

COUNTY COUNSEL

Mission

County Counsel 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; instituting actions to declare minors free from parental custody; instituting guardianships of minors; 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.

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 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

<u>Public Guardian, Elder Protection, Public Administrator</u>	Total Appropriations: \$364,178
Positions: 2 FTE	Total Revenues: \$120,000
Extra Help: \$0	Net County Cost: \$244,178

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 (HHSA) 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

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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 Children's Protective Services (CPS) caseloads.

Children's Protective Services

Positions: 2 FTE

Extra Help: \$0

Total Appropriations: \$351,785

Total Revenues: \$0

Net County Cost: \$351,785

The attorneys for Health and Human Services Agency and Children's 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

Community Development Agency/Public Health

Positions: 2.75 FTE

Extra Help: \$0

Total Appropriations: \$537,149

Total Revenues: \$222,750

Net County Cost: \$314,399

The attorneys for Transportation, Land Use and Planning represent the Community Development Agency in all aspects of Transportation and Land Use. These attorneys represent the County in regards to Capital Improvement Programs, including the coordination of these projects from the planning and design, to the 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 which involve the potential for significant liability (e.g. anti-trust violations).

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Administrative/General Government

County Counsel and Chief Assistant

County Counsel

Positions: 1.25 FTE

Extra Help: \$0

Total Appropriations: \$350,547

Total Revenues: \$0

Net County Cost: \$350,547

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, 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 which affect operations, and make suggestions on proposed legislation and regulations concerning the County.

Human Resources, Risk Management and Law & Justice

Positions: 3 FTE

Extra Help: \$0

Total Appropriations: \$604,353

Total Revenues: \$65,000

Net County Cost: \$539,353

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 advises on medical and disability issues in negotiations. Staff advise in labor negotiations including, Equal Employment Opportunity Commission (EEOC), Department of Fair Employment and Housing (DFEH). 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 two occasions within the past several years one of our County Counsel attorneys has stepped into the position of Acting Director of Human Resources when requested by the Chief Administrative Office.

General Law, Litigation,

Environmental Management, Contracts,

all other departments

Positions: 1 FTE

Extra Help: \$0

Total Appropriations: \$154,813

Total Revenues: \$60,000

Net County Cost: \$94,813

The attorney in this assignment provides legal advice and support on a wide variety of legal issues that are encountered by any County Department. This may include the review of outside litigation claims and overseeing and assisting in directing the litigation being handled by outside counsel. Staff also review and develop responses to subpoenas and Public Record Act requests, and represent employees who have been subpoenaed as witnesses in various civil, criminal or administrative proceedings. This position represents various County Departments in

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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 department and County Facilities Management.

Administrative/Office Support

Administration, Operations Support
Positions: 6 FTE

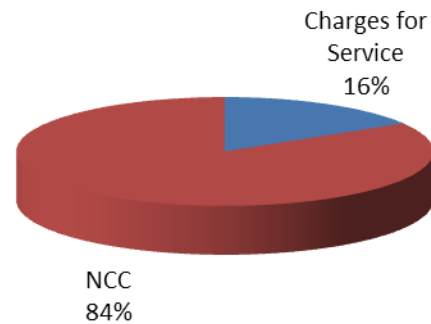
Total Appropriations: \$493,436
Total Revenues: \$0
Net County Cost: \$493,436

One Fiscal Technician provides fiscal support including budgeting, accounting, payroll, purchasing, and contract coordination. One Sr. Legal Secretary position provides guidance on work flow of four secretarial staff. These positions 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, Children's Protective Services, and General Government.

Financial Charts

Source of Funds

Charges for services (\$467,750):
The department charges departments with outside funding sources to cover the cost of its services. The largest portion of this revenue is derived from the Community Development Agency Transportation Division. The department also receives some revenues for legal services provided to conservatees. This revenue is projected at \$120,000.



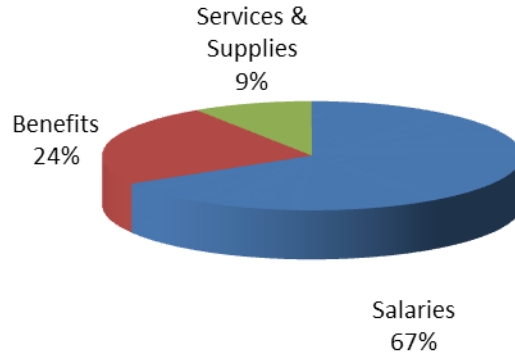
Net County Cost (\$2,388,506):
The department is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

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Use of Funds

Salaries and Benefits (\$2,592,238): Primarily comprised of permanent salaries (\$1,838,556), retirement (\$298,244), and health insurance (\$212,454).

