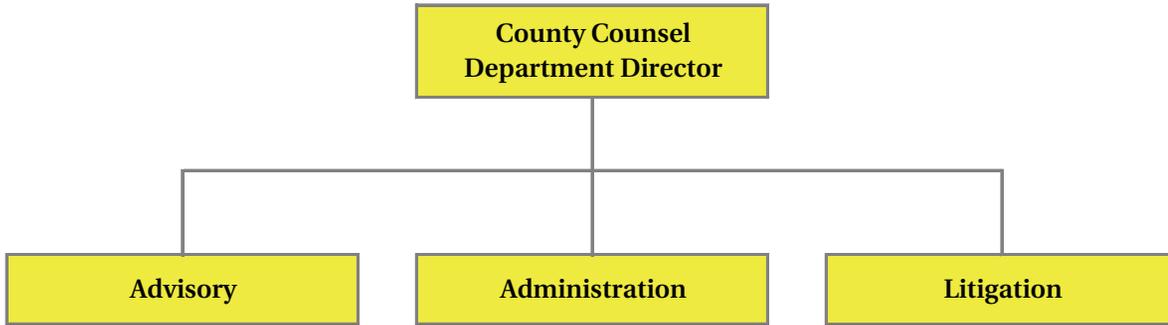
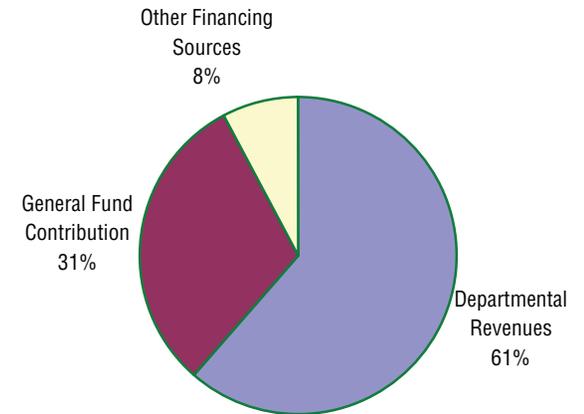


COUNTY COUNSEL

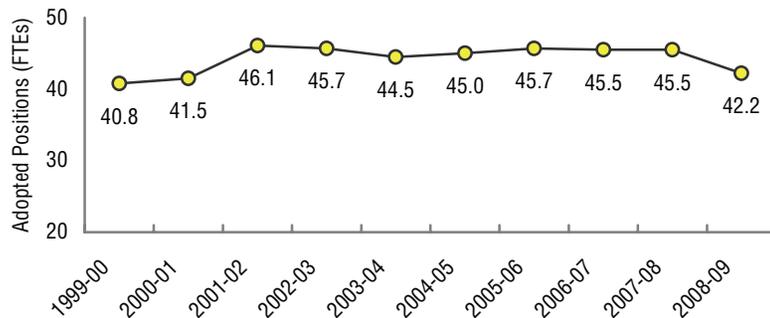
Budget & Positions (FTEs)	
Operating \$	3,356,093
Capital	-
Positions	42.2 FTEs



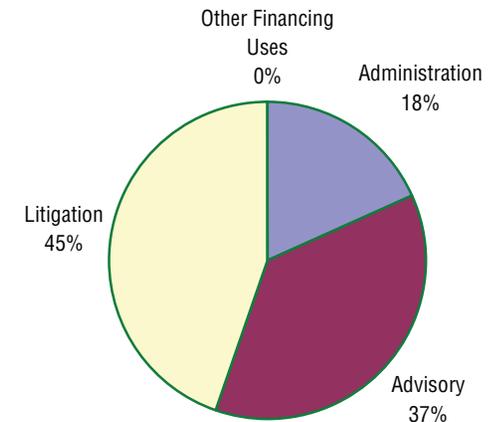
SOURCE OF FUNDS



STAFFING TREND



USE OF FUNDS



COUNTY COUNSEL
Department Summary

	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
Use of Funds Summary				
<i>Operating Expenditures</i>				
Administration	\$ 1,046,914	\$ 1,381,714	\$ 1,111,232	\$ 1,411,302
Advisory	2,568,422	2,791,511	2,818,180	2,876,986
Litigation	2,660,649	3,078,236	3,078,038	3,446,225
Operating Sub-Total	6,275,985	7,251,461	7,007,450	7,734,513
Less: Intra-County Revenues	(4,197,939)	(3,937,356)	(4,406,309)	(4,378,420)
Expenditure Total	2,078,046	3,314,105	2,601,141	3,356,093
<i>Other Financing Uses</i>				
Operating Transfers	15,975	45,944	45,944	5,944
Department Total	\$ 2,094,021	\$ 3,360,049	\$ 2,647,085	\$ 3,362,037

