

County Counsel

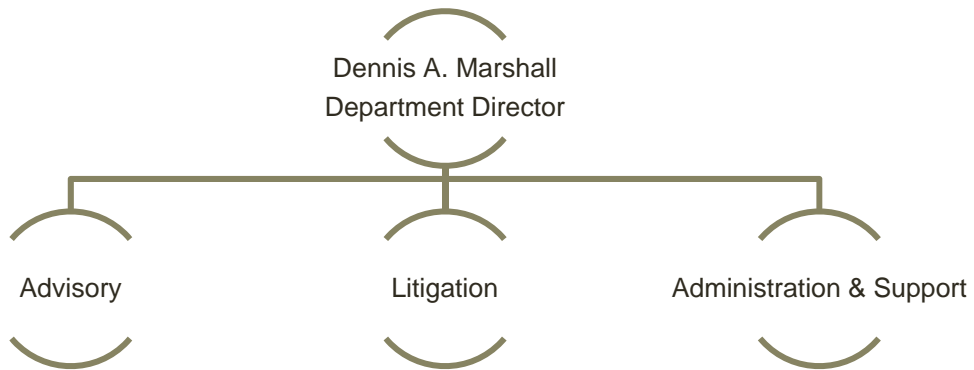


County Counsel

Budget & Full-Time Equivalents (FTEs) Summary

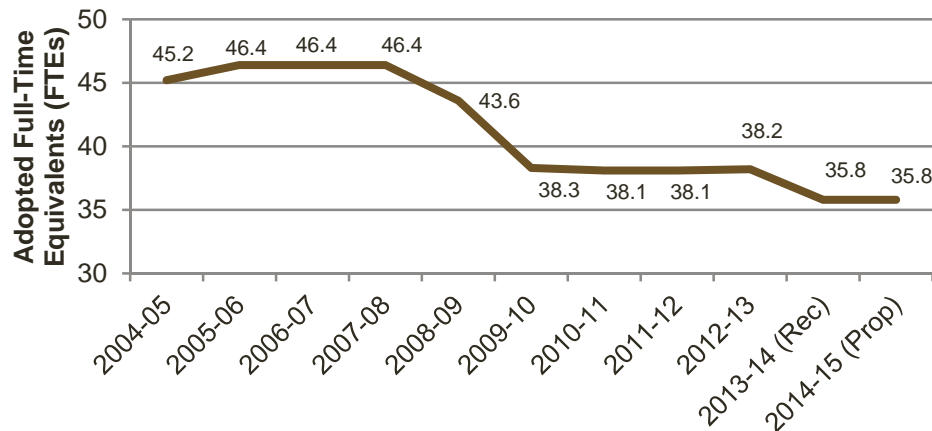
Operating	\$	6,808,186
Capital	\$	-
FTEs		35.8

Budget Programs Chart



Staffing Trend

The staffing trend values will differ from prior year budget books in order to show amounts without the impact of any vacancy factors.



County Counsel

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.

Department Description

County Counsel is mandated to defend all civil action against the County, its officers, boards, commissions and employees, and to provide other civil legal services to the Board of Supervisors, County Officers, Departments, Boards, Commissions, and Special Districts.

The office provides a broad range of proactive legal services directed at promoting the public service objectives of the County, while protecting the County from loss and risk. Services include advising on the law as it applies to County operations; drafting legal documents and representing the County in civil actions, dependency court cases, and a wide variety of contractual, financial, regulatory, and transactional matters.

The office is organized into the advisory services, litigation services, and administration units.

2012-13 Anticipated Accomplishments

Advisory

- Supported County's consideration of Land Use and Public Works projects, including Northern Branch Jail project, Vincent Vineyards Winery project, Mattei's Tavern project, Cavaletto Tree Farm project, Park Hill Estates project, and acquisition of rights of way for the Union Valley Parkway Extension project.
- Provided legal support for the County's compliance with complex amendments that

dissolved redevelopment agencies, but allowed the County to retain housing functions; i.e., the Pescadero Lofts Affordable Housing Project.

