

MISSION

County Counsel is the legal advisor of the Board of Supervisors and is legal counsel in civil law matters for all County departments, boards, and commissions. General duties of the County Counsel include: representing the County in all civil legal proceedings and administrative hearings; preparing ordinances, resolutions and contracts for the County; advising the Board of Supervisors and other County officials, and department heads on legal issues; representing the Health and Human Services Agency in juvenile court dependency hearings and administrative hearings concerning eligibility; advising on legal issues regarding workers compensation, tort and liability cases; instituting conservatorships for probate and for gravely-disabled individuals, under the Lanterman-Petris-Short (LPS) Act.

DEPARTMENT BUDGET SUMMARY

	15/16 Actuals	16/17 Budget	17/18 Dept Requested	17/18 CAO Recommend	Change from Budget to Recommend	% Change
Charges for Service	\$ 321,179	\$ 474,225	\$ 474,225	\$ 474,225	\$ -	0%
Miscellaneous	\$ 100	\$ -	\$ -	\$ -	\$ -	0%
Total Revenue	\$ 321,279	\$ 474,225	\$ 474,225	\$ 474,225	\$ -	0%
Salaries and Benefits	\$ 2,422,964	\$ 2,996,626	\$ 2,944,699	\$ 2,944,699	\$ (51,927)	-2%
Services & Supplies	\$ 179,234	\$ 706,244	\$ 508,125	\$ 318,125	\$ (388,119)	-55%
Intrafund Transfers	\$ 6,149	\$ 6,715	\$ 6,787	\$ 6,787	\$ 72	1%
Total Appropriations	\$ 2,608,347	\$ 3,709,585	\$ 3,459,611	\$ 3,269,611	\$ (439,974)	-12%
Net County Cost	\$ 2,287,068	\$ 3,235,360	\$ 2,985,386	\$ 2,795,386	\$ (439,974)	-14%
FTEs	17	17	17	17	-	0%

MAJOR BUDGET CHANGES

Appropriations

Salaries and Benefits

(\$51,927) Decrease in total Salaries and Benefits costs as a result of filling vacated positions with new staff at a lower overall cost.

Services and Supplies

(\$380,000) Decrease in contract legal attorney services based on prior years' actuals and to recognize funding priorities in other budget areas.

PROGRAM SUMMARIES

The programs set forth below highlight the core legal functions of the particular area described. Allocation of Full Time Employee (FTE) represents an equivalent of full time employees since most duties are performed by multiple attorneys depending on current staffing. In addition to those primary duties, all of the attorneys in the office appear and advise on a wide variety of matters including: all aspects of civil litigation inclusive of writ proceedings, court hearings, public records and

County Counsel

RECOMMENDED BUDGET • FY 2017 - 18

subpoena/deposition requests, etc. Deputies are involved in the development and rendering of both oral and written legal advice regarding the resolution of issues that may have far reaching implications for County operations and programs. Deputies act as general legal advisors to the assigned County department, and supervise and participate in the resolution of difficult or complex legal questions regarding department's respective powers, duties, procedures and operations. All attorneys draft and review contracts, ordinances, resolutions, and other legal instruments as part of the day-to-day operations of this department.

Statutory / State Programs

Public Guardian and Elder Protection

These attorneys represent the Public Guardian in all facets of litigation on behalf of the County, including Probate, Limited and LPS Conservatorships from early disposition to judgment after jury or court trial and appeals to the Appellate and Supreme Courts. These attorneys also represent the Health and Human Services Agency (HHS) in areas of Elder Protection which represents the interests of senior citizens on conservatorship with the Public Guardian in all facets of litigation involving elder abuse, from detection and investigation of alleged elder abuse, to preparation of complex civil litigation for asset recovery from perpetrators. Staff provides training and renders advice to the Deputy Public Guardian staff concerning clients. When an estate or trust has assets, fees are requested and collected. Representation of the Public Guardian also encompasses advising Adult Protective Services, IHHS Programs and sometimes MSSP/Linkages. When there are sufficient assets to pay for the conservatee's needs, County Counsel will receive attorneys' fees commensurate with the conservatee's ability to pay. This discretionary program began in 2006 with the staff in the District Attorney's office, the Health and Human Services Agency (HHS), and County Counsel working in collaboration. These attorneys may provide back up to the Child Protective Services (CPS) caseloads.

