

COUNTY COUNSEL

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
Positions: 1 FTE
Extra Help: \$0

Total Appropriations: \$180,268
Total Revenues: \$119,000
Net County Cost: \$61,268

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 & General Government
Positions: 1 FTE
Extra Help: \$0

Total Appropriations: \$183,186
Total Revenues: \$0
Net County Cost: \$183,186

The attorney for the Department of Human Services, 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. In addition this position also reviews and approves Public Health I.T. contracts. 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: \$339,934

Total Revenues: \$0

Net County Cost: \$339,934

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 including after hours consultations on warrants and placement of endangered minors. 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: \$178,092

Total Revenues: \$0

Net County Cost: \$178,092

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: \$383,633

Total Revenues: \$251,500

Net County Cost: \$132,133

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 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. Staff represent the County in administrative claims and civil litigation regarding project approval, CEQA compliance, permits, bid protests/disputes, claims, and construction litigation. They 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: \$501,947

Total Revenues: \$0

Net County Cost: \$501,947

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: \$185,065

Total Revenues: \$0

Net County Cost: \$185,065

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: \$165,025

Total Revenues: \$129,670

Net County Cost: \$35,355

The attorney in this assignment provides 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 and representing

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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 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, this attorney 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. This position also oversees and assists in directing the litigation being handled by outside counsel.

Administrative/Office Support

Administration, Operations Support

Positions: 5 FTE

Extra Help: \$35,050

Total Appropriations: \$392,029

Total Revenues: \$0

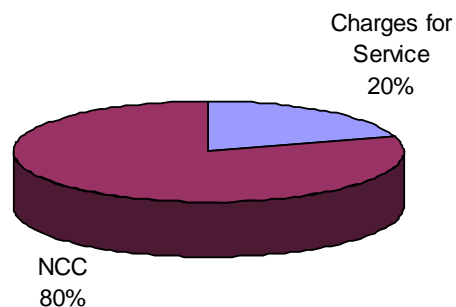
Net County Cost: \$392,029

One extra help position provides business support including budgeting, accounting, payroll, purchasing, contract coordination and computer services. One Sr. Legal Secretary position provides supervision and work flow planning of secretarial staff in addition to providing secretarial support. This position plus three other legal secretarial positions provide support for 11 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 (\$500,170): 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. The department also receives some revenues for legal services provided to conservatees. This revenue is projected at \$119,000.

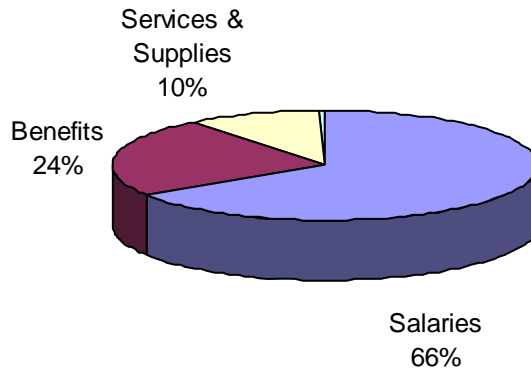


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Net County Cost (\$2,009,010): The department is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

Use of Funds

Salaries & Benefits (\$2,246,849): Primarily comprised of general salaries and benefits (\$1,754,424), retirement (\$278,945), retiree health (\$16,024), workers' compensation (\$8,744) and health insurance (\$188,712). \$35,050 is included for extra help, as discussed below.

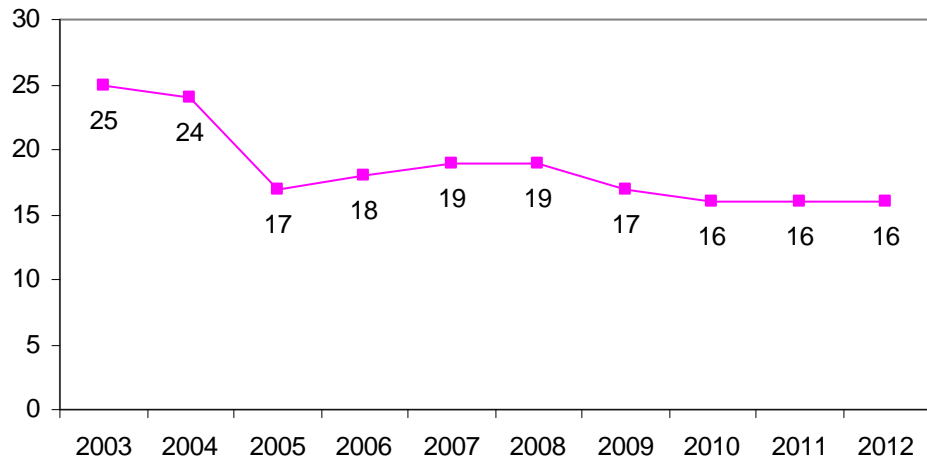


Services & Supplies (\$250,139): Major expenses include maintenance and updates to the law library (\$74,496), legal database subscription (\$17,724), rent & lease equipment (\$12,221), contract attorney fees (\$50,000) for on-going litigation, and costs for staff training which is required by the California State Bar Association in order for the attorneys to maintain their licenses to practice law, Bar Association dues, and mileage for work-related travel (\$45,150).