- Provided legal support for the 2013-2014 Tax and Revenue Anticipation Notes of up to \$40 million.
- Provided approximately one additional full-time equivalent of General Fund attorney support to the Community Services Department for: administration of federal housing programs; responding to federal audits; and improving the County's compliance with federal requirements.
- Prevailed in the litigated defense of General Fund Land Use cases: Santa Barbara Ranch project (California Environmental Quality Act, CEQA), Diamond Rock project (CEQA), Jet Investment Trust (Subdivision Map Act).
- Prevailed in the litigated defense of consolidated General Fund property tax cases of statewide importance brought by the "fractionally owned aircraft" industry. The appellate decision allows the County to keep \$1.3 million of prior year property taxes and receive about \$300,000 per year in future years.

Litigation

- Successfully resolved 15 federal civil rights and state law tort cases for nearly \$2.5 million under Risk Management's reserves, including:
 - A defense jury verdict in a federal case (Madrigal) where five plaintiffs alleged that County probation officers violated their civil rights by arresting and imprisoning them with excessive force on false charges, and that the County was liable for failing to train and supervise the officers adequately;
 - Dismissal of plaintiffs' appeal of a defense jury verdict in a federal case (Cotton) where the widow and three children of a man who died in County Jail alleged that Sheriff and ADMHS personnel violated his civil rights and caused his death by unlawfully arresting and jailing him, using excessive force against

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him, and responding with deliberate indifference to his serious medical needs;

- Dismissal of a federal case (Middleton) where plaintiff alleged that Sheriff and District Attorney personnel violated his civil rights in the investigation and prosecution of his criminal case; and,
- Dismissal of a federal case (Siegelman) where plaintiff alleged the County's permitting procedures and requirements violated her constitutional due process rights.
- Defended successfully against all federal and state EEO complaints filed against the County and its employees.
- Reduced County litigation costs by:
 - Defending all Risk Management-funded litigation in-house, while at the same time,
 - Through litigation successes and case-handling efficiencies, reduced the number of attorneys fully dedicated to Risk Management-funded litigation from 4 to 3.

2013-15 Objectives

Advisory

- Provide legal support for development of the Conversion Technology project at the Tajiguas Landfill, to provide an alternative to landfilling some solid waste.
- Provide the Board of Supervisors with options within these draft land use plans and amendments: Gaviota Coast Plan, Mission Canyon Community Plan, Eastern Goleta Valley Community Plan, and Summerland Community Plan.
- Support legal issues arising from the Federal Patient Protection and Affordable Care Act.

- Continue intensive General Fund legal support for the Northern Branch Jail Project and Community Services Department's compliance improvements with housing programs.

Litigation

- Represent the County Assessor. This will include California Supreme Court litigation about valuing resident-owned mobile homes, statewide, for property tax purposes, including the Rancho Goleta and Silver Sands Village Mobile Home parks. Defend against challenges by Breitburn Energy of its enrolled property value; the amount of property tax disputed exceeds \$1 million per year.
- Continue to pursue recovery on two bail bonds totaling \$1 million by opposing surety's appeal of trial court's denial of its motion to vacate the forfeiture of the bonds.
- Continue to reduce County Workers' Compensation (WC) costs by:
 - Supporting Risk Management's transition of claims administration to an outside contractor; and,
 - Maintaining prior year reduction in the number of attorneys fully dedicated to workers' compensation litigation from 2 to 1, while at the same time,
- Continuing to handle in-house all new workers' compensation litigation from injuries before 7/01/10, when the County converted its WC coverage from self-insurance to first-dollar coverage by CSAC-EIA.
- Provide legal support to the County's processing of Santa Maria Energy's application for production from over 100 new oil and gas wells through the use of steam injection from generators.

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Changes & Operational Impact: 2012-13 Adopted to 2013-14 Recommended

Staffing

- Decrease of 2.0 FTE attorneys
- The decrease of 2.0 FTE attorneys is attributable to reduced caseload, increased case handling efficiency, and workload shift to non-risk management general litigation matters. Handling general litigation cases in-house is nevertheless more cost effective than the use of outside counsel.

