Works

- Assist in completion of policy work on water resources for non-potable uses (purple pipe).
- Assist in implementation of purple pipe.
- Assist in conversion of city street lights to LED.
- Negotiate and draft WWSS construction project IGAs to coordinate local construction projects with Willamette pipeline construction projects.
- Negotiate and draft amendment to WWSS IGA to include pipeline extension on Allen Boulevard and address cost issues, if necessary.
- Draft uniform system development charges ordinance.
- Negotiate IGA with Beaverton School District for waterline easement at Five Oaks Middle School.
- Negotiate IGA with Joint Water Commission to transfer ownership of ASR7 to the City.
- Assist with legal issues and contracts associated with capital improvement and water projects, including non-potable water and conversion of ASR7 from a test well to a production well.
- Review and update Site Development's conditions of approval for land use applications.
- Negotiate and draft a TVWD Master Meter IGA.
- Assist with improving compliance with city's rights-of-way ordinance.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET

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**COMMUNITY VISION:**

Examples of Beaverton Community Vision action items that the legal services program helped the city accomplish in FY 2019-20 include:

- *Community Vision Action Item #5: Expand outreach to under-represented populations.* Provided legal advice on the application of the city’s business inclusion and diversity 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 the public safety center.
- *Community Vision Action Item #18:* Support proactive criminal justice initiatives. Participated in city’s award-winning B-SOBR program. The office also participated in evaluating the feasibility of a Beaverton-based behavioral health court.
- *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 relating to the development of the Patricia Reser Center for the Arts.

**DIVERSITY, EQUITY, AND INCLUSION:**

Examples of priority areas that the legal services program accomplished in FY 2019-20 include:

- *PE3.5 – The library implements a Youth Access Card to increase access and utilization of resources by youth.* Provided legal advice to the library to help implement the program.
- *CPI.5 - Retention efforts exist to include support of diverse staff so that attrition is not disproportionately staff of marginalized identity.* Developed a telecommute policy to allow a full-time employee who is also a mother to work from home 20 hours per week.
- *CP 2.3 – The city supports outreach activities to raise awareness and COBID certification among eligible businesses.* Provided legal advice to purchasing and mayor’s office regarding equity in contracting.
- *HL 1.4 – The city offers a program to provide safe, legal place to park and case management oriented toward housing for people living in their vehicles.* Provided legal advice to mayor’s office regarding the city’s safe parking program.
- *HL 3.1 – The number of affordable and deeply affordable housing units in Beaverton increases each year.* Provided legal advice regarding the development of affordable housing in Beaverton.

**PERFORMANCE MEASURES:**

<b>Cost of Service Per Hour:</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
	<b>Actual</b>	<b>Actual</b>	<b>Budget</b>	<b>Adopted</b>
Support Staff:	\$51.64	\$52.67	\$57.67	\$60.58
Attorney:	<u>79.57</u>	<u>94.87</u>	<u>98.73</u>	<u>105.37</u>
<b>TOTAL</b>	<b>\$131.21</b>	<b>\$146.94</b>	<b>\$156.40</b>	<b>\$165.95</b>

Outside Counsel: The office occasionally recommends the hiring of outside counsel to handle legal matters that are either beyond the work capacity of the office or involve specialized legal knowledge. During FY 2019-20, the office recommended the hiring of outside legal counsel to assist in a contested condemnation action, the environmental cleanup of a gas station, and matters related to the city’s issuance of municipal bonds. The total cost incurred relating to those matters is about \$370,000. Those matters aside, the office also recommended hiring outside legal counsel to assist in matters involving federal telecommunication law, pension law, and immigration law. The total cost incurred relating to those matters is about \$20,000. The hourly rate for all outside attorneys for FY 2019-20 ranges from \$275 to \$405 per hour. The weighted average outside counsel fee is \$371 per hour.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET  
CURRENT LEVEL OF SERVICES

<b>FUND:</b> 001 GENERAL	<b>DEPARTMENT:</b> CITY ATTORNEY
<b>PROGRAM:</b> 0533 RECORDS MANAGEMENT	<b>PROGRAM MANAGER:</b> DEBBIE BAIDENMANN

**PROGRAM GOAL:**

To provide responsive, high-quality, cost-effective records management services to the mayor, city council, city staff and all the city's departments, agencies, boards and commissions.

REQUIREMENTS	FY 2017-18 ACTUAL	FY 2018-19 ACTUAL	FY 2019-20 BUDGETED	FY 2020-21 PROPOSED	FY 2020-21 ADOPTED
POSITION	4.80	4.80	4.80	4.80	4.80
PERSONNEL SERVICES	\$453,542	\$464,713	\$563,690	\$541,795	\$541,795
MATERIALS & SERVICES	38,451	49,333	34,279	59,056	59,056
CAPITAL OUTLAY					
TRANSFERS	2,750	2,844	2,752	2,322	2,322
<b>TOTAL</b>	<b>\$494,743</b>	<b>\$516,890</b>	<b>\$600,721</b>	<b>\$603,173</b>	<b>\$603,173</b>

