

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: \$349,931
Positions: 2 FTE	Total Revenues: \$120,000
Extra Help: \$0	Net County Cost: \$229,931

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: \$354,504

Total Revenues: \$0

Net County Cost: \$354,504

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: \$555,963

Total Revenues: \$204,850

Net County Cost: \$351,113

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: \$514,865

Total Revenues: \$0

Net County Cost: \$514,865

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: \$656,296

Total Revenues: \$65,000

Net County Cost: \$591,296

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.

General Law, Litigation,

Environmental Management, Contracts, all other departments

Positions: 1 FTE

Extra Help: \$0

Total Appropriations: \$160,851

Total Revenues: \$91,150

Net County Cost: \$69,701

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 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

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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

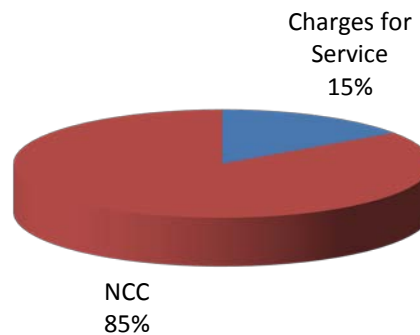
Total Appropriations: \$538,716
Total Revenues: \$0
Net County Cost: \$538,716

One Department Analyst provides administrative and fiscal support including budgeting, accounting, payroll, purchasing, and contract coordination. Three Sr. Legal Secretaries and two Legal Secretaries 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 (\$481,000): 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.

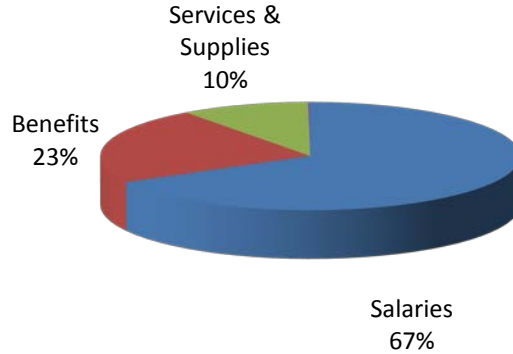
Net County Cost (\$2,650,126): The department is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

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Use of Funds

Salaries and Benefits (\$2,809,860): Primarily comprised of permanent salaries (\$1,944,133, retirement (\$334,804), and health insurance (\$185,454).

Services and Supplies (\$309,189): Major expenses include maintenance and updates to the law library (\$78,496), an upgrade to County Counsel's case management and billing system, legal database subscription (\$24,852), rent and lease of equipment (\$10,000), contract attorney fees for litigation (\$60,000), 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 (\$48,289).

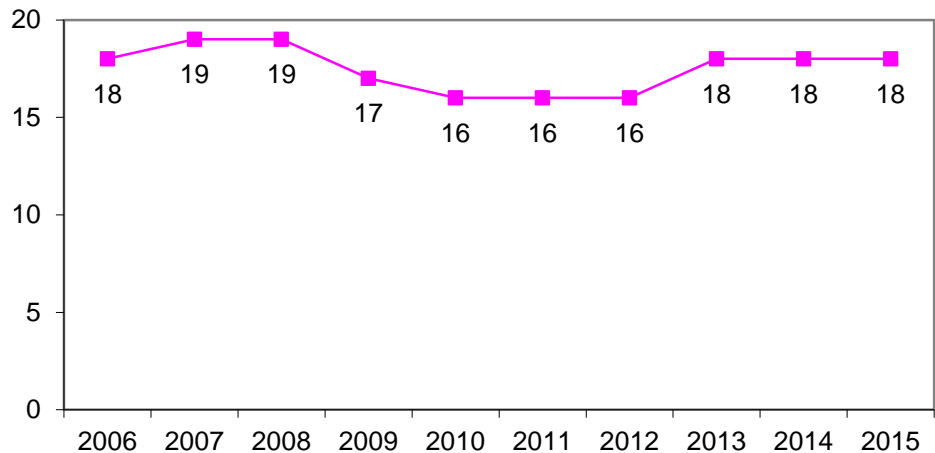


Fixed Assets (\$6,400): 4 Computer tablets

Intrafund Transfers (\$5,677): Intrafund transfers consist of charges from other departments for services such as mail service and stores support (\$5,027).

Staffing Trend

County Counsel staffing has remained fairly constant over the past 10 years, from 18 FTE in FY 2005-06 to 18 FTE in FY 2014-15. All staff is located on the West Slope.



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Chief Administrative Office Comments

The Recommended Budget represents an overall increase of \$13,250 or 3% in revenues and an increase of \$249,870 or 9% in appropriations when compared to the FY 2013-14 Adopted Budget. As a result, the Net County Cost has increased \$236,620 or 10%.

The change in revenues is based on current approved billing rates and the projected need for legal services from departments. The increase in appropriations is related to costs associated with the anticipated retirement of the current County Counsel, previously approved salary increases, and the re-budgeting of \$40,000 for an update to County Counsel's case management system that was approved in FY 2013-14 but not yet implemented. Fixed assets of \$6,400 are for computer tablets to be used by attorneys that spend much of their work day in court.