Services and Supplies (\$264,685): Major expenses include maintenance and updates to the law library (\$74,496), legal database subscription (\$21,588) rent and lease equipment (\$10,000) contract attorney fees (\$65,000) for on-going litigation, and costs for staff training which is required by the California State Bar Association in order for the attorneys to maintain their license to practice law, Bar Association dues, and mileage for work related travel (\$48,100).

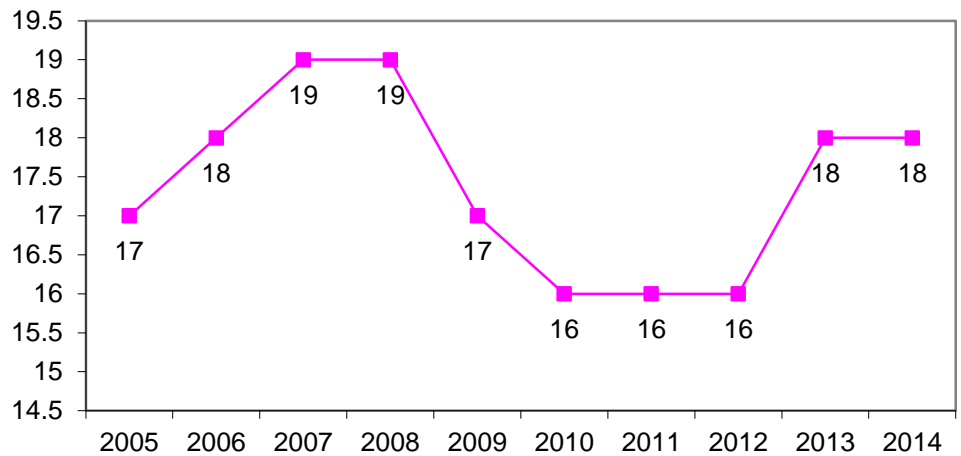


Intrafund Transfers (\$36,333): Intrafund transfers consist of charges from other departments for services such as mainframe support (\$4,373), network support (\$16,589), and telephone (\$7,937).

Intrafund Abatements (-\$37,000): Intrafund abatements consist of revenues from general fund departments, primarily within the Community Development Agency, Long Range Planning.

Staffing Trend

County Counsel staffing has remained fairly constant over the past 10 years, from 17 FTE in FY 2004-05 to 18 FTE in FY 2013-14. All staff is located on the West Slope.



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Chief Administrative Office Comments

The Recommended Budget represents an overall decrease of \$35,920 or 7% in revenues and an increase of \$206,350 or 7% in appropriations when compared to the FY 2012-13 approved budget. As a result, the Net County Cost has increased \$242,270 or 11%.

The change in revenues is due to a decrease in anticipated revenues from departments for legal services. The change in appropriations is the result of increased salary and benefit costs associated with the addition of staff approved by the Board in December 2012 adding two (2) FTE's to handle the increased caseload related to the Public Guardian.