Child Protective Services

The attorneys for Health and Human Services Agency and Child Protective Services represent the Agency in all facets of litigation of Welfare & Institutions Code 300 cases from early disposition to disposition/judgment after trial, and appeals to the Appellate and Supreme Courts. The attorneys provide in-depth training, establish and review policies and procedures, and review and comment on current and proposed legislation and case law to the Agency personnel to improve case handling and outcomes including after-hours consultations on warrants and placement of endangered minors. The cost of County Counsel representation for the Agency is allocated through the A-87 Cost Plan and is applied toward the County's match requirements for Social Services programs.

Land Use/Transportation/Capital Improvement Programs

Transportation, Planning & Land Use, Public Health/Ambulance, and Litigation

These attorneys support Transportation, Planning and Building, Land Use, Environmental Management, and Air Quality Management, as well as the Public Health Emergency and Ambulance. These attorneys represent the County in regards to Capital Improvement Programs, including the coordination of these projects from planning and design, to right of way acquisition/condemnation and utility relocation phase, through construction and claims management, and resolution. Staff represents the County in administrative claims and civil litigation regarding project approval, facilities and complex project development. These attorneys provide legal advice and support for all aspects of work for the transportation department, inclusive of airports and trails. These duties include the preparation,

implementation, review, and defense of the County's General Plan, Zoning and Use Permits, development denials and approvals and CEQA compliance issues.

Staff advises on complex land use issues such as Rare Plants, Affordable Housing, and INRMP; and reviews and guides implementation and defense of policies, procedures and programs such as the mitigation fee programs, and reviews County CEQA documents for Capital Improvement Projects. These attorneys advise the Economic Development Coordinator on Land Use issues and Human Services on Affordable Housing issues. These attorneys oversee, participate in, and/or perform defense of administrative and writ proceedings on Land Use policies and approvals. These attorneys sit with and advise various Land Use commissions including the Planning Commission and the Agriculture Commission. These attorneys advise on complex funding requirements through state and federal sources. They also participate, advise and coordinate complex projects for other departments such as the selection of and contract for ambulance services that involve the potential for significant liability.

General Government

County Counsel and Chief Assistant County Counsel

The County Counsel and Chief Assistant County Counsel plan and direct the activities and operations of the County Counsel's Office, and serve as the legal representative of the Board of Supervisors, all County departments, and boards and commissions, on assigned litigation and business matters, mandated functions (e.g. County election proceedings, writs of habeas corpus, etc.) providing highly responsible and complex administrative support to the Board of Supervisors. In addition to evaluating day-to-day and long range legal matters having an impact on the County, the County Counsel and Chief Assistant County Counsel establish County-wide legal controls and procedures, and communicate these goals, programs, policies and procedures to staff, the public, the CAO, other County departments and state and local agencies. They maintain current knowledge of changes in directives, policies, statutes and regulations that affect operations, and make suggestions on proposed legislation and regulations concerning the County.

Human Resources, Sheriff, Risk Management, and Related Law and Justice Departments

These attorneys provide legal advice and support to all departments regarding personnel issues, grievances and disciplinary actions. These attorneys appear on behalf of departments at Civil Service Hearings, and represent the County at Public Employment Relations Board (PERB) hearings. These attorneys also sit as part of the County's Threat Assessment Team and advise on medical and disability issues in negotiations. This may include the review of outside litigation claims and overseeing and assisting in directing the litigation being handled by outside counsel. These attorneys provide advice and assist in the labor relations functions of the Human Resources Department including negotiations, Equal Employment Opportunity Commission (EEOC) matters, and Department of Fair Employment and Housing (DFEH) matters. The attorney advising Risk Management advises in the implementation of the Affordable Care Act, health care and benefit contracts. As counsel for the Sheriff, in addition to advising on their personnel issues, this position reviews policy manuals and attends the Sheriff section meetings. On three occasions, attorneys have stepped into the position of Interim Director of Human Resources when requested by the CAO and Board of Supervisors.