Character of Expenditures

	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
<i>Operating Expenditures</i>				
Regular Salaries	\$ 4,337,892	\$ 4,578,697	\$ 4,705,866	\$ 4,744,976
Overtime	6,927	--	4,650	--
Extra Help	47,166	16,290	66,149	15,176
Benefits	1,321,636	1,615,403	1,527,847	1,978,263
Salaries & Benefits Sub-Total	5,713,621	6,210,390	6,304,512	6,738,415
Services & Supplies	562,364	1,041,071	702,938	996,098
Operating Sub-Total	6,275,985	7,251,461	7,007,450	7,734,513
Less: Intra-County Revenues	(4,197,939)	(3,937,356)	(4,406,309)	(4,378,420)
Expenditure Total	\$ 2,078,046	\$ 3,314,105	\$ 2,601,141	\$ 3,356,093

Source of Funds Summary

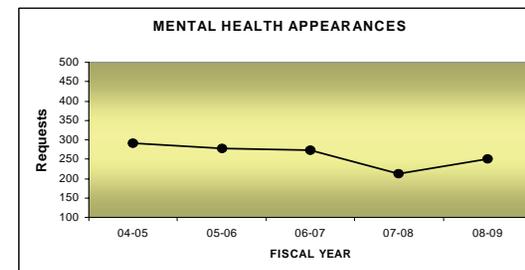
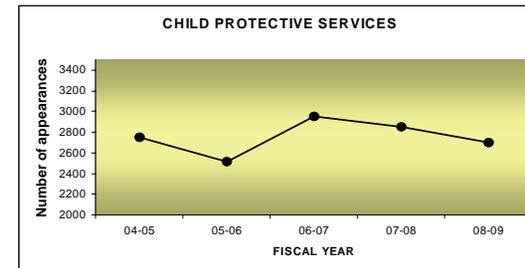
	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
<i>Departmental Revenues</i>				
Other Charges for Services	\$ 4,632,311	\$ 4,585,113	\$ 4,980,997	\$ 4,752,440
Miscellaneous Revenue	197	500	500	500
Revenue Sub-Total	4,632,508	4,585,613	4,981,497	4,752,940
Less: Intra-County Revenues	(4,197,939)	(3,937,356)	(4,406,309)	(4,378,420)
Revenue Total	434,569	648,257	575,188	374,520
<i>General Fund Contribution</i>	1,583,793	2,211,792	1,863,305	2,387,517
<i>Other Financing Sources</i>				
Operating Transfers	--	--	8,592	--
Use of Prior Fund Balances	75,659	500,000	200,000	600,000
Department Total	\$ 2,094,021	\$ 3,360,049	\$ 2,647,085	\$ 3,362,037

Note: Presentation of the individual program amounts for fiscal years 2006-07 and 2007-08 have been adjusted to provide a consistent level of detail with the fiscal year 2008-09 budget, however, the totals for 2006-07 and 2007-08 have not been changed.

	Actual FY 06-07		Adopted FY 07-08		Est. Actual FY 07-08		Recommended FY 08-09	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
Position Summary								
<i>Permanent</i>								
Administration	2.8	4.4	3.8	3.1	3.8	3.6	2.8	3.2
Advisory	22.3	20.4	20.1	18.1	20.1	19.9	21.1	15.5
Litigation	20.4	21.0	21.6	23.4	21.6	21.7	21.6	22.7
Total Permanent	45.5	45.7	45.5	44.6	45.5	45.2	45.5	41.4
<i>Non-Permanent</i>								
Contract	--	0.3	--	0.4	--	0.3	--	0.4
Extra Help	--	--	--	0.5	--	--	--	0.5
Total Positions	45.5	45.9	45.5	45.5	45.5	45.5	45.5	42.2

Budget Organization

The sub-divisions of the County Counsel's Office are Advisory Services, Litigation Services, Employment and Administration. Clients include the County and its boards and commissions, courts and numerous special districts. The County Counsel's Office has a staff of 45.5 employees, including 31 attorneys (some part-time); except for an attorney located in the Santa Maria juvenile court complex, and an attorney stationed at the Sheriff's Department, all staff is housed within the Administration Building in Santa Barbara. Services and supplies costs for all three sub-divisions are budgeted in the Administration division.



MISSION STATEMENT

The mission of the County Counsel's Office is to maintain the legal integrity of the County. We are the County's civil lawyers. We advise and advocate to protect and promote our clients' policies and actions.