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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
TYPE: R REVENUE						
SUBOBJ SUBOBJ						
1380	LEGAL SERVICES	119,000	119,000	120,000	120,000	1,000
1810	INTERFND REV: COUNTY COUNSEL	384,670	384,670	347,750	347,750	-36,920
CLASS: 13	REV: CHARGE FOR SERVICES	503,670	503,670	467,750	467,750	-35,920
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TYPE: R SUBTOTAL		503,670	503,670	467,750	467,750	-35,920
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TYPE: E EXPENDITURE						
SUBOBJ SUBOBJ						
3000	PERMANENT EMPLOYEES / ELECTED	1,700,196	1,700,196	1,838,556	1,838,556	138,360
3004	OTHER COMPENSATION	65,995	65,995	59,475	59,475	-6,520
3020	RETIREMENT EMPLOYER SHARE	257,065	257,065	298,244	298,244	41,179
3022	MEDI CARE EMPLOYER SHARE	25,141	25,141	27,522	27,522	2,381
3040	HEALTH INSURANCE EMPLOYER SHARE	169,280	169,280	212,454	212,454	43,174
3041	UNEMPLOYMENT INSURANCE EMPLOYER	12,880	12,880	2,520	2,520	-10,360
3042	LONG TERM DISABILITY EMPLOYER	6,241	6,241	6,831	6,831	590
3043	DEFERRED COMPENSATION EMPLOYER	22,475	22,475	19,307	19,307	-3,168
3046	RETIREE HEALTH: DEFINED CONTRIBUTIONS	15,560	15,560	15,560	15,560	0
3060	WORKERS' COMPENSATION EMPLOYER	3,769	3,769	3,769	3,769	0
3080	FLEXIBLE BENEFITS	96,000	96,000	108,000	108,000	12,000
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,374,602	2,374,602	2,592,238	2,592,238	217,636
4041	COUNTY PASS THRU TELEPHONE CHARGES	384	384	384	384	0
4100	INSURANCE: PREMIUM	6,865	6,865	6,865	6,865	0
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	3,684	3,684	3,772	3,772	88
4220	MEMBERSHIPS	9,970	9,970	10,420	10,420	450
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,100	2,100	2,300	2,300	200
4260	OFFICE EXPENSE	10,500	10,500	10,500	10,500	0
4261	POSTAGE	2,155	2,155	2,160	2,160	5
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	1,910	1,910	1,935	1,935	25
4265	LAW BOOKS	74,496	74,496	74,496	74,496	0
4266	PRINTING / DUPLICATING SERVICES	1,000	1,000	1,000	1,000	0
4267	ON-LINE SUBSCRIPTIONS	18,612	18,612	21,588	21,588	2,976
4300	PROFESSIONAL & SPECIALIZED SERVICES	14,050	14,050	14,050	14,050	0
4315	CONTRACT: LEGAL ATTORNEY	65,000	65,000	65,000	65,000	0
4325	AB75: HOSPITAL	260	260	0	0	-260
4400	PUBLICATION & LEGAL NOTICES	2,000	2,000	1,000	1,000	-1,000
4420	RENT & LEASE: EQUIPMENT	12,138	12,138	10,000	10,000	-2,138
4440	RENT & LEASE: BUILDING & IMPROVEMENTS	840	840	0	0	-840
4500	SPECIAL DEPT EXPENSE	500	500	500	500	0
4503	STAFF DEVELOPMENT	7,680	7,680	7,680	7,680	0
4529	SOFTWARE LICENSE	3,200	3,200	0	0	-3,200
4600	TRANSPORTATION & TRAVEL	8,400	8,400	8,400	8,400	0
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	13,200	13,200	13,200	13,200	0
4605	RENT & LEASE: VEHICLE	450	450	450	450	0
4606	FUEL PURCHASES	300	300	300	300	0
4608	HOTEL ACCOMMODATIONS	8,400	8,400	8,400	8,400	0
CLASS: 40	SERVICE & SUPPLIES	268,379	268,379	264,685	264,685	-3,694
5300	INTERFND: SERVICE BETWEEN FUND TYPES	160	160	0	0	-160
CLASS: 50	OTHER CHARGES	160	160	0	0	-160

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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
7210	INTRAFND: COLLECTIONS	250	250	250	250	0
7220	INTRAFND: TELEPHONE EQUIPMENT &	7,962	7,962	7,937	7,937	-25
7223	INTRAFND: MAIL SERVICE	4,434	4,434	4,434	4,434	0
7224	INTRAFND: STORES SUPPORT	257	257	350	350	93
7225	INTRAFND: CENTRAL DUPLICATING	500	500	0	0	-500
7227	INTRAFND: MAINFRAME SUPPORT	4,373	4,373	4,373	4,373	0
7229	INTRAFND: PC SUPPORT	2,000	2,000	2,000	2,000	0
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
7234	INTRAFND: NETWORK SUPPORT	16,589	16,589	16,589	16,589	0
CLASS: 72	INTRAFUND TRANSFERS	36,765	36,765	36,333	36,333	-432
7350	INTRFND ABATEMENTS: GF ONLY	-30,000	-30,000	-37,000	-37,000	-7,000
CLASS: 73	INTRAFUND ABATEMENT	-30,000	-30,000	-37,000	-37,000	-7,000
TYPE: E SUBTOTAL		2,649,906	2,649,906	2,856,256	2,856,256	206,350
FUND TYPE: 10	SUBTOTAL	2,146,236	2,146,236	2,388,506	2,388,506	242,270
DEPARTMENT: 07	SUBTOTAL	2,146,236	2,146,236	2,388,506	2,388,506	242,270

