

<b>COUNTY COUNSEL APPROPRIATION SUMMARY Fiscal Year 2014-15</b>					
<b>ADMINISTERED BY:</b>		<b>COUNTY COUNSEL</b>			
Appropriations	FY 2012-13 Actuals	FY 2013-14 Est / Actual	FY 2014-15 Requested Budget	FY 2014-15 Recommended Budget	% Change from 2013-14
<b>GENERAL FUND</b> County Counsel	\$ 2,858,313	\$ 3,326,594	\$ 3,718,999	\$ 3,458,738	4.0%
<b>TOTAL ALL FUNDS</b>	\$ 2,858,313	\$ 3,326,594	\$ 3,718,999	\$ 3,458,738	4.0%
<b>FUNDED POSITIONS</b>					
County Counsel	22	22.5	23	23	2%
<b>TOTAL FUNDED POSITIONS</b>	22	22.5	23	23	2%
<b>TOTAL ALLOCATED POSITIONS</b>	26	26	26	26	0%

**Mission Statement**

To provide the highest quality legal advice and counsel in a timely and responsive manner, to assist the Board of Supervisors and county officials in making decisions that promote the public interest, and to vigorously advocate on behalf of the County in a professional and ethical manner.

**Department Comments**

The County Counsel is the legal advisor for the County, providing legal advice to the Board of Supervisors, the County Executive Office, the elected and appointed Department Heads and other County managers, as well as for various county boards and commissions, certain special districts and the Grand Jury. In addition, the County Counsel’s office represents the County and its officers and employees in civil litigation and administrative proceedings. The legal services of County Counsel are provided through the following programs:

- Transactional and General Government

This program provides legal advice to a wide variety of County departments and functions, from land use and planning to procurement of goods and services for County use, in order to insure legal compliance of County operations. Examples of services include contract review and analysis, legal review of agenda items prior to submission to the Board, legal review of ordinances and resolutions, drafting and review of facilities and real property transactions, and responding to requests for legal review department activities. This function includes representation of the Board of Supervisors, the County Planning Commission, the County Agricultural Commission and other County commissions, boards and committees. It is called upon to provide legal services in support of Board initiatives such as the Middle Fork Project Public Finance Authority, Mid-Placer Regional Sewer Project, and changes in state law, such as legal services to support the Successor Agency of the former Redevelopment Agency. This program also includes legal advice to certain special districts, including the West Placer Waste Management Authority and the Air Pollution Control District. County Counsel provided approximately 6,162 hours of legal services to this program in

the last fiscal year, which equates to about 30% of the total services provided.

- Finance and Tax

This program primarily provides legal services to the County Auditor, the Assessor and the Treasurer-Tax Collector regarding property tax assessment and collection, bond and assessment financing, as well as representation of the Assessor's Office at assessment appeals that challenge the value of property for property tax purposes. These services also include legal services in support of the County PACE program, mPower Placer, and general legal advice regarding transient occupancy tax, sales tax and other revenue generating measures. This program also provides legal counsel to the County Audit Committee, the County Finance Committee, and the Bond Screening Committee. County Counsel provided approximately 1,753 hours of legal services to this program in the last fiscal year.

- Personnel and Labor

The Personnel and Labor program involves representation of the Personnel Department, the Risk Management Division and County department management on state and federal legal principles of employer and employee relations. These legal services extend from initial legal advice through proceedings that may come before the County Civil Service Commission or the State Employee Relations Board on discipline, grievances and general labor relations practices. In addition, this program provides legal advice to County Labor Negotiations Team, the Employee Relations Committee, and the Personnel Review Committee, in addition to its on-going legal advice to County department management on meet and confer matters, due process employment issues and fair employment /civil rights issues. This program also includes legal advice regarding employee benefits issues, such as public employee pensions, health benefits and other post-employment retirement benefits and serves as legal counsel to the Deferred Compensation Committee. County Counsel provided approximately 1,563 hours of legal services to this program in the last fiscal year.