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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 TITLE					
1380 LEGAL SERVICES	120,000	120,000	120,000	120,000	0
1810 INTERFND REV: COUNTY COUNSEL	285,000	347,750	361,000	361,000	13,250
CLASS: 13 REV: CHARGE FOR SERVICES	405,000	467,750	481,000	481,000	13,250
TYPE: R SUBTOTAL	405,000	467,750	481,000	481,000	13,250

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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: E EXPENDITURE					
3000 PERMANENT EMPLOYEES / ELECTED	1,761,369	1,838,556	1,944,133	1,944,133	105,577
3004 OTHER COMPENSATION	92,449	59,475	147,809	147,809	88,334
3020 RETIREMENT EMPLOYER SHARE	299,726	298,244	334,804	334,804	36,560
3022 MEDI CARE EMPLOYER SHARE	27,522	27,522	29,268	29,268	1,746
3040 HEALTH INSURANCE EMPLOYER	212,454	212,454	185,454	185,454	-27,000
3041 UNEMPLOYMENT INSURANCE EMPLOYER	2,520	2,520	0	0	-2,520
3042 LONG TERM DISABILITY EMPLOYER	6,831	6,831	4,984	4,984	-1,847
3043 DEFERRED COMPENSATION EMPLOYER	19,307	19,307	21,080	21,080	1,773
3046 RETIREE HEALTH: DEFINED	15,560	15,560	17,584	17,584	2,024
3060 WORKERS' COMPENSATION EMPLOYER	3,769	3,769	16,744	16,744	12,975
3080 FLEXIBLE BENEFITS	108,000	108,000	108,000	108,000	0
CLASS: 30 SALARY & EMPLOYEE BENEFITS	2,549,507	2,592,238	2,809,860	2,809,860	217,622
4041 COUNTY PASS THRU TELEPHONE CHARGES	384	384	456	456	72
4100 INSURANCE: PREMIUM	6,865	6,865	12,733	12,733	5,868
4141 MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144 MAINT: COMPUTER	3,772	3,772	4,350	4,350	578
4220 MEMBERSHIPS	10,420	10,420	10,609	10,609	189
4221 MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,300	2,300	2,519	2,519	219
4260 OFFICE EXPENSE	10,500	10,500	10,500	10,500	0
4261 POSTAGE	2,160	2,160	2,170	2,170	10
4263 SUBSCRIPTION / NEWSPAPER / JOURNALS	1,935	1,935	1,985	1,985	50
4265 LAW BOOKS	74,496	74,496	74,496	74,496	0
4266 PRINTING / DUPLICATING SERVICES	1,000	1,000	500	500	-500
4267 ON-LINE SUBSCRIPTIONS	23,604	21,588	24,852	24,852	3,264
4300 PROFESSIONAL & SPECIALIZED SERVICES	14,050	14,050	14,800	54,800	40,750
4315 CONTRACT: LEGAL ATTORNEY	90,000	90,000	60,000	60,000	-30,000
4400 PUBLICATION & LEGAL NOTICES	1,000	1,000	1,000	1,000	0
4420 RENT & LEASE: EQUIPMENT	10,000	10,000	9,004	9,004	-996
4500 SPECIAL DEPT EXPENSE	500	500	500	500	0
4503 STAFF DEVELOPMENT	7,680	7,680	7,680	7,680	0
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	291,701	289,685	269,189	309,189	19,504
6042 FIXED ASSET: COMPUTER SYSTEM	0	0	6,400	6,400	6,400
CLASS: 60 FIXED ASSETS	0	0	6,400	6,400	6,400
7210 INTRAFND: COLLECTIONS	250	250	250	250	0
7220 INTRAFND: TELEPHONE EQUIPMENT &	7,937	7,937	0	0	-7,937
7223 INTRAFND: MAIL SERVICE	4,434	4,434	4,854	4,854	420
7224 INTRAFND: STORES SUPPORT	350	350	173	173	-177
7227 INTRAFND: MAINFRAME SUPPORT	4,373	4,373	0	0	-4,373
7229 INTRAFND: PC SUPPORT	2,000	2,000	0	0	-2,000
7232 INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
7234 INTRAFND: NETWORK SUPPORT	16,589	16,589	0	0	-16,589
CLASS: 72 INTRAFUND TRANSFERS	36,333	36,333	5,677	5,677	-30,656
7350 INTRAFND ABATEMENTS: GF ONLY	-37,000	-37,000	0	0	37,000
CLASS: 73 INTRAFUND ABATEMENT	-37,000	-37,000	0	0	37,000
TYPE: E SUBTOTAL	2,840,541	2,881,256	3,091,126	3,131,126	249,870
FUND TYPE: 10 SUBTOTAL	2,435,541	2,413,506	2,610,126	2,650,126	236,620
DEPARTMENT: 07 SUBTOTAL	2,435,541	2,413,506	2,610,126	2,650,126	236,620

