

# COUNTY COUNSEL

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## Program Summaries

The Office of the County Counsel provides legal services to County departments. 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**  
**Positions: 1 FTE**  
**Extra Help: \$0**

**Total Appropriations: \$171,476**  
**Total Revenues: \$103,000**  
**Net County Cost: \$68,476**

This attorney represents 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. 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.

**Elder Protection**  
**Positions: 1 FTE**  
**Extra Help: \$0**

**Total Appropriations: \$181,078**  
**Total Revenues: \$0**  
**Net County Cost: \$181,078**

The attorney assigned to the Elder Protection Unit, 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. The attorney provides training and renders advice to the Deputy Public Guardian staff concerning clients and also provides back up support for the Public Guardian Conservatorship and Children's Protective Services (CPS) caseloads. 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 staff in the District Attorney's office, the Department of Human Services, and County Counsel working in collaboration.

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### **Children's Protective Services**

**Positions: 2 FTE**

**Extra Help: \$0**

**Total Appropriations: \$321,833**

**Total Revenues: \$0**

**Net County Cost: \$321,833**

The attorneys for Department of Human Services Children's Protective Services represent the Department of Human Services 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 Department of Human Services personnel to improve case handling and outcomes. The cost of County Counsel representation for the Department of Human Services is allocated through the A-87 Cost Plan and is applied toward the County's match requirement for Social Services programs.

### **Land Use/Transportation/Capital Improvement Programs**

#### **Planning & Land Use**

**Positions: 1 FTE**

**Extra Help: \$0**

**Total Appropriations: \$163,503**

**Total Revenues: \$0**

**Net County Cost: \$163,503**

The attorney for Land Use and Planning represents the Development Services Department in all aspects of land use, including the preparation, implementation, review, and defense of the County's General Plan, zoning and use permits, development denials and approvals and CEQA issues; 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. Other duties performed include Building (permits/subpoenas), code enforcement, Surveyor's Office, Agriculture Department, review County CEQA documents for capital improvement projects (primarily for DOT and General Services). This position advises the Economic Development Coordinator on land use issues and Human Services on Affordable Housing issues. The attorney oversees, participates in, and/or performs defense of administrative and writ proceedings on land use policies and approvals. The attorney sits with and advises various land use commissions including the Planning Commission and the Agriculture Commission.

#### **Department of Transportation/Ambulance**

**Positions: 2 FTE**

**Extra Help: \$0**

**Total Appropriations: \$355,049**

**Total Revenues: \$341,300**

**Net County Cost: \$13,749**

The Principal Assistant County Counsel and one attorney for Transportation, Capital Improvement Programs, Facilities and Complex Project Development provide legal advice and support for all aspects of work for the Department of Transportation, inclusive of airports and trails, and its newest General Services component. They provide advice on and assist in the coordination of the capital improvement projects, from the planning and design function of the project, the right-of-way acquisition/condemnation and utility relocation phase, through construction and claims management and resolution. These staff represent the County in administrative claims and civil litigation regarding project approval, CEQA compliance, permits, bid protests/disputes, claims, and construction litigation. These staff advise on complex funding

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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 involved the potential for significant liability (e.g. anti-trust violations).

### **Administrative/General Government**

#### **County Counsel and Chief Assistant**

##### **County Counsel**

**Positions: 2 FTE**

**Extra Help: \$0**

**Total Appropriations: \$465,494**

**Total Revenues: \$0**

**Net County Cost: \$465,494**

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 and Sheriff**

**Positions: 1 FTE**

**Extra Help: \$0**

**Total Appropriations: \$179,963**

**Total Revenues: \$0**

**Net County Cost: \$179,963**

This attorney provides legal advice and support to all departments regarding personnel issues, grievances and disciplinary actions. This attorney appears on behalf of departments at Civil Service Hearings, and represents the County at PERB hearings. This attorney also sits as part of the County's Threat Assessment Team and advises on medical and disability issues in addition to reviewing and drafting personnel policies and provides advice during labor negotiations. This position also represents the Board of Equalization assessment hearings. As counsel for the Sheriff, in addition to advising on their personnel issues, this position reviews policy manuals and attends their Sheriff section meetings. On two occasions within the past several years the current attorney has stepped into the position of Acting Director of Human Resources when requested by the Chief Administrative Office.

