

**County Counsel**  
**RECOMMENDED BUDGET • FY 2022-23**

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**MISSION**

County Counsel is the legal advisor to 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**

Description	FY 2020-21 Actual	Current Year Adopted	CAO Recommended	Difference from Adopted
Service Charges	440,110	443,300	476,300	33,000
Miscellaneous Rev	46	0	0	0
<b>Total Revenue</b>	<b>440,156</b>	<b>443,300</b>	<b>476,300</b>	<b>33,000</b>
Salaries & Benefits	3,229,492	3,472,688	3,799,088	326,400
Services & Supplies	257,040	398,715	382,847	(15,868)
Intrafund Transfers	5,374	6,333	7,013	680
Intrafund Abatement	(86,287)	(25,500)	(62,500)	(37,000)
<b>Total Appropriations</b>	<b>3,405,620</b>	<b>3,852,236</b>	<b>4,126,448</b>	<b>274,212</b>
<b>FUND 1000 GENERAL FUND TOTAL</b>	<b>2,965,464</b>	<b>3,408,936</b>	<b>3,650,148</b>	<b>241,212</b>

**MAJOR BUDGET CHANGES**

Revenues

\$33,000      Increase in legal service charges to align with current rates, primarily from the Environmental Management and Transportation departments.

Appropriations

*Salaries and Benefits*

\$20,667      Increase in Workers' Compensation charge due to a resumption of premium charges after a rate holiday in Fiscal Year 2021-22.

\$92,662      Increase in Retirement Employer Share as a result of increases to the CalPERS Unfunded Accrued Liability (UAL) payment.

\$213,071      Increase in Salaries and Benefits costs from Board-approved compensation increases and vacancies in the department that are budgeted to accommodate hiring experienced staff with the maximum cost of employee benefit elections.

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### *Service and Supplies*

- (\$27,300)      Decrease in computer and software maintenance expenses due to the completion of the two-year software transition and data migration project.
- \$6,565          Increase in General Liability charge due to a rate reduction in Fiscal Year 2021-22.
- \$4,867          Increase in Services and Supplies costs primarily due to contractual increases to the WebQA, law book and online law subscriptions, and to legal practice management software.

### *Intrafund Transfers*

- \$680            Increase in facilities, mail and stores charges for services.

### *Intrafund Abatements*

- \$37,000        Increase in legal service charges to align with current rates, primarily from the Planning and Building department.

## PROGRAM SUMMARIES

The programs set forth below highlight the core legal functions of the particular area described. Allocation of Full Time Equivalent (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, including writ proceedings, court hearings, and public records and subpoena/deposition requests. 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 advisor to the assigned County Department, and supervises and participates in the resolution of difficult or complex legal questions regarding the 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 Lanterman-Petris-Short (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 connection 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, including detection and investigation of alleged elder abuse, and the preparation of complex civil litigation for asset recovery from perpetrators. Staff provide 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 Multipurpose Senior Services Program/Linkages. When there are sufficient assets to pay for conservatees' needs, County Counsel will

receive attorneys' fees commensurate with a conservatee's ability to pay. The attorneys may provide backup 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*

These attorneys support Transportation, Planning and Building, Environmental Management, Air Quality Management, and other Land Use departments, as well as the Emergency Management and Ambulance Services. These attorneys represent the County in regard to Capital Improvement Programs, including the coordination of these projects from their planning and design, to the right of way acquisition/condemnation and utility relocation phase, through construction and claims management, and to 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 California Environmental Quality Act (CEQA) compliance issues.

Staff advises on complex land use issues such as Rare Plants, Affordable Housing, and Integrated Natural Resource Management Plans, 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 in, advise on, 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 representatives to the Board of Supervisors and all County departments, boards and commissions, and on assigned litigation and business matters and mandated functions (e.g. County election proceedings and writs of habeas corpus), 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 countywide legal controls and procedures, and communicate these goals, programs, policies and

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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 that 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, Contracts, and all other Departments*

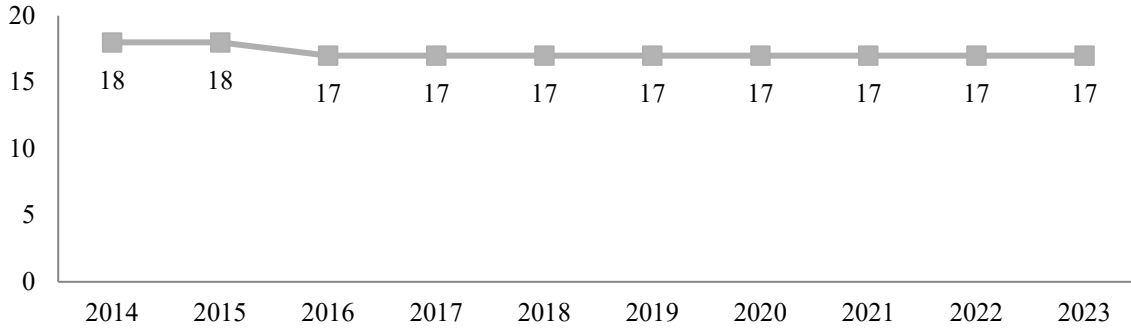
The attorneys in this assignment provide legal advice and support on a wide variety of legal issues that are encountered by any County Department. They also review and develop responses to subpoenas and Public Records Act requests, and represent employees who have been subpoenaed as witnesses in various civil, criminal, or administrative proceedings. These attorneys represent various County Departments in writ proceedings in civil court, and administrative proceedings, including with the California Office of Administrative Hearings, the U. S. Department of Housing and Urban Development, the Air Quality Management District Hearing Board, and the County's Assessment Appeals Board. In addition to litigation-related duties, these attorneys also provide 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 Procurement and Contracts office 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 Senior Legal Secretaries and one Legal Secretary II provide secretarial services 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, 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 \$4,126,448, which is an increase of \$274,212 (7%) when compared to the FY 2021-22 Adopted Budget. The General Fund provides 88.5% of the funding for the Department, and is increased by \$241,212 (7%) when compared to the FY 2021-22 Adopted Budget.

A net increase of \$326,400 in Salaries and Benefits costs is primarily due to Board-approved compensation increases and vacancies in the department that are budgeted to accommodate hiring experienced staff with the maximum cost of employee benefit elections.

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.

