

County Counsel

Patrick K. Faulkner, County Counsel

The mission of the County Counsel's Office is to provide high quality and timely legal services supporting the County of Marin's mandated and discretionary governmental functions. Advisory and litigation services are furnished to County departments, boards and agencies in a manner that is cost-effective, professional and promotes excellence in delivery of government services contributing to the health, safety and welfare of county residents and visitors.



DEPARTMENT SUMMARY

General Fund	FY 2007-08 Actual	FY 2008-09 Proposed	FY 2008-09 Approved	FY 2009-10 Recommended	FY 2009-10 Change
Expenditures					
Salaries & Benefits	\$3,908,391	\$3,836,443	\$3,836,443	\$4,048,024	\$211,581
Service and Supplies	322,242	354,783	349,783	349,783	-
Interdepartmental Charges	131,918	121,527	121,527	162,708	41,181
Total Expenditures	\$4,362,551	\$4,312,753	\$4,307,753	\$4,560,515	\$252,762
Revenues					
Charges for Current Services	\$152,130	\$305,570	\$305,570	\$179,570	(\$126,000)
Miscellaneous Revenues	5,189	120	120	120	-
Total Revenues	\$157,319	\$305,690	\$305,690	\$179,690	(\$126,000)
Net County Cost (NCC)	\$4,205,232	\$4,007,063	\$4,002,063	\$4,380,825	\$378,762
Allocated Positions (FTE)	23.70	23.70	23.70	23.70	0.00

Department Overview

The County Counsel's Office provides responsive legal advice and assistance to the Board of Supervisors, County departments, boards and commissions, special districts and agencies. This assistance includes negotiating and drafting contracts and legal documents and representing the County in civil litigation and administrative hearings. Other assistance includes administration of tort and other claims; legal services involving juvenile welfare statutes and Public Administrator, Public Guardian and Lanterman-Petris Short Conservatorships. The office also protects the County and its officers from liability and enables the Board of Supervisors to carry out its programs and policies within the limits of the law.

In addition, the County Counsel's Office assists the Civil Grand Jury, which consists of 19 residents selected annually by the Judges of the Superior Court. The Civil Grand Jury is charged with examining the conduct, policies and needs of public agencies (including the County) and elected officers within Marin County, as well as the conditions and management of the County Jail and San Quentin State Prison. The Civil Grand Jury is required to submit a final report of its findings to the Superior Court.

The County Counsel's Office provides timely legal advice and litigation support to the Board of Supervisors, County departments, boards and commissions, and special districts and agencies. The County Counsel's Office handles all incoming

claims and attempts to dispose of them at the claims level, before they become lawsuits.

County Counsel includes the following programs:

- County Counsel
- Civil Grand Jury

Accomplishments FY 2008-09

- Won the dismissal of a wrongful death lawsuit in which damages could have exceeded \$1 million
- Settled McNear's Pier litigation with owners of a barge that struck and damaged the pier
- Progressively pursued taxes in bankruptcy legal proceedings in conjunction with the Treasurer-Tax Collector
- Won employment law case that went to the California Supreme Court
- Won suit in juvenile court for not placing and rehabilitating an undocumented juvenile who had committed crimes in two other states
- County prevailed in a very difficult Lanterman-Petris Short Conservatorship jury trial in which conservatee would have faced a life-threatening situation if released

Goals and Initiatives FY 2009-10

GOAL I

Provide exemplary legal services to assist clients in achieving their objectives

FY 2009-10 Initiatives

- Work closer with departments to ensure greater accuracy of claims and proper investigation of defenses
- Continue with expanded customer service program to bring customer satisfaction to outstanding levels
- Continue aggressive defense of civil cases to minimize damages where the County is exposed to liability

GOAL II

Provide quality legal services in a cost-effective manner

FY 2009-10 Initiatives

- Hire, train and monitor attorneys to form and maintain outstanding litigation teams
- Provide excellent support for litigation team
- Implement annual customer service survey

GOAL III

Provide departments and their representatives with the legal information they need to facilitate legal compliance, efficiency and a safe and secure work environment

FY 2009-10 Initiatives

- Attend trainings, seminars and conferences on special issues to maintain expertise in specific legal matters
- Work closely with Human Resources and all departments to take a proactive role to provide a safe and secure work environment for County staff

Description and Impacts of Budget Reductions

FTE Reduced	Change in Expenditure	Change in Revenue	Change in Net County Costs	% NCC Change
-	-	-	-	-

- **Description:** No reductions recommended.