#### **General Law, Litigation, Risk Management,**

##### **Environmental Management, Contracts,**

##### **all other departments**

**Positions: 1 FTE**

**Extra Help: \$0**

**Total Appropriations: \$304,636**

**Total Revenues: \$104,000**

**Net County Cost: \$200,636**

The attorneys in this assignment provide legal advice and support on a wide variety of legal issues that are encountered by any County Department along with the Air Quality Management District and the Public Housing Authority. These legal issues include the review and development of responses to subpoenas and Public Record Act requests; representing employees who have been subpoenaed as witnesses in various civil, criminal or administrative

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proceedings. These positions represent various County Departments in writ proceedings in civil court, administrative proceedings including the State Department of Administrative Hearings, the Civil Service Commission, the Equal Employment Opportunity Commission, the Department of Fair employment and Housing, the Department of Housing and Urban Development, the Air District Hearing Board and the Assessment Appeals Board. In addition to the litigation related duties, these attorneys also provides support services for many County Departments and Agencies with contract review; review and advice on project bids' review and advice regarding proposed rule adoption and ordinances. These positions also oversee and assist in directing the litigation being handled by outside counsel.

## Administrative/Office Support

**Administration, Operations Support**  
**Positions: 5 FTE**  
**Extra Help: \$0**

**Total Appropriations: \$454,267**  
**Total Revenues: \$0**  
**Net County Cost: \$454,267**

Provides oversight, direction and support for the department and is responsible for administrative and business support functions including budgeting, accounting, payroll, personnel, purchasing and contract coordination, computer services and supervision of support and secretarial staff. Provides secretarial support for 12 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, Planning and Ordinance Code update.

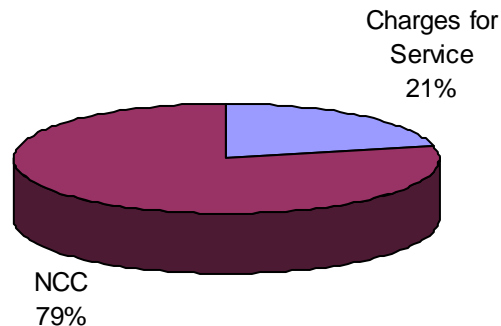
## Financial Charts

### Source of Funds

Charge for Services (\$548,300): 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 Department of Transportation.

Net County Cost (\$2,048,999): The department is primarily funded with discretionary General Fund tax dollars.

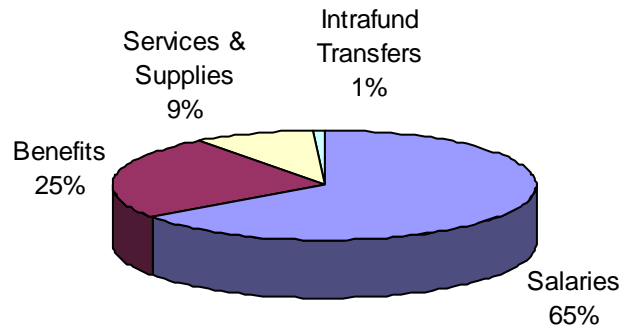
These revenues are collected in Department 15 – General Fund Other Operations.



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## Use of Funds

**Salaries & Benefits (\$2,337,256):** Primarily comprised of general salaries and benefits (\$1,809,691), retirement (\$299,414), retiree health (\$16,024), workers' compensation (\$11,073) and health insurance (\$201,054).

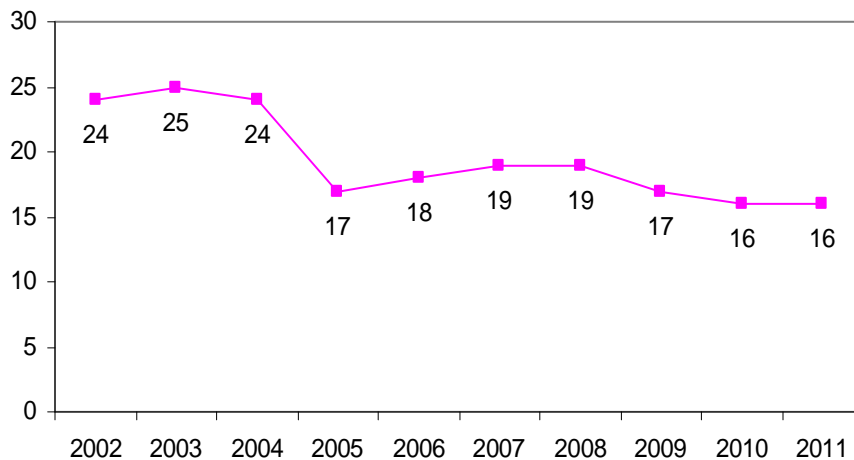


**Services & Supplies (\$240,350):** Major expenses include law books (\$67,900), legal database subscription (\$17,724), rent & lease equipment (\$12,220), contract attorney fees (\$50,000) for on-going endangered species act litigation, and costs for staff development and training which is required by the California State Bar Association in order for the attorneys to maintain their licenses to practice law (\$31,360).