Significant Changes (FY 2007-08 Adopted to FY 2007-08 Estimated Actual)

FY 2007-2008 Adopted to FY 2007-2008 Estimated Actual Expenditures

Estimated Actual operating expenditures decreased by \$244,000 to \$7,007,000 from the Adopted Budget of \$7,251,000. This overall 3% decrease is the result of:

- +\$94,000 - An increase in salaries and benefits due to increases in the rate of pay
- -\$300,000 - Lower than anticipated outside counsel expense
- -\$38,000 - Miscellaneous expenses

FY 2007-2008 Adopted to FY 2007-2008 Estimated Actual Revenues

Estimated Actual operating revenues increased by \$396,000 to \$4,981,000 from the Adopted Budget of \$4,585,000. The 9% increase is the result of:

- +\$301,453 - An increase in Risk Management revenues based on the need for services and full staffing resulting in more billable hours
- +\$98,000 - An increase in legal service to Mental Health
- -\$3,543 - Miscellaneous variations in other revenues

Significant Changes (FY 2007-08 Estimated Actual to FY 2008-09 Recommended)

FY 2007-2008 Estimated Actual to FY 2008-2009 Recommended Expenditures

The Recommended Budget's operating expenditures will increase by \$727,000 to \$7,735,000 from the Estimated Actual Budget of \$7,007,450. The 10.3% increase is the result of:

- +\$300,000 - Variance between outside counsel actual costs in FY07-08 and yearly recommended amount for appropriation to be used for outside counsel on as needed basis
- +\$299,091 - Increase in retirement expenses
- +\$105,600 - Increase in workers compensation premium
- +\$41,218 - Increase in health benefits
- -\$18,909 - Decrease in miscellaneous expenses

FY 2007-2008 Estimated Actual to FY 2008-2009 Recommended Revenues

The Recommended Budget's operating revenue will decrease by \$229,000 to \$4,752,000 from the Estimated Actual Budget of \$4,981,000. This 5% decrease is the result of:

- +\$303,879 - Increase in Risk revenues based on the need for services and full staffing resulting in more billable hours
- -\$505,333 - Decrease in cost allocation
- -\$24,546 - Decrease in miscellaneous revenue accounts

COUNTY COUNSEL

Department Summary (cont'd)

Fiscal Year 2008-2009 constraints require the Department to implement certain service level reductions:

The service level reductions include unfunding 0.8 attorney position and two legal secretary positions. The 0.8 attorney position would otherwise be used for mandated Child Welfare Services cases and for general litigation. This results in increased workload for existing Child Welfare Service attorneys and may require use of outside counsel for some general litigation. Loss of the legal secretary positions results in County Counsel having only 4 secretaries for 28 attorneys [a ratio of 7:1]. With vacations, sick leave and other time off, coverage will be compromised and delays in filing legal documents may result.

In addition, the department deleted all training funds. In order to maintain the license to practice law, attorneys are required to attend annual continuing legal education. Without training funds available, the attorneys will have to obtain continuing legal education through out of pocket expenses; whereas, previously the department was able to pay for the training. Finally, the department has drastically reduced the computer budget and funding for furniture. Thus, there are no funds for replacements or ergonomic upgrades.

Departmental Priorities and Their Alignment With County Goals

The emphasis of the County Counsel's Office Fiscal Year 2008-09 budget is continued delivery of quality professional legal services – reliable, timely and useful advice; exemplary and effective advocacy. Basic services include attendance and advice at public meetings, communicating and collaborating with clients to solve legal problems, providing legal opinions, reviewing and drafting legal documents, facilitating dispute resolution, providing training to staff, county departments and public officials, and effectively advocating the positions of clients before courts and administrative agencies.

The office's strategy is to continue to improve services through better timing (the "early eye" in contracts, land use, and risk management), collaboration (internal and external) and communication (responsiveness and quality). The major challenge in 2008-2009 will be to continue to provide quality professional legal services with reduced staffing and funding levels.

The County Counsel's Office strategic actions align primarily with **Goal 1: Efficient and Responsive Government: An Efficient, Professionally Managed Government Able to Anticipate and to Effectively Respond to the Needs of the Community**. A substantial part of the work is required by law and business necessity.

The County Counsel's Office addresses the County's Strategic Plan by:

- Providing legal advice on policy initiatives and as a member of key project teams, including agricultural protection, endangered species, community planning, affordable housing, retirement law and a new County jail
- Resolving major land use, employment and civil rights litigation.
- Conducting ethics training programs for public officials

COUNTY COUNSEL
Department Summary (cont'd)

Focus area: Customer Service, as measured by:

Current Year (FY 07-08) Accomplishments:

- Provided state mandated training for Public Official Ethics Training for newly appointed public officials and modified annual Public Service Training to comply with state law
- Implemented Office reorganization to form County Counsel's Employment Group
- Participated in County's Human Resources Restructuring Project
- Provided legal support for the successful negotiation of the following major software contracts that will enhance efficiency, operations and customer service:
 - Contract with Tiburon Inc. for an upgraded Reporting Management System for the Sheriff's Dept. (\$549,566)
 - Contract with Highline Corp. for a Human Resources Information system (\$769,297)
 - Contract with Accela Inc. for an upgraded Land Use and Permit Tracking Information System for the Planning & Development Department. (\$619,540)
 - Contract with Knowledge Computing Corp. for Crime Analysis and Information Sharing System for the Sheriff's Dept. funded by a Homeland Security grant (\$428,195)
- Continue to provide a dedicated attorney on site at the Sheriff's Department

Proposed Strategic Actions:

