

County Counsel's Office
FY 2009-10 Performance Plan

I. MISSION STATEMENT

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.

II. 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

III. FY 2008-09 ACCOMPLISHMENTS

- Won the dismissal of 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 a crime in two 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

IV. GOALS AND KEY INITIATIVES FOR FY 2009-10

Goal 1: Provide exemplary legal services to assist clients in achieving their objectives

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

It is absolutely clear that providing outstanding legal services assists our clients in achieving their objectives. Outstanding customer service is the number one goal for the attorneys and staff. This goal, along with the high-caliber ability of the legal staff, combines to make the provision of exemplary legal services attainable.

FY 2009-10 Key Initiatives
1. Work closer with departments to ensure greater accuracy of claims and proper investigation of defenses
2. Continue with expanded customer service program to bring customer satisfaction to outstanding levels
3. Continue aggressive defense of civil cases to minimize damages where the County is exposed to liability

Goal 2: Provide quality legal services in a cost-effective manner

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

The County of Marin is one of the few counties that handles its own litigation in-house which, saves the County at least \$2 million dollars annually. In addition to cost savings, in-house litigation improves litigation because the County evaluates the merits of each claim, prepares witnesses, and decides whether to proceed to trial.

FY 2009-10 Key Initiatives
1. Hire and train and monitor attorneys to form and maintain outstanding litigation teams
2. Provide excellent support for litigation team
3. Implement annual customer service survey

Goal 3: Provide departments and their representatives with the legal information they need to facilitate legal compliance, efficiency, and a safe and secure work environment

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

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County Counsel attorneys are encouraged to attend trainings, seminars and conferences in their assigned areas to ensure that they are equipped with the most current legal information necessary to perform legal services, which include providing information to facilitate legal compliance to their assigned departments. Additionally, the County Counsel Employment Law team works closely with Human Resources to ensure a safe and secure work environment for all county employees. County Counsel administration works diligently with attorneys to provide training opportunities and for them to achieve excellent customer service.

FY 2009-10 Key Initiatives
1. Attend trainings, seminars and conferences on special issues to maintain expertise in specific legal matters
2. Work closely with Human Resources and all departments to take a proactive role to provide a safe and secure work environment for county staff

V. KEY CHALLENGES AND 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

VI. PERFORMANCE MEASURES

Objective: Achieve a high level of customer satisfaction

Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
Workload Measures				
Number of Child Protective Services trainings provided	54	37	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

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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 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
Workload Measures				
Number of employment law cases handled	7	10	10	10
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.

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

Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 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%

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Measures	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 Estimate
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 06-07 Actual	FY 07-08 Actual	FY 08-09 Estimate	FY 09-10 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.