**Intrafund Transfers (\$39,693):** Intrafund transfers consist of charges from other departments for services such as mainframe support (\$5,297), network support (\$21,291), and telephone (\$7,962).

## Staffing Trend

County Counsel staffing has declined over the past ten years, from 24 FTE in FY 2001-02 to 16 FTE in FY 2010-11. The reduction of five FTE is attributable to the move of the Revenue Recovery function to the Treasurer-Tax Collector in FY 2004-05. All staff are located on the West Slope.



## Chief Administrative Office Comments

The budget for the Office of County Counsel is recommended at a base level and fully funds all allocated positions.

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## Financial Information by Fund Type

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

		MID-YEAR	CURRENT YR	DEPARTMENT	CAO	
		PROJECTION	APPROVED	REQUEST	RECOMMENDED	DIFFERENCE
			BUDGET		BUDGET	
<b>TYPE: R REVENUE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
1380	LEGAL SERVICES	108,000	130,536	120,000	120,000	-10,536
1810	INTERFND REV: COUNTY COUNSEL	434,000	444,500	428,300	428,300	-16,200
<b>CLASS: 13</b>	<b>REV: CHARGE FOR SERVICES</b>	542,000	575,036	548,300	548,300	-26,736
1940	MISC: REVENUE	400	0	0	0	0
<b>CLASS: 19</b>	<b>REV: MISCELLANEOUS</b>	400	0	0	0	0
<b>TYPE: R SUBTOTAL</b>		542,400	575,036	548,300	548,300	-26,736

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## Financial Information by Fund Type

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

		MID-YEAR	CURRENT YR	DEPARTMENT	CAO	
		PROJECTION	APPROVED	REQUEST	RECOMMENDED	DIFFERENCE
			BUDGET		BUDGET	
<b>TYPE: E EXPENDITURE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
3000	PERMANENT EMPLOYEES / ELECTED	1,530,005	1,522,936	1,626,589	1,626,589	103,653
3004	OTHER COMPENSATION	65,500	48,904	59,748	59,748	10,844
3020	RETIREMENT EMPLOYER SHARE	291,551	312,551	299,414	299,414	-13,137
3022	MEDI CARE EMPLOYER SHARE	23,405	25,196	24,421	24,421	-775
3040	HEALTH INSURANCE EMPLOYER SHARE	176,784	178,801	198,192	201,054	22,253
3041	UNEMPLOYMENT INSURANCE EMPLOYER	14,590	12,910	12,880	12,880	-30
3042	LONG TERM DISABILITY EMPLOYER SHARE	6,388	6,388	6,232	6,232	-155
3043	DEFERRED COMPENSATION EMPLOYER	26,921	25,200	31,320	31,320	6,120
3046	RETIREE HEALTH: DEFINED CONTRIBUTIONS	13,506	13,506	13,506	16,024	2,518
3060	WORKERS' COMPENSATION EMPLOYER	15,139	15,139	15,139	11,073	-4,066
3080	FLEXIBLE BENEFITS	34,500	42,000	48,500	48,500	6,500
<b>CLASS: 30</b>	<b>SALARY &amp; EMPLOYEE BENEFITS</b>	<b>2,198,290</b>	<b>2,203,531</b>	<b>2,335,942</b>	<b>2,337,256</b>	<b>133,725</b>
4041	COUNTY PASS THRU TELEPHONE CHARGES	384	384	384	384	0
4100	INSURANCE: PREMIUM	10,454	10,454	10,454	7,660	-2,794
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	3,772	0	3,684	3,684	3,684
4220	MEMBERSHIPS	4,800	10,740	9,820	9,820	-920
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	1,925	2,000	2,000	2,000	0
4260	OFFICE EXPENSE	9,600	9,600	10,200	10,200	600
4261	POSTAGE	2,500	2,768	2,152	2,152	-616
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	10,055	10,755	2,821	2,821	-7,934
4265	LAW BOOKS	76,800	76,800	67,900	67,900	-8,900
4266	PRINTING / DUPLICATING SERVICES	1,000	1,500	1,500	1,500	0
4267	ON-LINE SUBSCRIPTIONS	0	0	17,724	17,724	17,724
4300	PROFESSIONAL & SPECIALIZED SERVICES	10,000	13,650	13,850	13,850	200
4315	CONTRACT: LEGAL ATTORNEY	50,000	50,000	50,000	50,000	0
4400	PUBLICATION & LEGAL NOTICES	1,000	1,500	1,000	1,000	-500
4420	RENT & LEASE: EQUIPMENT	11,820	11,711	12,220	12,220	509
4440	RENT & LEASE: BUILDING & IMPROVEMENTS	720	840	840	840	0
4461	EQUIP: MINOR	2,700	0	0	0	0
4500	SPECIAL DEPT EXPENSE	500	1,000	1,000	1,000	0
4503	STAFF DEVELOPMENT	4,000	5,520	6,160	6,160	640
4529	SOFTWARE LICENSE	7,151	7,151	3,200	3,200	-3,951
4600	TRANSPORTATION & TRAVEL	5,000	14,400	13,200	13,200	-1,200
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	10,000	12,000	12,000	12,000	0
4605	RENT & LEASE: VEHICLE	300	600	450	450	-150
4606	FUEL PURCHASES	150	300	300	300	0
<b>CLASS: 40</b>	<b>SERVICE &amp; SUPPLIES</b>	<b>224,916</b>	<b>243,958</b>	<b>243,144</b>	<b>240,350</b>	<b>-3,608</b>
7200	INTRAFUND TRANSFERS: ONLY GENERAL	25	0	0	0	0
7210	INTRAFND: COLLECTIONS	500	1,000	300	300	-700
7220	INTRAFND: TELEPHONE EQUIPMENT &	8,500	12,781	7,962	7,962	-4,819