General Law, Contracts, and all other Departments

The attorneys in this assignment provide legal advice and support on a wide variety of legal issues that are encountered by any County department. Staff also review and develop responses to subpoenas and Public Record Act requests, and represent employees who have been subpoenaed as witnesses in various

County Counsel

RECOMMENDED BUDGET • FY 2017 - 18

civil, criminal, or administrative proceedings. These positions represent various County departments in writ proceedings in civil court, administrative proceedings including the State Department of Administrative Hearings, the Department of Housing and Urban Development, the Air District Hearing Board and the Assessment Appeals Board. In addition to litigation related duties, this attorney also provides support services for many County departments and agencies with contract review; review and advice on project bid reviews and advice regarding proposed rule adoption and ordinances. Staff also advises the Procurements and Contracts division and County Facilities Management.

Administrative, Operations Support

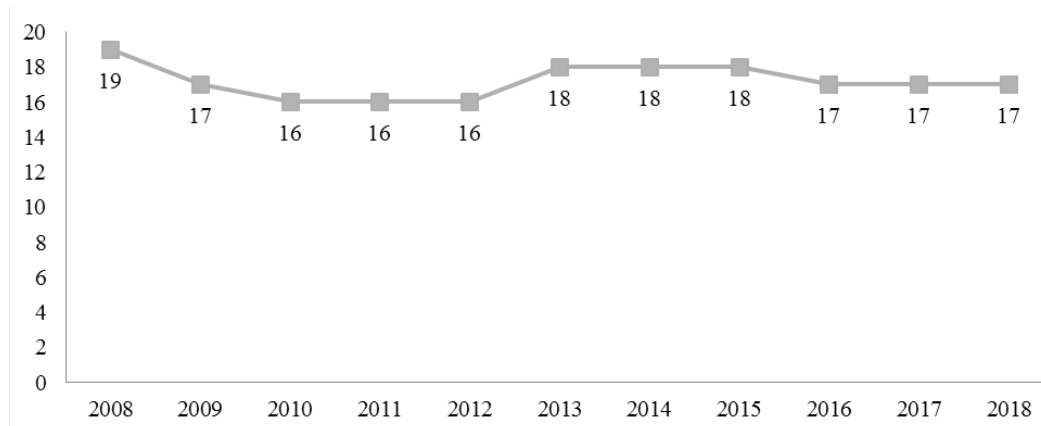
One Department Analyst provides administrative and fiscal support including budgeting, accounting, payroll, purchasing, and contract coordination. Three Sr. Legal Secretaries and one Legal Secretary II provide secretarial services for twelve attorneys along with direct interaction with client/departments and the general public. In addition to direct attorney support, each secretarial position is dedicated to a specific support function that works directly with client/departments in facilitating their individual programs such as Public Guardian, Child Protective Services, and General Government.

BUDGET SUMMARY BY PROGRAM

	Appropriations	Revenues	Net County Cost	Staffing
Administrative/Operations Support	\$ 603,582	\$ -	\$ 603,582	5
Statutory/State Programs				
Public Guardian, Elder Protection, and HHS	\$ 483,467	\$ 120,000	\$ 363,467	2
Child Protective Services	\$ 443,145	\$ -	\$ 443,145	2
Land Use/Transportation/Capital Improvement	\$ 454,368	\$ 279,225	\$ 175,143	2.75
Administrative/General Government			\$ -	
County Counsel & Chief Asst County Counsel	\$ 370,845	\$ -	\$ 370,845	1.25
Sherrif, HR/Risk, Law and Justice	\$ 473,666	\$ 75,000	\$ 398,666	2
General Law, Contracts, other Departments	\$ 440,538	\$ -	\$ 440,538	2
Total	\$ 3,269,611	\$ 474,225	\$ 2,795,386	17

STAFFING TREND

County Counsel staffing has remained relatively static over the past 10 years and is currently at 17 FTEs. All staff is located on the West Slope, with travel to South Lake Tahoe as needed. Over the past two fiscal years, County Counsel has had attorneys covering for the Assistant CAO position and Interim Director of Human Resources. At these times County Counsel has hired retired annuitants as temporary employees.



BEST PRACTICES & SERVICE INDICATORS

In accordance with the Strategic Plan, the following best practices and service indicators will be implemented and measured throughout FY 2017-18. Results will be included in the following budget, and each year thereafter, to measure progress and levels of service.