- Continue to improve County contracts by providing early involvement of County Counsel in negotiation and drafting of complex County contracts
- Ensure that all County officials required to receive ethics training are given an opportunity to do so; broaden training to departments, boards and commissions in financial interest, open government, and fair process laws, and public service ethics
- Make materials useful to departments and the public available on website, including form contracts, public service and legal training material, and information for community based organizations
- Improve constituent service to Supervisors and increase availability of public information to citizens, particularly in the North County

Proposed Key Projects:

- Continue County Counsel Contracts Core Service Project – process improvement in the administration and preparation of contracts
- Continue County Counsel Customer Service Core Service Project – process improvement in communications with internal customers and the community at large
- Continue County Executive-County Counsel Public Service Training/ Local Agency Ethics Training

- Develop county-wide email retention policy, best practices and staff training
- Protect County intellectual property
- Implementation of an Enterprise Content Management (ECM) technology to capture, store, manage, preserve and deliver content and documents related to County Counsel's organizational processes. This will allow for compliance, collaboration and continuity between County Counsel and its clients

Focus area: Governance and Multi-jurisdictional Relationships, as measured by:

Current Year (FY 07-08) Accomplishments:

- Successfully resolved numerous jail medical issues without litigation by working cooperatively with Public Defender, Jail staff and Prison Health Services, the County's jail medical service provider
- Participated on and provided legal support to the Sheriff's "Blue Ribbon" jail overcrowding committee
- Advised New Jail Project Team regarding California Environmental Quality Act (CEQA), eminent domain and facility planning
- Supported County's AB900 grant proposal for construction of a New County Jail
- Resolved litigation with City of Santa Barbara over election costs
- Supported County's adoption of Isla Vista Master Plan, including major zoning changes, a new community plan, coastal plan amendments and redevelopment plan amendments
- Continued legal support of community plan projects for Goleta, Summerland, Santa Ynez, Los Alamos and Mission Canyon
- Provided legal support for drafting Santa Barbara County Association of Governments' (SBCAG) Measure A
- Supported County's multi-agency efforts to improve environmental and safety compliance of onshore oil facilities
- Supported negotiation of El Colegio Road Widening Agreement and facilitated resolution of an appeal of the Planning Commission's approval of that joint effort between UCSB and County of Santa Barbara
- Supported the Housing and Community Development Department's evaluation and resolution of 26 alleged violations of affordable housing covenants
- Obtained introduction of an amendment to California Health & Safety Code § 9025 that would improve the governing efficiency of public cemetery districts
- Provided legal support and coordination for the inclusion of Measure S on the February ballot (Maddy Fund stream) in order to comply with County's obligation to the State Legislature to put such a measure on the ballot

COUNTY COUNSEL

Department Summary (cont'd)

- Provided advice to the Debt Advisory Committee
- Provided advice and staff support for the Santa Barbara County Finance Corporation
- Provided advice and document review related to the 2008 Certificates of Participation to fund the solid waste liner project and several Redevelopment Agency projects

Proposed Strategic Actions:

- Continue to participate in coordinated approach to legal issues related to State budget legislation, including health and social service cuts, housing, mandate relief and reimbursement
- Advise county officials regarding potential Santa Ynez Band of Chumash Indians gaming expansion and future development of Tribal lands
- Continue to participate in court facilities transfer negotiations
- Continue to participate in County Counsels' Association Cost Shift, Tribal Lands, Court Facilities, and Litigation Overview committees
- Provide coordination between and among County Departments on complex, multi-jurisdictional projects

Proposed Key Projects:

- Provide legal support for court facilities transfer
- Provide litigation support for covenant enforcement to Housing & Community Development Department
- Review University of California at Santa Barbara's (UCSB) Vision 2025 Long Range Development Plan, to ensure that UCSB avoids or mitigates if feasible any significant environmental effects of their project
- Support County's land acquisition, potential follow-on agreements with the State and construction contracting for construction of a New County Jail
- Negotiate regional agreements for the disposal of municipal solid waste, green waste and recyclables
- Represent County's Assessor in pending litigation involving tax assessments of over 300 mobile homes at Rancho Goleta

Focus Area: Land Use Law, as measured by:

Current Year (FY 07-08) Accomplishments:

- Off Road Vehicle ordinance adopted
- Successfully resolved Carpinteria Valley Farms litigation – no cost to County
- Successfully defended against California Environmental Quality Act (CEQA) challenge to County's Westmont approval

- Completed substantial update of County's Uniform Rules for Agricultural Preserves and Farmland Security Zones, to ensure ease of use and consistency with state law
- Successfully litigated dismissals in Gray (Subdivision Map Act), Saks (Americans with Disabilities Act) and Mautino (encroachment permit writ)
- Economically settled litigation involving "spot zoning" issue in Maxwell v. County
- Substantial, timely support to Planning & Development Department's processing of Miramar Hotel and Santa Barbara Ranch applications
- Initiated federal litigation for Air Pollution Control District that challenged Environmental Protection Act's (EPA) failure to regulate air pollution from marine vessels
- Supported County's submittal of its Goleta Beach Park Coastal Access and Recreation Enhancement application to the California Coastal Commission