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## Financial Information by Fund Type

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

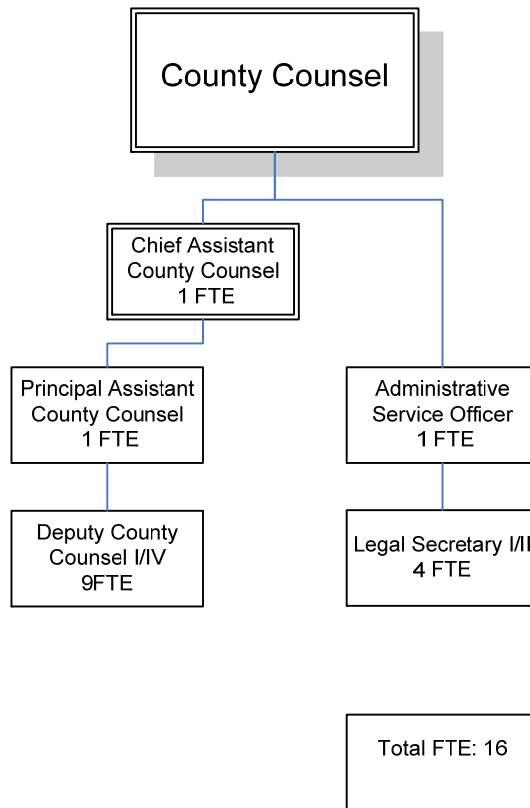
		CURRENT YR		CAO		
		MID-YEAR	APPROVED	DEPARTMENT	RECOMMENDED	
		PROJECTION	BUDGET	REQUEST	BUDGET	DIFFERENCE
7223	INTRAFND: MAIL SERVICE	1,775	1,775	2,134	2,134	359
7224	INTRAFND: STORES SUPPORT	662	662	809	809	147
7225	INTRAFND: CENTRAL DUPLICATING	100	1,000	500	500	-500
7227	INTRAFND: MAINFRAME SUPPORT	5,549	5,549	5,297	5,297	-252
7229	INTRAFND: PC SUPPORT	1,000	2,400	1,000	1,000	-1,400
7231	INTRAFND: IS PROGRAMMING SUPPORT	350	750	0	0	-750
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	600	400	400	-200
7234	INTRAFND: NETWORK SUPPORT	20,487	20,487	21,291	21,291	804
<b>CLASS: 72</b>	<b>INTRAFUND TRANSFERS</b>	<b>39,348</b>	<b>47,004</b>	<b>39,693</b>	<b>39,693</b>	<b>-7,311</b>
7350	INTRFND ABATEMENTS: GF ONLY	-3,377	0	-20,000	-20,000	-20,000
<b>CLASS: 73</b>	<b>INTRAFUND ABATEMENT</b>	<b>-3,377</b>	<b>0</b>	<b>-20,000</b>	<b>-20,000</b>	<b>-20,000</b>
<b>TYPE: E SUBTOTAL</b>		<b>2,459,177</b>	<b>2,494,493</b>	<b>2,598,779</b>	<b>2,597,299</b>	<b>102,806</b>
<b>FUND TYPE: 10</b>	<b>SUBTOTAL</b>	<b>1,916,777</b>	<b>1,919,457</b>	<b>2,050,479</b>	<b>2,048,999</b>	<b>129,542</b>
<b>DEPARTMENT: 07</b>	<b>SUBTOTAL</b>	<b>1,916,777</b>	<b>1,919,457</b>	<b>2,050,479</b>	<b>2,048,999</b>	<b>129,542</b>