Other Charges (\$80): Miscellaneous charges from other county departments.

Intrafund Transfers (\$34,112): Intrafund transfers consist of charges from other departments for services such as mainframe support (\$4,373), network support (\$16,589), and telephone (\$7,962).

Intrafund Abatements (-\$22,000): Intrafund abatements consist of revenues from general fund departments, primarily County Engineer, Department of Transportation.



Staffing Trend

County Council staffing has declined over the past ten years, from 25 FTE in FY 2002-03 to 16 FTE in FY 2011-12. The reduction of

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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 Recommended Budget represents an overall decrease of \$48,130 or 9% in revenues and a decrease of \$86,698 or 3% in appropriations when compared to the FY 2010-11 approved budget. As a result, the Net County Cost has decreased \$38,568 or 2%.

The change in revenues is primarily comprised of a reduction in charges for services related to conservatorships. The change in appropriations is primarily related to decreases in salaries and benefits due to personnel changes outlined below to achieve cost savings. Overall salaries and benefits are declining, including a \$37,438 reduction in retirement due to the anticipated employee partial pick-up of retirement costs.

The County Counsel's budget includes personnel adjustments for a slight restructuring of the fiscal and secretarial support function of the office. The department proposes the deletion of the Administrative Services Officer, a management position which currently supervises the legal secretarial staff and performs all the department's fiscal, administrative, and budgetary duties. These duties will be split and performed by two different positions. One FTE Fiscal Technician is proposed to be added to handle the fiscal duties, and the supervision of the secretarial staff will be handled by a Sr. Legal Secretary. One FTE Legal Secretary I/II will be deleted to accommodate the addition of the Sr. Legal Secretary position, which will be filled by internal recruitment. While the personnel allocation will reflect the above structure, the Fiscal Technician position will likely be filled with an extra help Sr. Department Analyst for most of the fiscal year, who will work part-time and assist in the transition to the new structure.

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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	119,000	119,000	-1,000
1810	INTERFND REV: COUNTY COUNSEL	428,300	428,300	381,170	381,170	-47,130
CLASS: 13	REV: CHARGE FOR SERVICES	548,300	548,300	500,170	500,170	-48,130
TYPE: R SUBTOTAL		548,300	548,300	500,170	500,170	-48,130