Expenditures

- Net operating expenditure decrease of \$357,000:
 - Salaries and Benefits – Decrease of \$337,000 due to un-funding of two positions within County Counsel and the current practice of filling vacancies that occurred within FY 2012-13 with staff at a lower starting level.
 - Other Charges – Decrease of \$19,000 primarily due to lower liability costs and miscellaneous utility costs.

These changes result in recommended operating expenditures and total recommended expenditures of \$6,808,000.

Revenues

- Net operating revenue decrease of \$799,000:
 - Charges for Services – Decrease of \$799,000 in Charges for services. This represents an estimated \$420,000 loss in overhead for Fiscal Year 2013-14 due to a lower than anticipated and budgeted indirect cost reimbursement rate; a \$370,000 loss in legal services provided to Risk Management because of the shift of a .6 FTE from Risk to Land use; unexpected decline in EEOC/DFEH complaints; and a shift from revenue generating legal services to non-revenue

generating legal services such as the Community Services Department, Planning and Development, Sheriff, and General Fund Civil Litigation.

- Net non-operating revenue increase of \$442,000:
 - Decreases to Fund Balance --+\$400,000. This represents an increase in the use of one-time funding from the Program Restoration Fund Balance account, needed to balance the budget due to the loss in revenue described above.
 - General Fund Contribution – Increase of \$37,000 reflects the recommended increase to the GFC target.

These changes result in recommended operating revenues of \$3,596,000, non-operating revenues of \$3,212,000, resulting in total revenues of \$6,808,000. Non-operating revenues primarily include General Fund Contribution, transfers and decreases to fund balances.

Changes & Operational Impact: 2013-14 Recommended to 2014-15 Proposed

The FY 2014-15 proposed expenditures reflect a \$198,000 increase over the FY 2013-14 recommended budget that is primarily the result of a \$193,000 increase in Salaries and Employee Benefits which includes \$140,000 in increased Retirement Costs, \$26,000 in Health Insurance Contributions and \$23,000 in additional regular salaries.

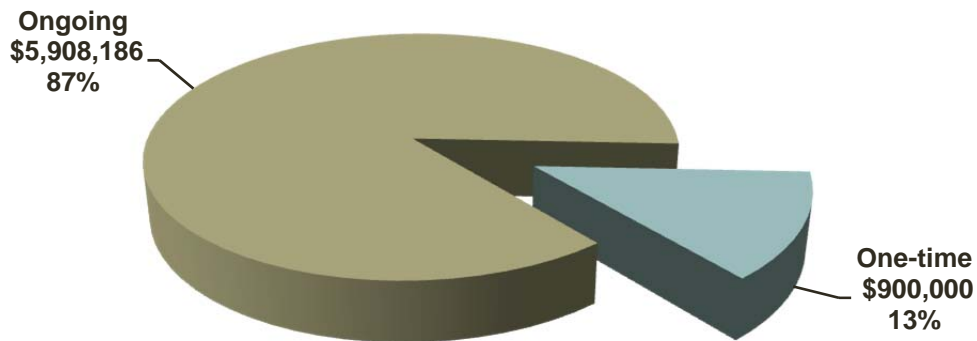
Related Links

For more information on the County Counsel's Office, refer to the Web site at <http://sbchome/counsel/>.

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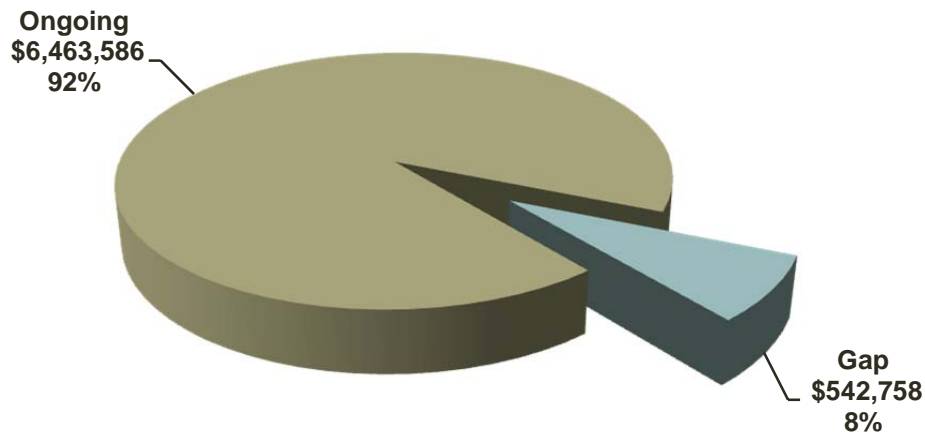
Gap Charts