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## Personnel Allocation

Classification Title	2009-10 Adjusted Allocation	2010-11 Dept Request	2010-11 CAO Recm'd	Diff from Adjusted
County Counsel	1.00	1.00	1.00	0.00
Administrative Services Officer	1.00	1.00	1.00	0.00
Chief Assistant County Counsel	1.00	1.00	1.00	0.00
Deputy County Counsel I-IV	8.00	8.00	8.00	0.00
Legal Secretary I/II	4.00	4.00	4.00	0.00
Principal Assistant County Counsel	1.00	1.00	1.00	0.00
<b>Department Total</b>	<b>16.00</b>	<b>16.00</b>	<b>16.00</b>	<b>0.00</b>



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### Ten Year History

	01/02 Actual	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual
State	-	399	-	-	-
Charges for Service	392,553	331,515	489,475	337,855	492,706
Misc.	18,300	25,448	16,032	48	-
<b>Total Revenue</b>	<b>410,853</b>	<b>357,362</b>	<b>505,507</b>	<b>337,903</b>	<b>492,706</b>
Salaries	1,373,595	1,328,305	1,403,404	1,122,707	1,298,180
Benefits	283,896	318,684	440,772	413,619	516,660
Services & Supplies	554,063	948,604	1,238,134	1,084,570	1,142,939
Other Charges	150	50	100	290	240
Fixed Assets	64,455	-	-	2,228	-
Intrafund Transfers	58,908	39,604	42,517	8,807	11,858
<b>Total Appropriations</b>	<b>2,335,067</b>	<b>2,635,247</b>	<b>3,124,927</b>	<b>2,632,221</b>	<b>2,969,877</b>
<b>NCC</b>	<b>1,924,214</b>	<b>2,277,885</b>	<b>2,619,420</b>	<b>2,294,318</b>	<b>2,477,171</b>
<b>FTE's</b>	<b>24</b>	<b>25</b>	<b>24</b>	<b>17</b>	<b>18</b>

## COUNTY COUNSEL

### Ten Year History

	06/07 Actual	07/08 Actual	08/09 Actual	09/10 Projected	10/11 Budget
State	-	-	-	-	-
Charges for Service	656,559	646,312	622,743	642,000	548,300
Misc.	-	-	6,588	426	-
<b>Total Revenue</b>	<b>656,559</b>	<b>646,312</b>	<b>629,331</b>	<b>642,426</b>	<b>548,300</b>
Salaries	1,506,142	1,615,593	1,588,461	1,574,868	1,686,337
Benefits	548,554	580,491	616,775	631,691	650,918
Services & Supplies	554,217	300,197	173,329	207,166	240,350
Other Charges	240	-	-	-	-
Fixed Assets	37,879	-	-	-	-
Intrafund Transfers	17,434	(16,252)	25,571	35,671	19,693
<b>Total Appropriations</b>	<b>2,664,466</b>	<b>2,480,029</b>	<b>2,404,136</b>	<b>2,449,396</b>	<b>2,597,298</b>
<b>NCC</b>	<b>2,007,907</b>	<b>1,833,717</b>	<b>1,774,805</b>	<b>1,806,970</b>	<b>2,048,998</b>
<b>FTE's</b>	<b>19</b>	<b>19</b>	<b>17</b>	<b>16</b>	<b>16</b>

10 Year Variance		
	\$ Change	% Change
Charges for Service	155,747	40%
Misc.	(18,300)	-100%
<b>Total Revenue</b>	<b>137,447</b>	<b>33%</b>
Salaries	312,742	23%
Benefits	367,022	129%
Services & Supplies	(313,713)	-57%
Other Charges	(150)	-100%
Fixed Assets	(64,455)	-100%
Intrafund Transfers	(39,215)	-67%
<b>Total Appropriations</b>	<b>262,231</b>	<b>11%</b>
<b>NCC</b>	<b>124,784</b>	<b>6%</b>
<b>FTE's</b>	<b>(8)</b>	<b>-32%</b>

#### Notes

FY 2004-05 Revenue Recovery function moved to Treasurer-Tax Collector (5 FTE's)