Proposed Strategic Actions:

- Continue to identify and reduce liability risk through early case review and checklists for problem spotting
- Assist Planning & Development Department's reform of land use permitting and design review
- Participate in effort to influence housing legislation, to promote development of housing and alternative transportation while retaining local control of land use regulation
- Assist meeting housing needs through development of critical affordable and other housing programs and projects
- Assist in resolving federal lease extension and other energy policy issues, processing applications for offshore oil projects and related onshore facilities, and compliance with permit conditions and abandonment plans
- Continue to resolve pending civil rights cases in trial courts and on appeal to reduce litigation cost and liability and reliance on outside counsel
- Reduce land use processing costs and time by ensuring adequate CEQA review at the front end of projects

Proposed Key projects:

- Naples and Gaviota Coast development and conservation proposals
- Isla Vista Redevelopment Plan and Master Plan implementation
- Housing Element, Santa Ynez Community Plan, and Goleta Community Plan
- Support County's litigation defense and application processing for the Santa Barbara Ranch project along the Gaviota Coast
- Prevail in Petitioner's appeal of trial court's denial of Westmont writ

COUNTY COUNSEL

Department Summary (cont'd)

- Prevail in Nazari litigation, to defend ability of County's Affordable Housing Program to restrict follow-on sales of subsidized housing
- Support Planning and Development Department's processing of Miramar Hotel application
- Support Energy Division's processing of Tranquillon Ridge project and Lompoc Wind Energy projects
- Reduce litigation risk by providing additional CEQA training to supported County departments

Focus area: Health and Human Services Law, as measured by:

Current Year (07-08) Accomplishments:

- Assured compliance by First 5 Commission with state legislation requiring conflict of interest and contracting policies by providing training
- Provided conflict of interest training to Childcare Planning Council
- Completed work related to Legal Issues team of County's Pandemic Planning Task Force
- Provided legal support as part of specialized multi-County task force to make recommendations and propose considerations on the Governor's proposed health care reform package from a County perspective
- Provided training to child welfare workers on procedures relating to the Indian Child Welfare Act, an evolving area of dependency law responsible for numerous appeals to the appellate court
- Successfully handled numerous appeals before the appellate court relating to the Indian Child Welfare Act
- Assisted with Local Agency Formation Commission (LAFCO) annexation of the City of Solvang into the Santa Barbara County Fire Protection District
- Facilitated the restructuring of the Sexual Abuse Response Team (SART), transferring the program from the Public Health Department to the District Attorney and providing advice on related legal issues

Proposed Strategic Actions:

- Continue to track anticipated changes in state and federal legislation related to health, mental health and social services funding and requirements, resist unfunded mandates through cooperative effort, and assist departments in implementing necessary changes
- Assure that county legislative bodies receive continuing ethics training, with emphasis on contracting procedures and conflict of interest
- Continue training of new department contract coordinators

Proposed Key Projects

- Continue to advise County Departments on how to address legal ramifications of the potential bird flu pandemic
- Develop MOU with the City of Santa Barbara for addressing abandoned vessels
- Continue to resolve tax issues associated with the County's retiree health program, including working with outside tax counsel and draft Plan Document for SBCERS
- Continue ongoing training program for child welfare workers and new trainees in dependency law, including ongoing small-group training
- Test claim currently pending with the Commission on State Mandates to recover nearly \$1 million in costs incurred by the County in connection with the County split initiative
- Assist with the negotiations for the consolidation of Orcutt Fire District into the Santa Barbara County Fire Protection District
- Assist with the development of High Risk Offender ordinance for onshore petroleum operators
- Assist with the development of a Multiple Response ordinance for onshore petroleum operators
- Assist Fire Department with the amendment of Chapter 15 of the County Code, including amendment of Fees to allow for an hourly charge when extraordinary time is required for permit inspections
- Continue assisting the Workforce Investment Board with executive and operational issues
- Continue to assist Alcohol Drug Mental Health Services (ADMHS) in connection with improving their contracts and enforcing the terms of their contracts to control costs and maximize services

Focus Area: Workers' Compensation, as measured by:

Current Year (FY 07-08) Accomplishments:

- Provided highly specialized and effective legal representation to the County in more than 200 litigated cases with aggregate reserves of more than \$10 million, handling 35 new cases and successfully concluding 80 pending cases (including negotiating and obtaining Board of Supervisors approval for 18 major settlements, which together saved the County nearly \$2.3 million in potential liability)
- Reorganized to add an Employment Law Division, thereby maximizing coordination between the County's defense in workers' compensation cases and in interconnected or overlapping legal actions such as disciplinary or discrimination appeals; disability retirement claims; complaints of workplace discrimination, harassment, or retaliation; tort lawsuits), reducing costs and potential liability in those actions, and enhancing responsiveness to the goals and needs of client departments by providing comprehensive "one-stop" service for multi-faceted employment problems