FY 2013-14 Recommended Budget



The FY 2013-14 Recommended Budget relies on one-time sources to fund 13% of the Department's ongoing operations. These funds include \$500,000 from the Litigation Designation and \$400,000 from the Program Restoration Designation. These funds allowed the Department to maintain a higher level of service than would otherwise have been possible; however, because these funds are one-time in nature, they may not be available to fund operations in FY 2014-15.

FY 2014-15 Proposed Budget



To maintain the FY 2013-14 service levels, it is estimated that \$542,758 of funding will be required in FY 2014-15. Of this amount, it is projected that \$37,162 will be available through General Fund Contribution. An additional \$505,595 must be identified to prevent the need for service level reductions.

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Performance Outcome Measures

Description	FY 2011-12 Actual	FY 2012-13 Adopted	FY 2013-14 Recommended	FY 2014-15 Proposed
Percent of litigated cases which resolve at 90% or less than the amount reserved by Risk. (Target = >80%).	N/A	>80%	>80%	>80%
Percent of litigated cases resolved without payment to plaintiff (Target = >60%)	N/A	>60%	>60%	>60%

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Budget Overview

	2011-12 Actual	2012-13 Adopted	Change from FY 12-13 Ado to FY 13-14 Rec	2013-14 Recommended	2014-15 Proposed
Staffing By Budget Program					
Administration & Support	3.61	2.27	(0.02)	2.25	3.34
Advisory	13.97	14.50	(1.26)	13.24	14.44
Litigation	19.92	21.43	(1.12)	20.31	18.01
Total	37.51	38.20	(2.40)	35.80	35.80
Budget By Budget Program					
Administration & Support	\$ 816,893	\$ 1,259,737	\$ (16,334)	\$ 1,243,403	\$ 1,423,350
Advisory	2,713,296	2,549,125	(206,094)	2,343,031	2,621,132
Litigation	3,223,683	3,356,213	(134,461)	3,221,752	2,961,862
Unallocated	90	-	-	-	-
Total	\$ 6,753,961	\$ 7,165,075	\$ (356,889)	\$ 6,808,186	\$ 7,006,344
Budget By Categories of Expenditures					
Salaries and Employee Benefits	\$ 6,351,144	\$ 6,206,573	\$ (337,055)	\$ 5,869,518	\$ 6,062,797
Services and Supplies	246,299	772,800	(467)	772,333	772,300
Other Charges	156,518	185,702	(19,367)	166,335	171,247
Total Operating Expenditures	6,753,961	7,165,075	(356,889)	6,808,186	7,006,344
Total	\$ 6,753,961	\$ 7,165,075	\$ (356,889)	\$ 6,808,186	\$ 7,006,344
Budget By Categories of Revenues					
Charges for Services	\$ 4,391,792	\$ 4,394,137	\$ (798,651)	\$ 3,595,486	\$ 3,600,486
Miscellaneous Revenue	733	900	(400)	500	500
Total Operating Revenues	4,392,525	4,395,037	(799,051)	3,595,986	3,600,986
Intrafund Expenditure Transfers (-)	-	-	5,000	5,000	-
Decreases to Fund Balances	307,319	500,000	400,000	900,000	500,000
General Fund Contribution	2,054,118	2,270,038	37,162	2,307,200	2,362,600
Fund Balance Impact (-)	-	-	-	-	542,758
Total	\$ 6,753,961	\$ 7,165,075	\$ (356,889)	\$ 6,808,186	\$ 7,006,344