

**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, 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; and instituting conservatorships for probate and for gravely-disabled individuals, under the Lanterman-Petris-Short (LPS) Act.

**DEPARTMENT BUDGET SUMMARY**

**DEPT : 07 COUNTY COUNSEL**

Description	Prior Year Actual	Current Year Adopted	CAO Recommended	Difference from Adopted
Service Charges	462,874	463,475	409,616	(53,859)
<b>Total Revenue</b>	<b>462,874</b>	<b>463,475</b>	<b>409,616</b>	<b>(53,859)</b>
Salaries & Benefits	2,958,078	3,140,008	3,320,042	180,034
Services & Supplies	369,374	374,226	357,373	(16,853)
Intrafund Transfers	5,820	4,003	4,980	977
Intrafund Abatement	(40,705)	0	0	0
<b>Total Appropriations</b>	<b>3,292,568</b>	<b>3,518,237</b>	<b>3,682,395</b>	<b>164,158</b>
<b>FUND 1000 GENERAL FUND TOTAL</b>	<b>2,829,694</b>	<b>3,054,762</b>	<b>3,272,779</b>	<b>218,017</b>

**MAJOR BUDGET CHANGES**

Revenues

- (25,000) Decrease in anticipated revenue for legal services based on a reduction in land use cases and Public Guardian Legal Services.
- (28,859) Decrease in service charges related to reduced reimbursements for staff time spent assisting non-general fund programs.

Appropriations

- \$194,008 Increase in Salaries and Benefits due to increased CalPERS retirement costs and compensation changes approved in Fiscal Year 2019-20.
- (\$13,974) Decrease in Workers' Compensation premium charge to bring the program funding level to an acceptable confidence level, as provided by the Risk Management Division.
- (\$10,659) General Liability insurance premium charge recommended at \$0 to bring the program funding level to an acceptable confidence level, as provided by the Risk Management Division.

# County Counsel

RECOMMENDED BUDGET • FY 2020-21

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## 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. All attorneys 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. County Counsel acts as general legal advisors to the assigned County department, and supervises and participates 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 Behavioral Health in connections with restoration to competency actions and other criminal diversion programs. 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 Multipurpose Senior Services Program/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. 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 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*Transportation, Planning & Land Use, and EMS Litigation*

These attorneys support the Departments of Transportation, Planning and Building, Land Use, Environmental Management and Air Quality Management, as well as the Emergency Services and Ambulance. 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.

General Government*County Counsel and Assistant County Counsel*

The County Counsel and 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 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, 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

# County Counsel

## RECOMMENDED BUDGET • FY 2020-21

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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, Contracts, and all other Departments*

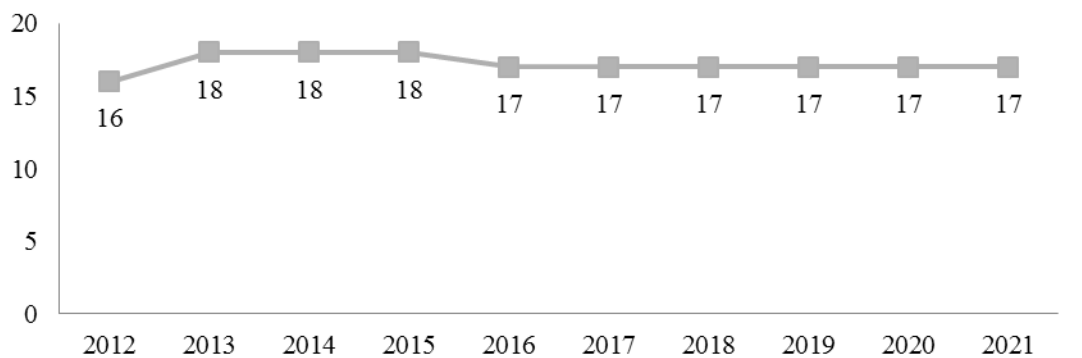
The attorneys in this assignment provide legal advice and support on a wide variety of legal issues that are encountered by any County Department. They also review and develop responses to subpoenas and Public Record Act requests, and represent employees who have been subpoenaed as witnesses in various civil, criminal, or administrative proceedings. These attorneys represent 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, these attorneys 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. They also advise the Procurements and Contracts department and County Facilities Management.

### *Administrative, Operations Support*

One Administrative Analyst provides administrative and fiscal support including budgeting, accounting, payroll, purchasing, personnel 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.

## STAFFING TREND

County Counsel staffing has remained relatively static over the past 10 years and is currently at 17 FTEs. All staff are located on the West Slope, with travel to South Lake Tahoe as needed.



## RECOMMENDED BUDGET

This Budget is recommended at \$3,682,395, which is an increase of \$164,158 (4.7%) when compared to the FY 2019-20 Adopted Budget. The General Fund provides 88.9% of the funding for the Department, and is increased by \$218,017 (7.14%) when compared to the FY 2019-20 Adopted Budget.

# County Counsel

## RECOMMENDED BUDGET • FY 2020-21

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A net increase of \$180,034 in Salaries and Benefits costs is primarily due to the Board approved dissolution of the Deputy County Counsel bargaining unit into the Unrepresented Management Unit and the changes in the compensation structure that occurred during FY 2019-20.

Costs in Services and Supplies are decreasing for the third year, primarily as a result of General Liability insurance premium charge recommended at \$0 to bring the program funding level to an acceptable confidence level, as provided by the Risk Management Division.

Overall, this represents a status quo budget, as no services are increasing, and the changes in costs are associated with increasing salary and retirement costs.

### CAO Adjustments

No adjustments are recommended.

### Sources & Uses of Funds

The budget for County Counsel is primarily funded with discretionary General Fund revenue. These revenues are collected in Department 15 – General Fund Other Operations.

The Department also charges County departments with outside funding sources to recoup a portion of the cost of its services. The Department also receives some revenues for legal services provided to conservatees.