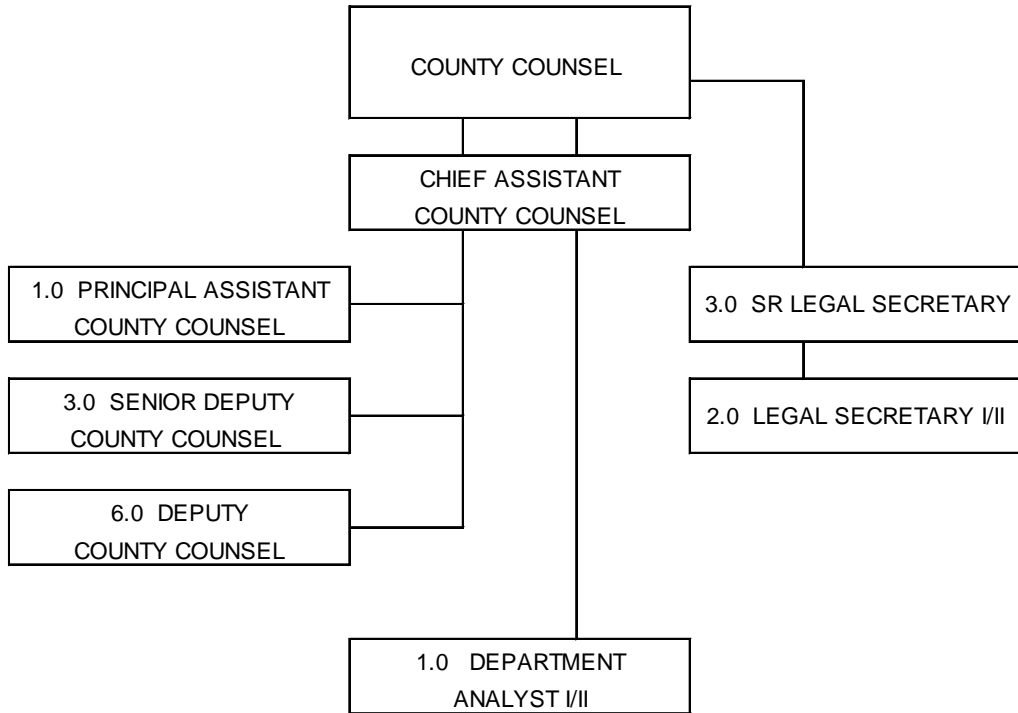
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Personnel Allocation

Classification Title	2013-14 Adjusted Allocation	2014-15 Dept Request	2014-15 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	2.00	2.00	2.00	-
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	18.00	18.00	18.00	-

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FTE: 18.0

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Ten Year History

	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Actual	09/10 Actual
Charges for Service	492,706	656,559	646,312	622,743	671,704
Misc.	-	-	-	6,588	426
Total Revenue	492,706	656,559	646,312	629,331	672,130
Salaries	1,298,180	1,506,142	1,615,593	1,588,461	1,595,876
Benefits	516,660	548,554	580,491	616,775	583,602
Services & Supplies	1,142,939	554,217	300,197	173,329	191,398
Other Charges	240	240	-	-	-
Fixed Assets	-	37,879	-	-	-
Intrafund Transfers	11,858	17,434	(16,252)	25,571	10,590
Total Appropriations	2,969,877	2,664,466	2,480,029	2,404,136	2,381,466
NCC	2,477,171	2,007,907	1,833,717	1,774,805	1,709,336
FTE's	18	19	19	17	16

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Ten Year History

	10/11 Actual	11/12 Actual	12/13 Actual	13/14 Projected	14/15 Budget
Charges for Service	600,849	518,509	386,306	405,000	481,000
Misc.	-	-	-	-	-
Total Revenue	600,849	518,509	386,306	405,000	481,000
Salaries	1,662,993	1,551,005	1,766,338	1,853,818	2,091,942
Benefits	603,124	605,859	592,233	695,689	717,918
Services & Supplies	204,933	214,910	235,541	291,701	309,189
Other Charges	-	-	-	-	-
Fixed Assets	-	-	-	-	6,400
Intrafund Transfers	24,228	27,579	2,459	(667)	5,677
Total Appropriations	2,495,278	2,399,353	2,596,571	2,840,541	3,131,126
NCC	1,894,429	1,880,844	2,210,265	2,435,541	2,650,126
FTE's	16	16	18	18	18

10 Year Variance		
	\$ Change	% Change
Charges for Service	(11,706)	-2%
Misc.	-	N/A
Total Revenue	(11,706)	-2%
Salaries	793,762	61%
Benefits	201,258	39%
Services & Supplies	(833,750)	-73%
Other Charges	(240)	-100%
Fixed Assets	6,400	N/A
Intrafund Transfers	(6,181)	-52%
Total Appropriations	161,249	5%
NCC	172,955	7%
FTE's	-	0%

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

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