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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	
TYPE: E EXPENDITURE						
SUBOBJ SUBOBJ TITLE						
3000	PERMANENT EMPLOYEES / ELECTED	1,626,589	1,626,589	1,559,807	1,559,807	-66,782
3001	TEMPORARY EMPLOYEES	0	0	35,050	35,050	35,050
3004	OTHER COMPENSATION	59,748	59,748	55,544	55,544	-4,204
3020	RETIREMENT EMPLOYER SHARE	299,414	299,414	316,383	278,945	-20,469
3022	MEDI CARE EMPLOYER SHARE	24,421	24,421	23,982	23,982	-439
3040	HEALTH INSURANCE EMPLOYER SHARE	201,054	201,054	188,712	188,712	-12,342
3041	UNEMPLOYMENT INSURANCE EMPLOYER	12,880	12,880	12,948	12,948	68
3042	LONG TERM DISABILITY EMPLOYER SHARE	6,232	6,232	5,773	5,773	-459
3043	DEFERRED COMPENSATION EMPLOYER	31,320	31,320	31,320	31,320	0
3046	RETIREE HEALTH: DEFINED CONTRIBUTIONS	16,024	16,024	16,024	16,024	0
3060	WORKERS' COMPENSATION EMPLOYER	11,073	11,073	8,744	8,744	-2,329
3080	FLEXIBLE BENEFITS	48,500	48,500	30,000	30,000	-18,500
CLASS: 30	SALARY & EMPLOYEE BENEFITS	2,337,256	2,337,256	2,284,287	2,246,849	-90,407
4041	COUNTY PASS THRU TELEPHONE CHARGES	384	384	384	384	0
4100	INSURANCE: PREMIUM	7,660	7,660	7,639	7,639	-21
4141	MAINT: OFFICE EQUIPMENT	285	285	285	285	0
4144	MAINT: COMPUTER	3,684	3,684	3,596	3,596	-88
4220	MEMBERSHIPS	9,820	9,820	9,510	9,510	-310
4221	MEMBERSHIPS: LEGISLATIVE ADVOCACY	2,000	2,000	2,000	2,000	0
4260	OFFICE EXPENSE	10,200	10,200	10,500	10,500	300
4261	POSTAGE	2,152	2,152	2,158	2,158	6
4263	SUBSCRIPTION / NEWSPAPER / JOURNALS	2,821	2,821	2,703	2,703	-118
4265	LAW BOOKS	67,900	67,900	74,496	74,496	6,596
4266	PRINTING / DUPLICATING SERVICES	1,500	1,500	1,000	1,000	-500
4267	ON-LINE SUBSCRIPTIONS	17,724	17,724	17,724	17,724	0
4300	PROFESSIONAL & SPECIALIZED SERVICES	13,850	13,850	14,950	14,950	1,100
4315	CONTRACT: LEGAL ATTORNEY	50,000	50,000	48,973	48,973	-1,027
4325	AB75: HOSPITAL	0	0	130	130	130
4400	PUBLICATION & LEGAL NOTICES	1,000	1,000	1,000	1,000	0
4420	RENT & LEASE: EQUIPMENT	12,220	12,220	12,221	12,221	1
4440	RENT & LEASE: BUILDING & IMPROVEMENTS	840	840	780	780	-60
4500	SPECIAL DEPT EXPENSE	1,000	1,000	500	500	-500
4503	STAFF DEVELOPMENT	6,160	6,160	7,040	7,040	880
4529	SOFTWARE LICENSE	1,779	1,779	3,200	3,200	1,421
4600	TRANSPORTATION & TRAVEL	13,200	13,200	7,700	7,700	-5,500
4602	MILEAGE: EMPLOYEE PRIVATE AUTO	12,000	12,000	13,200	13,200	1,200
4605	RENT & LEASE: VEHICLE	450	450	450	450	0
4606	FUEL PURCHASES	300	300	300	300	0
4608	HOTEL ACCOMMODATIONS	0	0	7,700	7,700	7,700
CLASS: 40	SERVICE & SUPPLIES	238,929	238,929	250,139	250,139	11,210

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Financial Information by Fund Type

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

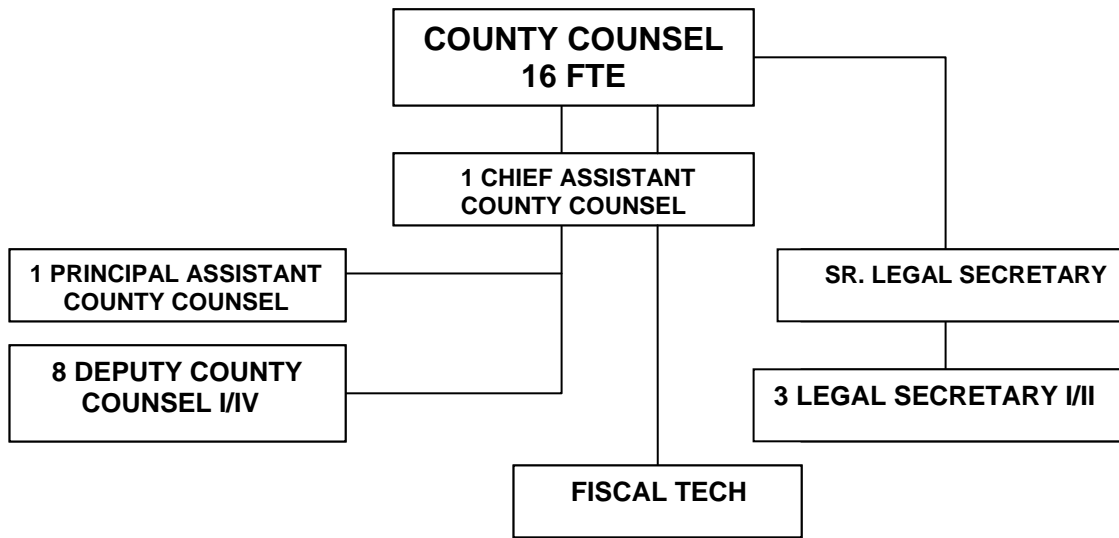
		MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
5300	INTERFND: SERVICE BETWEEN FUND TYPES	0	0	80	80	80
CLASS: 50	OTHER CHARGES	0	0	80	80	80
7210	INTRAFND: COLLECTIONS	300	300	250	250	-50
7220	INTRAFND: TELEPHONE EQUIPMENT &	7,962	7,962	7,962	7,962	0
7223	INTRAFND: MAIL SERVICE	2,134	2,134	2,075	2,075	-59
7224	INTRAFND: STORES SUPPORT	809	809	963	963	154
7225	INTRAFND: CENTRAL DUPLICATING	500	500	500	500	0
7227	INTRAFND: MAINFRAME SUPPORT	5,297	5,297	4,373	4,373	-924
7229	INTRAFND: PC SUPPORT	1,000	1,000	1,000	1,000	0
7232	INTRAFND: MAINT BLDG & IMPROVMNTS	400	400	400	400	0
7234	INTRAFND: NETWORK SUPPORT	21,291	21,291	16,589	16,589	-4,702
CLASS: 72	INTRAFUND TRANSFERS	39,693	39,693	34,112	34,112	-5,581
7350	INTRFND ABATEMENTS: GF ONLY	-20,000	-20,000	-22,000	-22,000	-2,000
CLASS: 73	INTRAFUND ABATEMENT	-20,000	-20,000	-22,000	-22,000	-2,000
TYPE: E SUBTOTAL		2,595,878	2,595,878	2,546,618	2,509,180	-86,697
FUND TYPE: 10 SUBTOTAL		2,047,578	2,047,578	2,046,448	2,009,010	-38,567
DEPARTMENT: 07 SUBTOTAL		2,047,578	2,047,578	2,046,448	2,009,010	-38,567