**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 2019-20 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.
  - HPeRM is now called Microfocus Content Manager (MFCM). RM staff continues to work with other city staff in developing new electronic workflows to reduce paper storage needs. For FY 2019-20, RM expects fewer than 55 new boxes of records will transfer into archive storage, due to increasing city-wide electronic workflow processes where staff produce and store documents in electronic format only.
- Continue to evaluate options to reduce the cost and improve the functionality of HPeRM records management software.
  - MFCM use was reevaluated with a result of limiting the number of full license users to 18 and 'read only' licenses to most city staff that use HPeRM. Read only licenses are 50% less expensive than full licenses, resulting in a savings to the city of \$28,000. Records staff worked with the state to update retention rules within MFCM. This change will aid in the destruction process for electronic records that have met retention.
- Recommend a new fee schedule for public records to city council.
  - Work postponed until after end of the 2020 legislative session. We expect new schedule will be submitted for council approval before end of calendar year 2020.
- For use as a performance measure, track the volume of records put into HPeRM.
  - There are 501,315 files currently in the system. RM staff scanned or imported 24,839 files in 2017; 28,138 files in 2018; and 25,176 files in 2019.
- Continue to relocate physical records stored at Harvest Court to Griffith Drive Building, thus eliminating the need for paper storage at Harvest Court by 2020.
  - RM staff expects that no boxes of archived records will be stored at Harvest Court after June 2020.
- Recommend whether HPeRM's WebDrawer feature should be used to provide the public with access to Beaverton's records that have been deemed appropriate for unfiltered public access.

CITY OF BEAVERTON, OREGON  
FISCAL YEAR 2020-21 BUDGET  
CURRENT LEVEL OF SERVICES

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- *While the city could build a Webdrawer presence on-line by adding resolutions and ordinances, the demand to inspect these records is not substantial. Courtesy copies of city ordinances and resolutions are already available online via Granicus. On balance, the recommendation is to activate Webdrawer.*
- Circulate the draft strategic plan for management of the city’s information prepared in FY 2018-19 to key stakeholders in the city for their review and comment.
  - *A high-level strategic plan was prepared and reviewed. Preparation of a five-year action plan to implement the strategic plan is recommended as part of this year’s budget.*

Public Records Requests, Litigation, Discovery & Subpoenas

- Review and revise as needed Beaverton's public records request policy following the 2019 legislative session.
  - *No revisions were made.*
- For use to assess the potential utility of WebDrawer, keep track of the number of public records requests received that seek agenda bills, ordinances, resolutions, permits, or meeting minutes.
  - *The majority of public records requests are for permit records including construction plans, due diligence reports, certificate of occupancy, zoning documents and code violations. Agenda bills, resolutions, ordinances and minutes are maintained for public review on the city’s website (final record copies are maintained in MFCM).*
- If acquired, implement and train on a public record request on-line system for public records request management.
  - *The procurement of the software has not yet occurred, but the process to procure the software is underway. The acquisition process is being managed by ISD.*

**FY 2020-21 ACTION PLAN:**

Records Management (Archives)

- Continue to manage MFCM content to reduce archive paper storage footprint in accordance with applicable city policies and administrative rules.
- Cease using the Harvest Court facility for archive storage.

Public Records Requests, Litigation, Discovery & Subpoenas

- Work with BPD and ISD to evaluate and potentially procure software to help manage public records requests. If acquired, implement and train on a public record request on-line system for public records request management.
- Update public record policies and fee schedules following adjournment of 2020 legislative session.

**PERFORMANCE MEASURES:**

Performance Measures:	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Projected/Revised	FY 2020-21 Adopted
Research and retrieval requests filled for citizens/staff (combined research + retrieval)	650	600	450	600
Number of cubic feet (boxes) destroyed per retention schedule	250	500	750	150
Number of real estate documents recorded in county land records per year using Simplifile, electronic recording software	80	90	124	130
Number of Records placed into MFCM per CY	24,839	28,138	25,176	26,000

CITY OF BEAVERTON, OREGON  
 FISCAL YEAR 2020-21 BUDGET  
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**COMMUNITY VISION:**

Examples of Beaverton Community Vision action items that the records management program accomplished in FY 2019-20:

- *Community Vision Action Item #2: Create a Beaverton brand and market identity:* Provided historical Beaverton photographs and information to developer’s representatives for use in design and development projects.
- *Community Vision Action Item #25: Expand community involvement in schools.* Provided historic information to two Oregon authors to capture the story of Beaverton for use in cultural education.

**DIVERSITY, EQUITY, AND INCLUSION:**

Examples of priority areas that the records management program accomplished in FY 2019-20 include:

- *PE3.2 Youth Engagement – Engage in activities to promote community service, civic engagement, and other learning opportunities for youth*
  - Employed local high school and college students in the Youth Enhancement Workforce Program. This is a paid program to help develop student workplace skills, build self-confidence, time management plus learn to organize and prioritize tasks.
  - Through Beaverton Human Resources Department, partnered with the Sate DHS Program Summer Work Internship for Transition (SWIFT) to train and mentor a student in the summer of 2019. A new SWIFT student will engage in the program in the summer 2020, as well.