

# COUNTY COUNSEL

## 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.

## County Counsel Financial Summary

	14/15 Actuals	15/16 Budget	16/17 Dept Requested	16/17 CAO Recommend	Change from Budget to Recommend	% Change
Charges for Service	298,523	458,025	474,225	474,225	16,200	4%
Misc.	247	-	-	-	-	0%
<b>Total Revenue</b>	<b>298,770</b>	<b>458,025</b>	<b>474,225</b>	<b>474,225</b>	<b>16,200</b>	<b>4%</b>
Salaries and Benefits	2,656,831	2,790,838	2,996,626	2,996,626	205,788	7%
Services & Supplies	236,400	269,168	456,244	456,244	187,076	70%
Intrafund Transfers	5,634	6,781	6,715	6,715	(66)	-1%
<b>Total Appropriations</b>	<b>2,898,865</b>	<b>3,066,787</b>	<b>3,459,585</b>	<b>3,459,585</b>	<b>392,798</b>	<b>13%</b>
<b>NCC</b>	<b>2,600,095</b>	<b>2,608,762</b>	<b>2,985,360</b>	<b>2,985,360</b>	<b>376,598</b>	<b>14%</b>
<b>FTE's</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>-</b>	<b>0%</b>

### Source of Funds

Charges for services (\$474,225): The department charges County 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 (\$2,985,360): The budget for County Counsel is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

### Use of Funds

Salaries and Benefits (\$2,996,626): Primarily comprised of general salaries and benefits (\$2,363,908), retirement (\$414,061), retiree health (\$17,887) workers' compensation (\$25,471) and health insurance (\$175,299).

Services and Supplies (\$456,244): Major expenses include maintenance and updates to the law library (\$64,500), legal database subscription (\$33,000), office supplies (\$10,500), rent and lease equipment (\$10,400) contract attorney fees (\$240,000) for on-going, and anticipated, 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 (\$49,555).

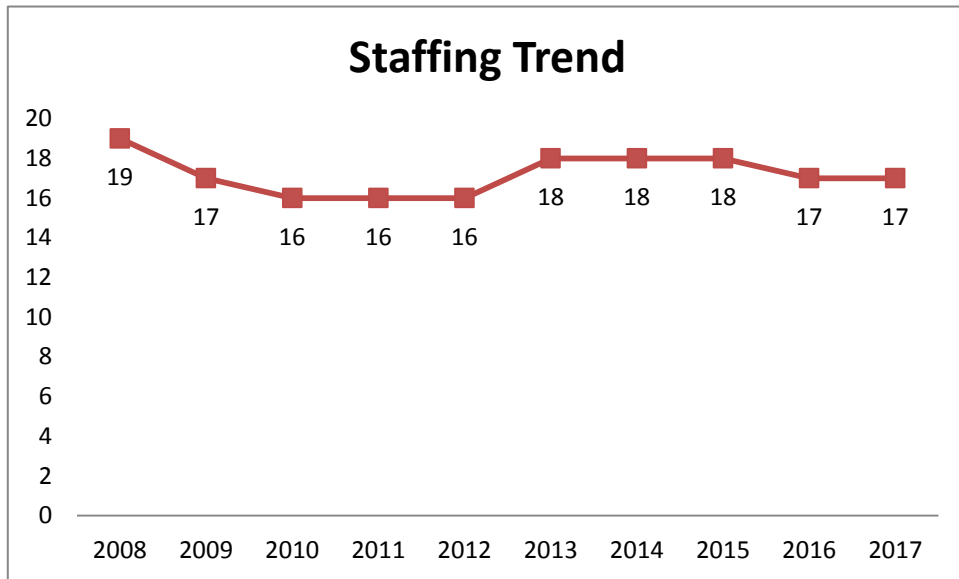
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Intrafund Transfers (\$6,715): Intrafund transfers consist of charges from other departments for services such as mail service and stores supplies.

## 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.



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2016-17 Summary of Department Programs				
	Appropriations	Revenues	Net County Cost	Staffing
Statutory State Programs	882,226	120,000	762,226	4
Land Use/Capital Programs	473,690	252,625	221,065	2
General Government	1,534,954	101,600	1,433,354	6
Administrative/Office Support	568,710	-	568,710	5
<b>TOTAL</b>	<b>3,459,580</b>	<b>474,225</b>	<b>2,985,355</b>	<b>17</b>

## 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

#### *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 (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 to pay. This discretionary program began in 2006 with the staff in the District Attorney's office, the Health and Human Services Agency (HHSA), 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

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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  
Transportation, Planning & Land Use,  
Public Health/Ambulance*

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).

### **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, 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

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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, 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.

*General Law, Litigation, Environmental Management, Air Quality Management, Contracts, all other Departments*

The attorney in this assignment provides 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 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 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**

*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.

### **Chief Administrative Office Recommendation**

The Recommended Budget represents an overall increase of \$16,200 or 4% in revenues and an increase of \$392,798 or 13% in appropriations when compared to the FY 2015-16 Adopted Budget. As a

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result, the Net County Cost has increased \$376,598 or 14%.