- **Programmatic Impacts of Proposed Changes:** None.

Key Challenges and Outstanding Issues

- Developing and implementing the office's long-term restructuring plan over the next three years
- Continued uncertainty of the State budget and County reductions could lead to the elimination of staff positions and may require the retention of outside counsel at a potentially higher cost

Overview of Programs

FY 2009-10 Estimated Cost of Program Services

COUNTY COUNSEL PROGRAM SUMMARY				
General Fund Program Services	FTE	Total Expenditures	Total Revenues	Net County Cost
County Counsel	23.30	\$4,419,321	(\$179,690)	\$4,239,631
Civil Grand Jury	0.40	\$141,194	-	\$141,194
Total	23.70	\$4,560,515	(\$179,690)	\$4,380,825
% of Budget			4%	96%

County Counsel

Program Description and Responsibilities

County Counsel	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	23.30	\$4,419,321	(\$179,690)	\$4,239,631

The County Counsel's Office provides responsive legal advice and assistance to the Board of Supervisors, County departments, boards and commissions and other clients such as the Marin County Employees Retirement Association and special districts and agencies. This assistance includes negotiating and drafting contracts and legal documents, as well as representing the County in civil litigation and administrative hearings. Other assistance includes administration of tort and other claims; legal services involving juvenile code enforcement and Public Administrator, Public Guardian and Lanterman-Petris Short conservatorships. The office also protects the County and its officers from liability and enables the Board of Supervisors to carry out its programs and policies within the limits of the law. In addition, the County Counsel's Office assists the Civil Grand Jury.

Civil Grand Jury

Program Description and Responsibilities

Civil Grand Jury	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	0.40	\$141,194	-	\$141,194

The Civil Grand Jury consists of nineteen citizens selected annually by the judges of the Superior Court. It is statutorily authorized to examine the conduct, policies and needs of public agencies, including County departments and elected officers within Marin County. It is also required to inquire into the conditions and management of the County Jail and San Quentin State Prison. The Civil Grand Jury is required to submit a final report of its findings to the Superior Court.

Performance Measures

County Counsel

Objective: Achieve a high level of customer satisfaction

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Number of Child Protective Services trainings provided	54	374	50	50
Number of Brown Act and Public Records Act presentations given	41	43	25	30
Number of Public Records Act requests handled	n/a	99	150	110
Number of oral opinions provided	11,577	8,791	9,020	9,000
Number of customer satisfaction surveys distributed and completed	22	22	34	34
Efficiency Measures				
Percent of cost savings in legal fees using office attorneys compared with outside counsel	37%	40%	45%	45%
Effectiveness Measures				
Customer satisfaction survey rating of "good" or "outstanding"	94%	95%	85%	85%

Department Comments:

The number of oral opinions was lowered to reflect reduced hours for part-time and extra hire attorneys.

Objective: Ensure that the lead attorney in each case has sufficient resources to perform at an optimum level

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Number of employment law cases	7	10	10	12
Number of attorneys assigned to assist lead attorney	2-3	2-3	2	2
Efficiency Measures				
Number of lead attorneys surveyed to determine if approach is helpful	n/a	4	5	3

Department Comments:

Due to the County's plan for long-term restructuring, the department anticipates a smaller pool of attorneys in the litigation team.

County Counsel

ADMINISTRATION AND FINANCE

Objective: Successfully dispose claims against the County by either settlement or rejection

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Total number of claims received	200	135	75	70
Efficiency Measures				
Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	83%	83%	83%	85%
Effectiveness Measures				
Percent of claims denied	63%	66%	80%	85%
Percent of claims settled	37%	20%	20%	15%
Percent of claims resulting in lawsuits	17%	2%	5%	5%

Department Comments:

County Counsel aggressively investigates each claim to determine whether the claim has merit, and if so, what percentage is attributable to claimant's own negligence and what percentage is attributable to County negligence.

Objective: Ensure that the necessary needs of employees are being met

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
Workload Measures				
Number of surveys distributed	n/a	n/a	25	25
Efficiency Measures				
Percent of surveys returned	n/a	n/a	80%	100%
Effectiveness Measures				
Percent of employees rating their experience within the County Counsel's Office as either good or excellent	n/a	n/a	95%	100%

Department Comments:

When asked what they most liked about working for the County Counsel's Office, the majority of staff noted their appreciation for a flexible work schedule.