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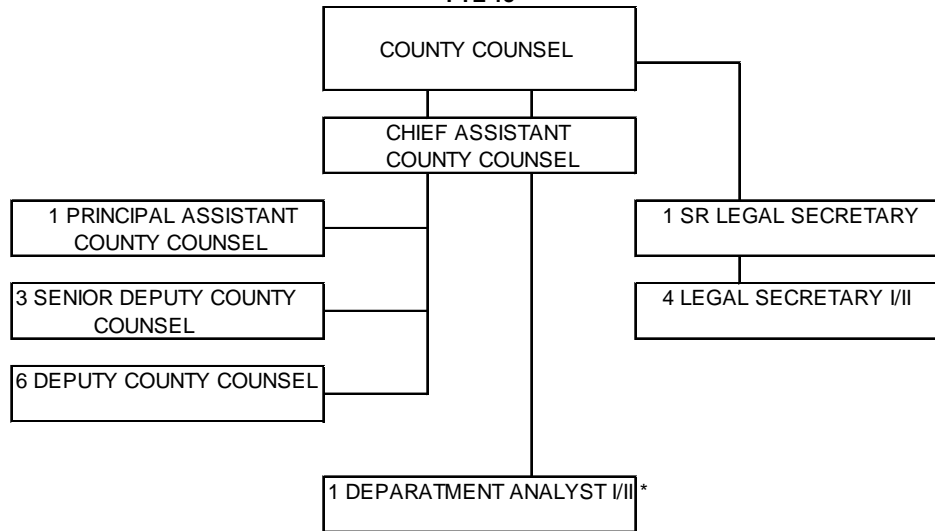
Personnel Allocation

Classification Title	2012-13 Adjusted Allocation	2013-14 Dept Request	2013-14 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	4.00	4.00	4.00	-
Principal Assistant County Counsel	1.00	1.00	1.00	-
Sr. Deputy County Counsel	3.00	3.00	3.00	-
Sr. Legal Secretary	1.00	1.00	1.00	-
Department Total	18.00	18.00	18.00	-

* Pending approval of re-classification of Fiscal Technician by the Board of Supervisors

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COUNTY COUNSEL ORGANIZATIONAL CHART 13/14 CURRENT FTE 18



*Note: Reclassification in process to Department Analyst I/II

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Ten Year History

	04/05 Actual	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Actual
State	-	-	-	-	-
Charges for Service	337,855	492,706	656,559	646,312	622,743
Misc.	48	-	-	-	6,588
Total Revenue	337,903	492,706	656,559	646,312	629,331
Salaries	1,122,707	1,298,180	1,506,142	1,615,593	1,588,461
Benefits	413,619	516,660	548,554	580,491	616,775
Services & Supplies	1,084,570	1,142,939	554,217	300,197	173,329
Other Charges	290	240	240	-	-
Fixed Assets	2,228	-	37,879	-	-
Intrafund Transfers	8,807	11,858	17,434	(16,252)	25,571
Total Appropriations	2,632,221	2,969,877	2,664,466	2,480,029	2,404,136
NCC	2,294,318	2,477,171	2,007,907	1,833,717	1,774,805
FTE's	17	18	19	19	17

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Ten Year History

	09/10 Actual	10/11 Actual	11/12 Actual	12/13 Projected	13/14 Budget
State	-	-	-	-	-
Charges for Service	671,704	600,849	518,509	503,670	467,750
Misc.	426	-	-	-	-
Total Revenue	672,130	600,849	518,509	503,670	467,750
Salaries	1,595,876	1,662,993	1,551,005	1,766,191	1,898,031
Benefits	583,602	603,124	605,859	608,411	694,207
Services & Supplies	191,398	204,933	214,910	268,379	264,685
Other Charges	-	-	-	160	-
Fixed Assets	-	-	-	-	-
Intrafund Transfers	10,590	24,228	27,579	6,765	(667)
Total Appropriations	2,381,466	2,495,278	2,399,353	2,649,906	2,856,256
NCC	1,709,336	1,894,429	1,880,844	2,146,236	2,388,506
FTE's	16	16	16	18	18

10 Year Variance		
	\$ Change	% Change
State	-	N/A
Charges for Service	129,895	38%
Misc.	(48)	-100%
Total Revenue	129,847	38%
Salaries	775,324	69%
Benefits	280,588	68%
Services & Supplies	(819,885)	-76%
Other Charges	(290)	-100%
Fixed Assets	(2,228)	-100%
Intrafund Transfers	(9,474)	-108%
Total Appropriations	224,035	9%
NCC	94,188	4%
FTE's	1	6%

Notes

FY 2012-13 Two FTE's added for Public Guardian services

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