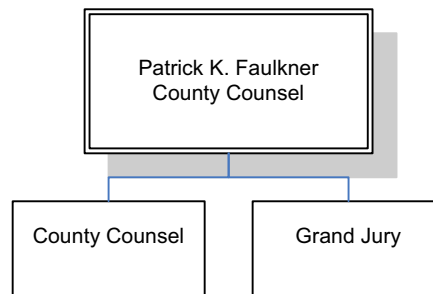


County Counsel

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 2008-09 Actual	FY 2009-10 Proposed	FY 2009-10 Approved	FY 2010-11 Recommended	FY 2010-11 Change
Expenditures					
Salaries & Benefits	\$3,969,846	\$4,048,024	\$4,048,024	\$4,271,978	\$223,954
Service and Supplies	299,155	349,783	349,783	349,783	-
Interdepartmental Charges	189,851	162,708	162,708	187,465	24,757
Total Expenditures	\$4,458,852	\$4,560,515	\$4,560,515	\$4,809,226	\$248,711
Revenues					
Charges for Current Services	\$293,407	\$179,570	\$179,570	\$458,570	\$279,000
Miscellaneous Revenues	10,209	120	120	120	-
Total Revenues	\$303,616	\$179,690	\$179,690	\$458,690	\$279,000
Net County Cost (NCC)	\$4,155,236	\$4,380,825	\$4,380,825	\$4,350,536	(\$30,289)
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 Marin 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 Marin 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 2009-10

- Won six dismissals, three judgments on the pleading, two successful demurrers and two summary judgment motions
- Successfully appealed two cases to California Appellate Court
- Worked in coordination with the Human Resources Department to improve overall effectiveness of Employment Law Team in handling complex litigation, especially in the area of advice and counsel to county departments
- Won review in the California Supreme Court regarding *Greene v. County of Marin*, which overturned plaintiff's objection to establishing new flood control fees for the residents of the Ross Valley and Mill Valley Flood Control Districts affected by severe storms

County Counsel

ADMINISTRATION AND FINANCE

- Successfully defended an appeal which would have negatively impacted all Public Guardian offices in the State of California
- Decreased expenses related to law library and negotiating contract with WestLaw to cap printing costs over the next three years of its subscriptions, saving the county \$24,630 in library expenses

Goals and Initiatives FY 2010-11

GOAL I

Provide exemplary legal services to assist clients in achieving their objectives

FY 2010-11 Initiatives

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

GOAL II

Provide quality legal services in a cost-effective manner

FY 2010-11 Initiatives

- Train existing staff attorneys to maintain outstanding litigation skills
- Provide excellent support for litigation team members
- 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 2010-11 Initiatives

- Hands-on training of key department staff so that they are aware of new updates of the law concerning their department
- Work closely with Human Resources and all departments to take a proactive role to provide a safe and secure work environment for county staff

- Work closely with departments on employment law matters to ensure that departments make objective and fair decisions relating to employee discipline

Description and Impacts of Budget Reductions

FTE Reduced	Change in Expenditure	Change in Revenue	Change in Net County Costs
-	-	(\$279,000)	(\$279,000)

- **Description:** Increase revenue \$279,000 by providing legal advice to the Retirement Board, increase Public Administrator case load and increase special district fees.
- **Programmatic Impacts of Proposed Changes:** Will increase County Counsel caseload and reduce staff availability for other projects.

Key Challenges and Outstanding Issues

- Implementing the office's long-term restructuring plan over the next three years
- Dealing with continuing state and county budget reductions that can lead to the elimination of staff positions and may require the retention of outside counsel at a potentially higher cost

Overview of Programs

FY 2010-11 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	\$4,663,018	(\$458,690)	\$4,204,328
Civil Grand Jury	0.40	\$146,208	-	\$146,208
Total	23.70	\$4,809,226	(\$458,690)	\$4,350,536
% of Budget			10%	90%

County Counsel

Program Description and Responsibilities

County Counsel	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2010-11 General Fund Program Budget	23.30	\$4,663,018	(\$458,690)	\$4,204,328

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 (MCERA) 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.

FY 2010-11 Program Initiatives

- Attempt to expand our legal services to more special districts, which will generate more revenue to the county

- Resume Retirement Board Advice which will decrease MCERA's outside attorney expenses which ultimately reduces the county's contribution rates

- Increase support to the Public Administrator to assist with increases in the number of decedents failing to appoint administrative representatives to handle the distribution of their estates

- Consider expansion of our employment law team services to special district clients to increase revenue to the county

Civil Grand Jury

Program Description and Responsibilities

Civil Grand Jury	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2010-11 General Fund Program Budget	0.40	\$146,208	-	\$146,208

The Civil Grand Jury consists of nineteen citizens, selected annually by the judges of the Marin County 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 Marin 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 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
Workload Measures				
Number of Child Protective Services trainings provided	37	35	50	40
Number of Brown Act and Public Records Act presentations given	43	8	30	20
Number of Public Records Act requests handled	99	126	50	90
Number of oral opinions provided	8,791	8,820	8,800	9,000
Number of customer satisfaction surveys distributed and completed	22	34	34	39
Efficiency Measures				
Percent of cost savings in legal fees using office attorneys compared with outside counsel	40%	42%	45%	45%
Effectiveness Measures				
Customer satisfaction survey rating of "good" or "outstanding"	95%	95%	90%	95%

County Counsel

ADMINISTRATION AND FINANCE

Story Behind Performance:

County Counsel, like other county departments, is bracing for hefty budget reductions over the next five years to address Government Accounting Standards Board (GASB) pension contribution deficiencies and lowered property tax revenue. This, combined with the state's borrowing of money from its counties, will challenge our office's mission to provide excellent customer service to our county departments and outside agencies. The number of customer satisfaction surveys distributed will increase in FY 2010-11 to include board staff.

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

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
Workload Measures				
Number of employment law cases	10	9	4	10
Number of attorneys assigned to assist lead attorneys	2-3	2	3	2
Number of lead attorneys surveyed to determine if approach is helpful	4	5	3	3

Story Behind Performance:

Due to the county's plan for long-term restructuring, the department anticipates a smaller pool of attorneys in the litigation team, combined with a probable increase in employment law cases.

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

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
Workload Measures				
Total number of claims received	135	120	70	70
Efficiency Measures				
Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	83%	95%	85%	85%
Effectiveness Measures				
Percent of claims denied	66%	78%	85%	85%
Percent of claims settled	20%	17%	28%	15%
Percent of claims resulting in lawsuits	2%	5%	6%	4%

Story Behind Performance:

Working in concert with our insurance adjuster and with prompt investigatory responses from our department contacts, County Counsel has been able to systematically address all claims in a timely manner and dispose of them at the least cost to the county.

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

MEASURES	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Estimate	FY 2010-11 Estimate
Workload Measures				
Number of surveys distributed	n/a	25	25	21
Efficiency Measures				
Percent of surveys returned	n/a	100%	100%	100%
Effectiveness Measures				
Percent of employees rating their experience within the County Counsel's Office as either good or excellent	n/a	100%	100%	99%

Story Behind Performance:

The County Counsel's Office has benefited from the guidance of its veteran administrative staff, experienced attorneys (who average ten years of County Counsel office experience), and support staff who have all logged at least five years of County Counsel experience. There is very little turnover in this department, probably owing to the fact that the staff enjoys its work, that for the most part it is not only extremely interesting, but varied and meaningful as well.