- Public Protection

This program provides legal support to the Sheriff Office, its Corrections Division, the Probation Department, the District Attorney, the Indigent Defense Services Program administered by the County Executive Office and the Grand Jury. These services include legal advice on the legal compliance of department activities with state and federal statutory provisions, including AB 109 criminal justice realignment, as well as general legal services on department activities such as records requests, subpoenas and Pitchess motions. County Counsel is also mandated to provide civil legal services to Grand Jury and to provide timely enforcement of bail bond forfeiture cases, including collection of money due to the County pursuant to summary judgment against bail bond companies. County Counsel provided approximately 1,941 hours of legal services to this program in the last fiscal year.

- Health Services and Adult Dependency

County Counsel provides on-going legal advice to Department/Division management on legal compliance with state and federal regulatory matters, such as HIPAA and privacy issues, the Affordable Care Act, service contracts, responses to records requests and other general requests for legal advice. The program also provides legal support to the Public Administrator, the Public Guardian, and in support of mental health proceedings under the Lanterman-Petris-Short (LPS) Act. County legal services are mandated for LPS conservatorships, probate cases, decedent estate and elder abuse cases. County Counsel provided approximately 1,613 hours of legal services to this program in the last fiscal year.

- Juvenile Dependency

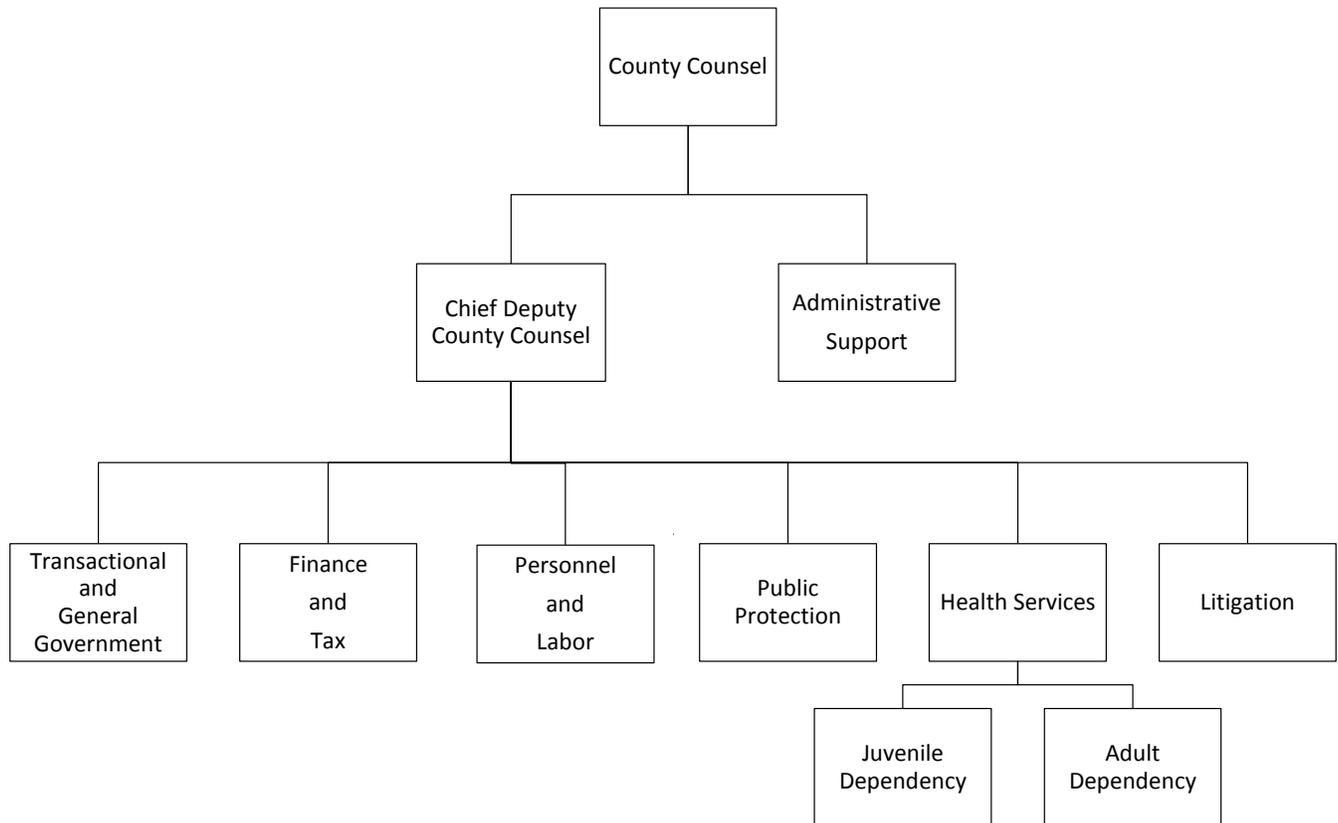
County Counsel is mandated to appear in juvenile dependency hearings on behalf of HHS/Children's System of Care when parents are represented by legal counsel. This program provides legal support to juvenile dependency matters, from general legal advice, preparation of search and seizure warrants to hearings before the Placer County Juvenile Court and writ actions in the Court of Appeal. The program also provides training of social workers on legal issues involved in division activities. County Counsel has three full time attorneys, as well as support staff dedicated to this work, who over the last fiscal year prosecuted 368 petitions, and assisted in over 191 warrants. In addition, County Counsel provided approximately 5,221 hours of legal services to this program, which equates to about 22% of the total services provided by our office. The costs are funded by HHS and approximately 90% of charges are reimbursed from Federal and State revenues.