The Department request is based on a status quo budget with the following exception:

- Increased appropriations of approximately \$180,000 for contracted legal services related to specific land use cases currently being litigated.

Revenues remain relatively flat and are based on current approved billing rates and the projected need for legal services from departments in the upcoming fiscal year.

Salaries and benefits increased \$205,788 due to annual increases in health and CalPERS.

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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 CURR YR CAO RECMD
<b>TYPE: R REVENUE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
1380	LEGAL SERVICES	120,000	120,000	120,000	120,000	0
1810	INTERFND REV: COUNTY COUNSEL	213,025	338,025	354,225	354,225	16,200
<b>CLASS: 13</b>	<b>REV: CHARGE FOR SERVICES</b>	333,025	458,025	474,225	474,225	16,200
<b>TYPE: R SUBTOTAL</b>		333,025	458,025	474,225	474,225	16,200
<b>TYPE: E EXPENDITURE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
3000	PERMANENT EMPLOYEES / ELECTED	1,848,714	1,998,714	2,145,360	2,145,360	146,646
3004	OTHER COMPENSATION	51,385	51,385	57,648	57,648	6,263
3020	RETIREMENT EMPLOYER SHARE	369,380	369,380	414,061	414,061	44,681
3022	MEDI CARE EMPLOYER SHARE	28,910	28,910	31,945	31,945	3,035
3040	HEALTH INSURANCE EMPLOYER	182,262	182,262	175,299	175,299	-6,963
3042	LONG TERM DISABILITY EMPLOYER	4,984	4,984	5,509	5,509	525
3043	DEFERRED COMPENSATION EMPLOYER	15,422	15,422	21,446	21,446	6,024
3046	RETIREE HEALTH: DEFINED	18,490	18,490	17,887	17,887	-603
3060	WORKERS' COMPENSATION EMPLOYER	19,291	19,291	25,471	25,471	6,180
3080	FLEXIBLE BENEFITS	102,000	102,000	102,000	102,000	0
<b>CLASS: 30</b>	<b>SALARY &amp; EMPLOYEE BENEFITS</b>	2,640,838	2,790,838	2,996,626	2,996,626	205,788
4041	COUNTY PASS THRU TELEPHONE CHARGES	456	456	480	480	24
4100	INSURANCE: PREMIUM	12,627	12,627	14,242	14,242	1,615
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	4,350	4,350	4,350	4,350	0
4220	MEMBERSHIPS	11,075	11,075	11,075	11,075	0
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,602	2,602	2,602	2,602	0
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	1,785	1,785	1,960	1,960	175
4265	LAW BOOKS	74,496	74,496	64,500	64,500	-9,996
4266	PRINTING / DUPLICATING SERVICES	500	500	500	500	0
4267	ON-LINE SUBSCRIPTIONS	26,088	26,088	33,000	33,000	6,912
4300	PROFESSIONAL & SPECIALIZED SERVICES	13,300	13,300	20,200	20,200	6,900
4315	CONTRACT: LEGAL ATTORNEY	60,000	60,000	240,000	240,000	180,000
4400	PUBLICATION & LEGAL NOTICES	1,000	1,000	1,000	1,000	0
4420	RENT & LEASE: EQUIPMENT	9,004	9,004	10,400	10,400	1,396
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	500	500	50
4606	FUEL PURCHASES	300	300	300	300	0
4608	HOTEL ACCOMMODATIONS	8,400	8,400	8,400	8,400	0
<b>CLASS: 40</b>	<b>SERVICE &amp; SUPPLIES</b>	269,168	269,168	456,244	456,244	187,076
7210	INTRAFND: COLLECTIONS	250	250	250	250	0
7223	INTRAFND: MAIL SERVICE	5,341	5,341	5,447	5,447	106
7224	INTRAFND: STORES SUPPORT	230	230	58	58	-172
7231	INTRAFND: IS PROGRAMMING SUPPORT	560	560	560	560	0
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
<b>CLASS: 72</b>	<b>INTRAFUND TRANSFERS</b>	6,781	6,781	6,715	6,715	-66
<b>TYPE: E SUBTOTAL</b>		2,916,787	3,066,787	3,459,585	3,459,585	392,798
<b>FUND TYPE: 10</b>	<b>SUBTOTAL</b>	2,583,762	2,608,762	2,985,360	2,985,360	376,598
<b>DEPARTMENT: 07</b>	<b>SUBTOTAL</b>	2,583,762	2,608,762	2,985,360	2,985,360	376,598

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## Personnel Allocation

<b>Classification Title</b>	<b>2015-16 Adjusted Allocation</b>	<b>2016-17 Dept Request</b>	<b>2016-17 CAO Recm'd</b>	<b>Diff from Adjusted</b>
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	-
<b>Department Total</b>	<b>17.00</b>	<b>17.00</b>	<b>17.00</b>	<b>-</b>



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