Service Indicators*Operational Metrics*

Juvenile Dependency and Public Guardian Litigation (Quarterly)

- 1) Appearances in court representing Child Welfare cases.
- 2) Appearances in court representing the Public Guardian.
- 3) Number of appeals/writs from juvenile dependency cases.
- 4) Percentage of appeals/writs where County prevails.
- 5) Juvenile Dependency Cases opened/closed.
- 6) Public Guardian Cases opened/closed.

Outside Litigation

- 1) Number of cases assigned to outside counsel. (Quarterly)
- 2) Costs to County for services provided by outside counsel. (Annually)
- 3) Percent of cases resolved through settlement or court adjudication within reserved amount. (Annually)

In-House Litigation

- 1) Number of cases handled. (Annually)
- 2) Cost of attorney time spent on the cases. (Annually)
- 3) Cost recovery from outside entities. (Annually)
- 4) Percent of cases resolved within assessment. (Annually)

Legal Service Requests

- 1) Number of legal service requests received from departments. (Monthly)

Contract Reviews

- 1) Number of contracts submitted for review. (Monthly)

Service Delivery Metrics

- 1) Average number of days to respond to legal service requests. (Quarterly)
- 2) Percentage of standard contract reviews completed within 20 working days. (Quarterly)
- 3) Percentage of non-standard contract reviews completed within 30 working days. (Quarterly)

County Counsel

RECOMMENDED BUDGET • FY 2017 - 18

RECOMMENDED BUDGET

The budget is recommended at \$3,269,611. The Recommended Budget reflects no change in revenue and a decrease in appropriations of \$439,974 (12%) when compared to the FY 2016-17 Adopted Budget.

The overall County Counsel budget represents a decrease in net county cost of \$439,974, or 14%, when compared to the FY 2016-17 Adopted Budget.

This represents a status quo budget, as no services are increasing, and the changes in costs are associated with decreases in overall department salaries, changes in health care and insurance costs, and the reduction of the budget for contracted legal services related to specific land use cases.

CAO Adjustments

County Counsel has contracted with outside firms for providing legal services related to specific land use cases. This portion of the budget was increased in previous years to account for anticipated costs associated with legal matters, which had been historically charged to the Risk Management fund, and as a result, the Net County Cost increased by \$376,598 (14% in) FY 2016-17. In practice, however, a portion of the cost for outside legal services continues to be charged to and reflected in the Risk Management fund. The Department requested that this line item be reduced from \$490,000 to \$300,000 for FY 2017-18. The CAO has further reduced this to \$110,000 to be more in line with prior year actuals and current year trends and to recognize funding priorities in other budget areas. It should be noted that reducing funding in this area is a less conservative approach, and County Counsel may need to request an increase in legal services funding during the year should additional legal matters develop during the fiscal year.

Sources & Uses of Funds

The budget for County Counsel is primarily funded with discretionary General Fund revenue. These revenues are collected in Department 15 – General Fund Other Operations.

The Department also charges County departments with outside funding sources to recoup a portion of the cost of its services. The Department also receives some revenues for legal services provided to conservatees.

FINANCIAL INFORMATION BY FUND TYPE

FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 07 CC - COUNTY COUNSEL

	MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE CURR YR CAO RECMD
TYPE: R REVENUE					
SUBOBJ SUBOBJ TITLE					
1380	90,000	120,000	120,000	120,000	0
1810	280,000	354,225	354,225	354,225	0
CLASS: 13 REV: CHARGE FOR SERVICES	370,000	474,225	474,225	474,225	0
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TYPE: R SUBTOTAL	370,000	474,225	474,225	474,225	0