- Litigation

The litigation program provides legal defense of the County in all civil legal actions filed against the County, its departments and employees. The County Counsel also represents the County in prosecuting recovery actions protecting the integrity of the expenditure of public funds. Government Code Section 25203 requires County Counsel to represent the County in all civil matters unless there is a conflict or general concern stated, in which case the Board of Supervisors may retain counsel to assist by a 4/5ths vote. To the extent such services obtained from outside counsel, the costs of legal services would likely exceed the cost of the County Counsel's office. Therefore, General Fund discretionary monies would not be saved from reducing or eliminating this program. The majority of funding for this program is provided from the Risk Management insurance fund billings. County Counsel provided approximately 4,795 hours of legal services to this program, which equates to about 20% of the total services provided.

The recovering local and regional economies have resulted in increased activity in land use and development and related transactional legal services. New legislative initiatives such as public employee pension reform and the Affordable Care Act, as well as new state changes to labor negotiation issues, have caused an increasing demand for legal advice in the personnel and labor relations program, while continuing implementation issues involved in criminal justice realignment, and the opening of the South Placer jail facilities will continue to drive the demand for legal services in the public protection program.

# County Counsel



## COUNTY EXECUTIVE OFFICE COMMENTS AND RECOMMENDATIONS

### Proposed Budget Summary

The FY 2014-15 Proposed Budget for County Counsel provides a net budget of \$3,458,738, a 4% decrease from the prior fiscal year. The budget funds 23 out of the department's 26 position allocations, an increase of 0.5 from FY 2013-14. Expenditures have increased slightly in comparison to previous years. This is primarily due to the increases in salaries and wages, as well as PERS and FICA rates. Projected revenues have increased due to increases in demand from Health and Human Services, Facility Services and the Assessor.

Due to the countywide realignment of costs to programs, the revenues for County Counsel have increased from \$1.2 million in FY 2013-14 to \$2.7 million in FY 2014-15. This is due to the addition of A-87 revenue captured in County Counsel's budget, which had not been captured in prior years.

County Counsel's office has supplemental requests totaling \$53,512. These requests are for an additional 0.5 legal secretary, as well as increases in Services and Supplies.