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Personnel Allocation

Classification Title	2010-11 Adjusted Allocation	2011-12 Dept Request	2011-12 CAO Recm'd	Diff from Adjusted
County Counsel	1.00	1.00	1.00	-
Administrative Services Officer	1.00	-	-	(1.00)
Chief Assistant County Counsel	1.00	1.00	1.00	-
Deputy County Counsel I - IV	8.00	8.00	8.00	-
Fiscal Technician	-	1.00	1.00	1.00
Legal Secretary I/II	4.00	3.00	3.00	(1.00)
Sr. Legal Secretary	-	1.00	1.00	1.00
Principal Assistant County Counsel	1.00	1.00	1.00	-
Department Total	16.00	16.00	16.00	-

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Ten Year History

	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual
State	399	-	-	-	-
Charges for Service	331,515	489,475	337,855	492,706	656,559
Misc.	25,448	16,032	48	-	-
Total Revenue	357,362	505,507	337,903	492,706	656,559
Salaries	1,328,305	1,403,404	1,122,707	1,298,180	1,506,142
Benefits	318,684	440,772	413,619	516,660	548,554
Services & Supplies	948,604	1,238,134	1,084,570	1,142,939	554,217
Other Charges	50	100	290	240	240
Fixed Assets	-	-	2,228	-	37,879
Intrafund Transfers	39,604	42,517	8,807	11,858	17,434
Total Appropriations	2,635,247	3,124,927	2,632,221	2,969,877	2,664,466
NCC	2,277,885	2,619,420	2,294,318	2,477,171	2,007,907
FTE's	25	24	17	18	19

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Ten Year History

	07/08 Actual	08/09 Actual	09/10 Actual	10/11 Projected	11/12 Budget
State	-	-	-	-	-
Charges for Service	646,312	622,743	671,704	548,300	500,170
Misc.	-	6,588	426	-	-
Total Revenue	646,312	629,331	672,130	548,300	500,170
Salaries	1,615,593	1,588,461	1,595,876	1,686,337	1,650,401
Benefits	580,491	616,775	583,602	650,919	596,448
Services & Supplies	300,197	173,329	191,398	238,929	250,139
Other Charges	-	-	-	-	80
Fixed Assets	-	-	-	-	-
Intrafund Transfers	(16,252)	25,571	10,590	19,693	12,112
Total Appropriations	2,480,029	2,404,136	2,381,466	2,595,878	2,509,180
NCC	1,833,717	1,774,805	1,709,336	2,047,578	2,009,010
FTE's	19	17	16	16	16

10 Year Variance		
	\$ Change	% Change
State	(399)	-100%
Charges for Service	168,655	51%
Misc.	(25,448)	-100%
Total Revenue	142,808	40%
Salaries	322,096	24%
Benefits	277,764	87%
Services & Supplies	(698,465)	-74%
Other Charges	30	60%
Fixed Assets	-	N/A
Intrafund Transfers	(27,492)	-69%
Total Appropriations	(126,067)	-5%
NCC	(268,875)	-12%
FTE's	(9)	-35%

Notes

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