COUNTY COUNSEL

Department Summary (cont'd)

- Reorganized the assignment of workers' compensation cases so that each department is partnered with one attorney for all its workers' compensation legal needs
- Reduced the County's workers' compensation costs and potential liability by providing leadership and essential support to the Committee for Advising on Reasonable accommodation in Employment (CARE) Project Team (see below), which managed 40 to 45 disability accommodation cases at a time (20-25 new cases annually)
- Further reduced the County's workers' compensation costs and potential liability by providing leadership and essential support to the four other interdepartmental project teams described in the following proposed projects section
- Promoted compliance with workers' compensation procedures, prevention of avoidable claims, and reduction of potential liability by providing education and training through the Employees' University to Risk Management and other County departments

Proposed Strategic Actions:

- Continue providing specialized and effective legal representation to the County in all new litigated workers' compensation cases
- Continue negotiating favorable settlements in cases where the chances of a more favorable outcome at trial are remote, and aggressively litigating all others through trial and, if necessary, appeal
- Continue providing leadership and essential support to the interdepartmental project teams described below
- Continue providing education and training to County departments on workers' compensation procedures
- Resolve workers' compensation tail claims with Administrative Office of the Courts

Proposed Key Projects:

- CARE Project Team: Continue to participate on and staff a multi-departmental team responsible for managing the County's legally-mandated interactive process for reasonably accommodating employees with disabilities
- Top 25+ Project: Continue joint project between County Counsel and Risk Management, through which the workers' compensation attorneys and their supervising Chief Deputy meet monthly with the Risk Management Workers' Compensation Program Administrator and Risk Analysts to review high-exposure cases
- Claim Review Project: Continue staffing a project between County Counsel, Risk Management, and departments, involving monthly meetings with each client department (or bimonthly or quarterly,) to review every workers' compensation claim, extended absence, and accommodation issue in the department

- Leave of Absence Project: Continue to team with Risk Management and the Human Resources Department to review all County employee leaves of absence, confirm that appropriate back to work efforts are being made, and identify cases where the County is legally obligated to begin the interactive process for reasonable accommodation, and where the department may lawfully separate long-absent employees who remain unable or unwilling to return to work
- Risk Management Evaluation Team (RMET): Continue to attend scheduled meetings of the RMET through which County Counsel helps enhance the County's financial security by providing counsel and direction to the team responsible for setting accurate claim reserves and improving reserve processes

Focus area: Equal Employment Opportunity issues, as measured by:

Current Year (FY 07-08) Accomplishments:

- Provided highly specialized and effective legal advice and representation to the County in response to 28 new Equal Employment Opportunity (EEO) complaints (4 tort claims, 6 complaints filed with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC), and 18 complaints filed with the County EEO Manager)
- Collaborated closely with the County EEO Manager in conducting investigations of the 18 new complaints filed with that office
- No lawsuits or enforcement agency actions have resulted from any complaint alleging EEO violations in 2007
- Reduced the number of disability-related EEO complaints and the County's potential liability
- Promoted compliance with EEO laws and policies, prevention of avoidable claims, and reduction of potential liability by providing education and training to individual client departments, and through the Employees' University

Proposed Strategic Actions:

- Continue providing specialized and effective legal advice and representation to the County in response to all new EEO complaints
- Continue collaborating closely with the County Equal Employment Opportunity Manager in investigating all new complaints filed with that office, and to timely prepare high-quality investigative reports for the Civil Service Commission
- Continue preparing confidential attorney-client reports advising directors of County departments affected by EEO complaints
- Continue representing and responding on behalf of the County in all investigations conducted by EEO enforcement agencies

COUNTY COUNSEL

Department Summary (cont'd)

- Continue providing leadership and essential support to the interdepartmental project teams listed below
- Continue providing education and training to client departments on compliance with EEO laws and policies

Proposed Key Projects:

- CARE Project Team, Claim Review Project; Leave of Absence Project (see Workers' Compensation focus area)

Focus area: Employee Discipline and Personnel Management, as measured by:

Current Year (FY 07-08) Accomplishments:

- Provided client departments with highly specialized and effective legal advice on employee discipline, including complex cases where an issue of poor job performance or misconduct was complicated by the employee's claims of disability or EEO violations
- Represented client departments before the Civil Service Commission in all disciplinary and discrimination appeals, and successfully petitioned the Superior Court for a writ compelling the Civil Service Commission to set aside a decision unfavorable to the County
- Reduced the number of disciplinary and discrimination appeals to the Civil Service Commission and related lawsuits
- Collaborated closely with the Human Resources Department in developing "Protocols For Coordinating Disciplinary Matters"
- Promoted compliance with employment laws and policies, prevention of avoidable claims, and reduction of potential liability by providing education and training to individual client departments, and to employees through the Employees' University