## APPROPRIATION SUMMARY

Below reflects program purpose for department appropriations as well as major budget adjustments. Further detail can be found beginning on page 278.

County Counsel 10450 Administrative & Financial Service System
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**Program Purpose:** Provide legal advice to the Board of Supervisors, county elected and appointed officers and departments, as well as various boards, commissions, and special districts by: attending and participating in meetings and hearings; responding to questions with legal opinions both orally and in writing; and preparing and reviewing contracts, ordinances, resolutions and other documents required for county business.

Provide effective legal representation and advocacy on behalf of the County in civil litigation including tort, contract, and writ actions, administrative proceedings, and in child and adult protective proceedings, including child protective services, and mental health, public guardian, and public administrator matters.

### **Major Budget Adjustment(s) Included in FY 2013-14**

- Increase of \$216,328 in Charges from Departments due to new charging methodology in Employee Group Insurance and Maintenance Services.

### **Major Budget Items: FY 2014-15 Proposed Budget**

- Increase of \$36,095 for Salary and Benefits which include an additional 0.5 legal secretary position.
- As a net zero adjustment, Retiree Health Insurance costs of \$83,319 are moved into Salaries and Benefits.
- Increase of \$10,695 for Services and Supplies which include increases in cost of doing business, including office supplies, postage, mileage, library materials, as well as a one-time cost of \$4,500 for computer replacements.
- Increase of \$157,159 for I/T County General Fund due to an increase in revenues from Health and Human Services, Assessor and Facility Services
- The countywide alignment of costs and reimbursements to programs shifts \$1,513,714 in A-87 revenue to this budget.

Budget Unit **General Fund - 100**  
 Function **General**  
 Activity **County Counsel - 10450**

Detail by Revenue Category and Expenditure Object	2012-13 Final Actuals	2013-14 Estimated	2014-15 Recommended	2014-15 Adopted by the Board of Supervisors
1	2	3	4	5
<b>Revenue</b>				
<b>Charges for Services</b>				
8112 DPW Administrative Services	\$	\$ 6,000	\$ 1,500	\$
8120 Legal Services - Insurance	967,068	1,000,000	1,040,000	
8122 Legal Services	240,400	120,000	128,000	
8212 Other General Reimbursement	3,488		12,000	
8269 Planning - At Cost Projects Fees	84,179	25,000	25,000	
8527 Transfer In A-87 Costs			1,513,714	
<b>Total Charges for Services</b>	<b>\$ 1,295,135</b>	<b>\$ 1,151,000</b>	<b>\$ 2,720,214</b>	<b>\$</b>
<b>Miscellaneous Revenues</b>				
8753 Other Sales	\$ 3,080	\$ 3,000	\$	\$
8764 Miscellaneous Revenues	51,787		3,500	
<b>Total Miscellaneous Revenues</b>	<b>\$ 54,867</b>	<b>\$ 3,000</b>	<b>\$ 3,500</b>	<b>\$</b>
<b>Other Financing Sources</b>				
8954 Operating Transfers In	\$	\$ 15,000	\$	\$
<b>Total Other Financing Sources</b>	<b>\$</b>	<b>\$ 15,000</b>	<b>\$</b>	<b>\$</b>
<b>Total Revenue</b>	<b>\$ 1,350,002</b>	<b>\$ 1,169,000</b>	<b>\$ 2,723,714</b>	<b>\$</b>
<b>Expenditures / Appropriations</b>				
<b>Salaries &amp; Benefits</b>				
1001 Employee Paid Sick Leave	\$ 129,653	\$	\$	\$
1002 Salaries and Wages	2,313,244	2,481,594	2,632,130	
1003 Extra Help	5,909	63,740	29,890	
1005 Overtime & Call Back	603			
1010 Cafeteria Plans (Non-PERS)	24,492	52,276	54,170	
1018 Taxable Meal Reimbursements	25			
1300 P.E.R.S.	589,012	705,116	722,273	
1301 F.I.C.A.	145,343	155,144	188,874	
1303 Other - Post Employment Benefits	146,771	97,470	103,968	
1304 Other - Post Emplmnt Charges (Up Front)		55,860		
1310 Employee Group Ins	247,809	304,275	272,710	
1315 Workers Comp Insurance		22		
1320 Retired Employee Grp Ins			83,319	
1325 401 (k) Employer Match	10,594	16,875	18,000	
<b>Total Salaries &amp; Benefits</b>	<b>\$ 3,613,455</b>	<b>\$ 3,932,372</b>	<b>\$ 4,105,334</b>	<b>\$</b>
<b>Services &amp; Supplies</b>				
2051 Communication Services - Telephone	\$ 19,408	\$ 22,000	\$ 22,000	\$
2052 Communication Services - Mobile Devices	741	700	700	
2257 Witness Fees	825			
2290 Maintenance - Equipment	675	700	700	
2431 Professional Dues		5,000	5,000	
2439 Membership/Dues	5,780	7,000	7,000	
2456 Misc Expense	435			
2481 PC Acquisition	5,307	15,000	4,500	
2511 Printing	16,242	15,000	15,000	
2521 Operating Supplies		6,455	6,455	
2522 Other Supplies	887	1,000	1,000	
2523 Office Supplies & Exp	9,275	9,000	11,000	
2524 Postage	1,529	1,500	3,480	
2555 Prof/Spec Svcs - Purchased	84,806	238,462	240,000	
2556 Prof/Spec Svcs - County	14,049	15,274	15,000	
2709 Countywide System Charges	5,866	5,194	9,105	
2710 Rents & Leases - Equipment	749	1,000	1,000	
2840 Special Dept Expense	26,144	33,557	33,557	
2844 Training	5,880	14,000	14,000	
2860 Library Materials	31,426	30,000	32,000	
2931 Travel & Transportation	1,316	3,000	3,000	
2932 Mileage	2,282	3,000	3,000	
2933 Lodging	2,372			
2941 County Vehicle Mileage	2,858	1,700	2,000	
2964 Meals/Food Purchases	40			