County Counsel
RECOMMENDED BUDGET • FY 2017 - 18

FINANCIAL INFORMATION BY FUND TYPE

FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 07 CC - COUNTY COUNSEL

	MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE CURR YR CAO RECMD	
TYPE: E EXPENDITURE						
SUBOBJ SUBOBJ TITLE						
3000	PERMANENT EMPLOYEES / ELECTED	2,145,360	2,145,360	2,106,090	2,106,090	-39,270
3004	OTHER COMPENSATION	57,648	57,648	61,791	61,791	4,143
3020	RETIREMENT EMPLOYER SHARE	414,061	414,061	396,104	396,104	-17,957
3022	MEDI CARE EMPLOYER SHARE	31,945	31,945	30,422	30,422	-1,523
3040	HEALTH INSURANCE EMPLOYER	175,299	175,299	178,170	178,170	2,871
3042	LONG TERM DISABILITY EMPLOYER	5,509	5,509	5,247	5,247	-262
3043	DEFERRED COMPENSATION EMPLOYER	21,446	21,446	21,661	21,661	215
3046	RETIREE HEALTH: DEFINED	17,887	17,887	19,469	19,469	1,582
3060	WORKERS' COMPENSATION EMPLOYER	25,471	25,471	23,745	23,745	-1,726
3080	FLEXIBLE BENEFITS	102,000	102,000	102,000	102,000	0
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,996,626	2,996,626	2,944,699	2,944,699	-51,927
4041	COUNTY PASS THRU TELEPHONE CHARGES	480	480	360	360	-120
4100	INSURANCE: PREMIUM	14,242	14,242	5,397	5,397	-8,845
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	4,350	4,350	7,668	7,668	3,318
4220	MEMBERSHIPS	11,075	11,075	11,254	12,369	1,294
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,602	2,602	2,732	2,732	130
4260	OFFICE EXPENSE	10,500	10,500	10,500	10,500	0
4261	POSTAGE	2,170	2,170	2,170	2,170	0
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	1,960	1,960	1,560	1,560	-400
4265	LAW BOOKS	64,500	64,500	60,000	60,000	-4,500
4266	PRINTING / DUPLICATING SERVICES	500	500	500	500	0
4267	ON-LINE SUBSCRIPTIONS	33,000	33,000	33,840	33,840	840
4300	PROFESSIONAL & SPECIALIZED SERVICES	20,200	20,200	20,161	20,161	-39
4315	CONTRACT: LEGAL ATTORNEY	200,000	490,000	300,000	110,000	-380,000
4400	PUBLICATION & LEGAL NOTICES	1,000	1,000	1,000	1,000	0
4420	RENT & LEASE: EQUIPMENT	10,400	10,400	10,368	10,368	-32
4500	SPECIAL DEPT EXPENSE	500	500	1,350	1,350	850
4503	STAFF DEVELOPMENT	7,680	7,680	7,680	7,680	0
4600	TRANSPORTATION & TRAVEL	8,400	8,400	8,400	7,285	-1,115
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	13,200	13,200	13,200	13,200	0
4605	RENT & LEASE: VEHICLE	500	500	1,000	1,000	500
4606	FUEL PURCHASES	300	300	300	300	0
4608	HOTEL ACCOMMODATIONS	8,400	8,400	8,400	8,400	0
CLASS: 40	SERVICE & SUPPLIES	416,244	706,244	508,125	318,125	-388,119
7210	INTRAFND: COLLECTIONS	250	250	250	250	0
7223	INTRAFND: MAIL SERVICE	5,447	5,447	5,437	5,437	-10
7224	INTRAFND: STORES SUPPORT	58	58	140	140	82
7231	INTRAFND: IS PROGRAMMING SUPPORT	560	560	560	560	0
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
CLASS: 72	INTRAFUND TRANSFERS	6,715	6,715	6,787	6,787	72
TYPE: E SUBTOTAL		3,419,585	3,709,585	3,459,611	3,269,611	-439,974
FUND TYPE: 10 SUBTOTAL		3,049,585	3,235,360	2,985,386	2,795,386	-439,974
DEPARTMENT: 07 SUBTOTAL		3,049,585	3,235,360	2,985,386	2,795,386	-439,974

County Counsel

RECOMMENDED BUDGET • FY 2017 - 18

PERSONNEL ALLOCATION

Classification Title	2016-17 Adjusted Allocation	2017-18 Dept Request	2017-18 CAO Recm'd	Diff from Adjusted
County Counsel	1.00	1.00	1.00	-
Chief Assistant County Counsel	1.00	1.00	1.00	-
Department Analyst I/II	1.00	1.00	1.00	-
Deputy County Counsel	6.00	6.00	6.00	-
Legal Secretary I/II	1.00	1.00	1.00	-
Principal Assistant County Counsel	1.00	1.00	1.00	-
Sr. Deputy County Counsel	3.00	3.00	3.00	-
Sr. Legal Secretary	3.00	3.00	3.00	-
Department Total	17.00	17.00	17.00	-

ORGANIZATIONAL CHART