Proposed Strategic Actions:

- Continue representing client departments before the Civil Service Commission in all disciplinary and discrimination appeals
- Continue aggressively protecting the interests of client departments by seeking to overturn decisions by the Civil Service Commission that are unfavorable and legally unsound
- Continue providing client departments with high quality legal advice on employee discipline and performance management
- Continue collaborating closely with Human Resources in developing effective and legally defensible personnel policies
- Continue providing leadership and essential support to the interdepartmental project teams listed below as proposed key projects

- Continue providing education and training to client departments on best practices for employee discipline and performance management, compliance with employment laws and policies, prevention of avoidable claims, and reduction of potential liability

Proposed Key Projects:

- CARE Project Team; Claim Review Project; Leave of Absence Project (see Workers' Compensation focus area)

Focus Area: Risk Management – Litigation, as measured by:

Current Year (FY 07-08) Accomplishments:

- Successfully resolved the following cases through dismissal, trial, appeal and/or settlement below reserved amounts: Levitan [CivRts], Bishop [CivRts], Gilmore [DngCnd], Ewing [AppDngCnd], King [AppDn Cnd], Dunn [LU], Aiken [31725], Lucero [CivRts], Tieso [Emp], Aquaro [Emp], McNamee [Emp], Gatz-Seals [31725], Allstate [MV], VanArsdale [Emp], Beeman [Emp], Bauman [Emp], Gherini [AppCivRts], Gooch [(2) CivRts], Huerta [CivRts], Cruz [AppCivRts], Lee [CivRts], Matkins [DngCnd], McMahan [DngCnd]
- Recovered \$80,000 in costs in the Donovan case [inverse condemnation] County prevailed at trial and was awarded its costs by the Court.
- Participated on California State Association of Counties-Excess Insurance Authority's (CSAC-EIA) Legislative Committee to improve tort and workers' compensation laws affecting public agencies and served as Legal Counsel to CSAC-EIA Claims Review Committee advising County's excess insurer on claim matters
- Developed internal calendaring system to ensure timely compliance with all limitations periods
- Obtained reversal by California Court of Appeals of \$5.2M award of damages and \$841K of attorney's fees in Adam Brothers litigation
- Continued training on Litigation Support software applications which provide analytical review of cases using (CaseMap, TextMap, TimeMap), e-discovery software using (Concordance) to allow for data management, review, search, redactions and retrieval of data and trial presentation software (SanctionsII) which integrates with the analytical and e-discovery applications providing effective Trial presentation of evidence including synchronized video/transcript capabilities
- Implementation and training in Concordance and Microsoft Sharepoint as the office's records and document management applications providing staff with the tools necessary for collaboration, workflow and data management
- Implemented eDiscovery software tool for review and creation of privilege logs in ongoing litigation matters

COUNTY COUNSEL

Department Summary (cont'd)

- Trained staff on both scanning/Optical Character Recognition (OCR) document preparation for Litigation Records Management System and newly mandated Federal Electronic Case Filing process
- Creation of an electronically shared Flash Report with Risk Management providing increased access and updated information on currently litigated cases
- Implementation with Risk Management of bi-monthly Litigation Claim Review of all case reserves

Proposed Strategic Actions:

- Continue “writ avoidance” approach on Jail medical and other condition of confinement issues
- Provide County Departments with guidelines on record retention and maintenance of “electronic data” in response to “Notice of Preservation of Evidence” requests
- Provide staff training on litigation software and technology, mobile computer resources for remote litigation access and use of presentation technology
- Partner with Risk Management in “early eye” claims handling services, including early resolution of claims and lawsuits
- Assist Information Technology Services on litigation aspects of electronic records retention and destruction to prevent inadvertent spoliation
- Reorganize resources to advise frequently sued departments concerning litigation demands on resources and typical procedural milestones
- Continue developing a team workflow process beginning with the investigation of the initial claim filed against the County all the way through litigation and appeal

Proposed Key Projects:

- Comply with new Federal rules regarding maintaining and preserving electronic data
- Use electronic record retention/litigation software to organize and retain data
- Provide liability reduction and litigation survival training for County departments and employees
- Continue participation in Risk Management Evaluation Team (RMET) and Quarterly Accrual Meetings.
- Successfully defend pending cases: Patterson [CivRts], Middleton [CivRts], Bravo [CivRts], Harmon [CivRts], Simmons [CivRts], Lujano [CivRts], Payne [DngCnd], Chaudry [Emp], Cotton [AppCivRts], Dotter [CivRts], Bauman2 [Emp], Bauman1 [AppEmp], Egar [Emp], Harper [CivRts], Houston [CivRts], Hoffman [CivRts], Hernandez [CivRts], Barnes-Mohammed [CivRts]



COUNTY COUNSEL
Department Summary (cont'd)