County of Placer  
 Financing Sources and Uses by Budget Unit by Object  
 Governmental Funds  
 Fiscal Year 2014-15

Budget Unit **General Fund - 100**  
 Function General  
 Activity **County Counsel - 10450**

Detail by Revenue Category and Expenditure Object	2012-13 Final Actuals	2013-14 Estimated	2014-15 Recommended	2014-15 Adopted by the Board of Supervisors
1	2	3	4	5
<b>Total Services &amp; Supplies</b>	\$ 238,892	\$ 428,542	\$ 429,497	\$
<b>Other Charges</b>				
3929 Judgments and Damages - non-reportable	\$ 696	\$	\$	\$
3932 Non-Tort Litigation	38,257			
<b>Total Other Charges</b>	\$ 38,953	\$	\$	\$
<b>Intrafund Transfers Out</b>				
5310 I/T Employee Group Insurance	\$	\$	\$ 24,273	\$
5404 I/T Maintenance - Services	1,511		82,587	
5405 I/T Maintenance - Bldgs & Improvements		1,000		
5552 I/T - MIS Services	69,199	69,871	79,397	
<b>Total Intrafund Transfers Out</b>	\$ 70,710	\$ 70,871	\$ 186,257	\$
<b>Intrafund Transfers In</b>				
5002 I/T - County General Fund	\$ (965,036)	\$ (1,105,191)	\$ (1,262,350)	\$
5008 I/T - County Office Bldg Fund	(138,661)			
<b>Total Intrafund Transfers In</b>	\$ (1,103,697)	\$ (1,105,191)	\$ (1,262,350)	\$
<b>Total Expenditures / Appropriations</b>	\$ 2,858,313	\$ 3,326,594	\$ 3,458,738	\$
<b>Net Cost</b>	\$ 1,508,311	\$ 2,157,594	\$ 735,024	\$