	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
Recurring Performance Measures				
To ensure an efficient and responsive government, the County will maintain the rate of General Liability claims filed at no more than 90 - 100% of the previous year's actual claims filed.	100%	0%	0%	0%
	1	--	--	--
	1	--	--	--
As an efficient and responsive government, the County will maintain the cost of workers' compensation incident claims to \$1.17 per \$100 payroll (salaries including overtime).	\$3.43	\$3.16	\$2.07	\$1.97
	\$149,505	\$149,505	\$96,918	\$96,918
	\$43,617	\$47,370	\$46,647	\$49,099
To improve workers' safety, the County will conduct its operations in order to maintain the rate of Workers' Compensation incident claims to 12 or less per 100 FTE employees Countywide.	2	0	0	0
	1.00	--	--	--
	0.45	0	0	0
As an efficient and responsive government, the County will maintain the rate of Workers' Compensation claims filed between 90 - 100% of the previous year's actual claims filed.	20%	0%	0%	0%
	1	--	--	--
	5	1	--	--
As an efficient and responsive government, the County will maintain a productive workforce through a countywide Lost Time Rate of 5.9% or less.	6.55%	3.50%	3.30%	4.00%
	6,152.00	3,284.96	2,979.10	3,611.03
	93,856.00	93,856.00	90,275.71	90,275.71
As an efficient and responsive government, the County will maintain a quality workforce through completing 90 -100% of departmental Employee Performance Reviews (EPRs) by the Anniversary Due Date.	14%	62%	57%	100%
	6	30	24	42
	42	48	42	42

	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
Recurring Performance Measures				
Use facilitation to reduce disputed issues for action by the Board of Supervisors in 58% of an estimated 12 third-party appeals per year of Planning Commission and Zoning Administrator decisions, in order to adhere to Land Use Policies.	50%	58%	58%	58%
	1	7	7	7
	2	12	12	12
Respond by negotiated target date to 86% of an estimated 800 written legal requests per year that require legal drafting or legal analysis, in order to achieve an Efficient and Responsive Government.	87%	86%	86%	86%
	730	720	720	720
	839	832	832	832
Provide 8 legal workshops per year to Boards, Commissions, and Client Departments in order to achieve a Well Educated and Trained Workforce Delivering High-Quality Service.	8	7	7	8
Respond to an estimated 1,900 e-mail requests per year that require legal drafting or legal analysis, in order to achieve an Efficient and Responsive Government.	1,821	1,930	1,930	1,900
Provide advice on an estimated 850 agenda items per year, among Board of Supervisors meetings and other County board and commission meetings, in order to achieve an Efficient and Responsive Government.	821	792	792	850
In workers' compensation cases requiring action by the Board of Supervisors, resolve those cases on average at 90% or less than the amount reported at risk, in order to achieve an Efficient and Responsive Government.	N/A	91%	100%	91%
	--	33	36	33
	--	36	36	36

COUNTY COUNSEL
Department Summary (cont'd)

	Actual FY 06-07	Adopted FY 07-08	Est. Actual FY 07-08	Recommended FY 08-09
Recurring Performance Measures				
Resolve 66% of litigation cases without any payment to plaintiff: through voluntary dismissal, motion practice, or trial, in order to achieve an Efficient and Responsive Government.	N/A	66%	66%	66%
	--	24	24	24
	--	36	36	36
Represent the County in an estimated 250 mental health appearances per year in order to achieve an Efficient and Responsive Government.	220	250	212	250
Represent the County in an estimated 2,700 Child Protective Services appearances per year in order to achieve an Efficient and Responsive Government.	3,094	2,700	2,853	2,700

	Actual FY 06-07 Pos.	Adopted FY 07-08 Pos.	Est. Actual FY 07-08 Pos.	Recommended FY 08-09 Pos.
Position Detail				
Administration				
Chief Assistant County Counsel	--	1.0	1.0	--
Business Manager	1.0	1.0	1.0	1.0
Computer Systems Spec I	0.8	0.8	0.8	0.8
Legal Secretary	1.0	1.0	1.0	1.0
Sub-Division Total	2.8	3.8	3.8	2.8
Advisory				
County Counsel	1.0	1.0	1.0	1.0
Chief Assistant County Counsel	1.0	--	--	1.0
Chief Deputy County Counsel	1.0	2.0	2.0	2.0
Deputy County Counsel	14.3	13.1	13.1	14.1
Legal Secretary	5.0	4.0	4.0	3.0
Sub-Division Total	22.3	20.1	20.1	21.1
Litigation				
Chief Assistant County Counsel	1.0	--	--	--
Chief Deputy County Counsel	--	1.0	1.0	2.0
Deputy County Counsel	11.8	12.0	12.0	10.0
Litigation Technology Spec	1.0	1.0	1.0	1.0
Paralegal	4.6	4.6	4.6	4.6
Legal Secretary	2.0	3.0	3.0	4.0
Sub-Division Total	20.4	21.6	21.6	21.6
Division Total	45.5	45.5	45.5	45.5

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