

**County Counsel
BUDGET 0710
General Fund**

	Actual** 2011-12	Adopted 2012-13	Recommended 2013-14	Increase/ (Decrease)	
<u>FISCAL SUMMARY</u>					
<u>Appropriations</u>					
Salaries and Benefits	\$ 3,825,463	\$ 4,022,089	\$ 4,287,224	\$ 265,135	7%
Services and Supplies	572,533	385,399	594,573	209,174	54%
General Fixed Assets	6,964	-	-	-	0%
Total Appropriations	\$ 4,404,961	\$ 4,407,488	\$ 4,881,797	\$ 474,309	11%
<u>Revenues</u>					
Intergovernmental Revenues - State	-	-	84,057	84,057	100%
Charges For Services	\$ 838,581	\$ 655,288	\$ 456,000	\$ (199,288)	-30%
Miscellaneous Revenues	278	-	-	-	0%
Intrafund Revenue	1,738,015	1,923,894	2,326,584	402,690	21%
Total Revenues	\$ 2,576,874	\$ 2,579,182	\$ 2,866,641	\$ 287,459	11%
<u>Net County Cost</u>	\$ 1,828,087	\$ 1,828,306	\$ 2,015,156	\$ 186,850	10%

	Budgeted 2011-12	Current 2012-13	Recommended 2013-14	Increase/ (Decrease)
Position Summary	25	28	31	3

** The column labeled Actual 2011-12 includes expenditures incurred against FY 2011-12 appropriations from July 1, 2011 through December 31, 2012.

COUNTY COUNSEL – 0710

FUNCTION

The County Counsel represents the County and its officials in civil litigation, defends the County in administrative law proceedings, provides written and oral legal opinions to County staff, and acts as legal advisor to County boards, commissions, committees, and Special Districts upon request. The department consists of 28 approved positions, including 21 attorneys and 7 support staff. In FY 2013-14, seven attorneys will represent the Department of Social Services (DSS) in Dependency Court; one attorney will represent the Public Guardian and Public Administrator in Probate Court; one attorney will represent the Local Mental Health Director in civil commitment hearings; one attorney will represent the Retirement Association; three attorneys will represent the County in general litigation (including Risk Management cases, Eminent Domain cases, section 1983 Civil Rights cases, etc.); and one attorney will represent the County in Civil Service hearings and other employment related hearings/matters. The remaining attorneys will issue opinions, review contracts, attend meetings and handle general administrative and court hearings for the Board of Supervisors, the County Administrative Office, the Grand Jury, the In-Home Supportive Services (IHSS) Public Authority, the Transportation Authority, Council of Governments (COG), approximately 21 County departments, and various other boards, committees and commissions.

OVERVIEW

The FY 2013-14 Budget appropriations of \$4,881,797 reflect a net 11% (\$474,309) increase over the FY 2012-13 Adopted Budget. Budgeted revenues of \$2,866,641 reflect an 11% (\$287,459) increase over FY 2012-13 Adopted Budget due to increased intrafund revenues for services provided and the inclusion of Intergovernmental-State Revenues to reflect an anticipated payment of a State mandate claim for legal services rendered in FY 2011-12. A net County cost (NCC) allocation was provided in the amount of \$1,805,156, which is a 1% decrease in NCC contribution from the FY 2012-13 Adopted Budget. Additionally, \$210,000 in NCC was required to be budgeted in Org 0710 – County Counsel for outside legal services. This is the first time NCC for outside legal services has been budgeted in Org 0710; historically, it has been budgeted in Org 2540 – Interest and Miscellaneous Expenditures. This results in a total NCC contribution of \$2,015,156, which is a 10% (\$186,850) increase over FY 2012-13 Adopted Budget. Staffing is recommended at 31 positions, reflecting an increase of 3 positions over the FY 2012-13 Adopted Budget. No salary savings have been included in this budget due to low anticipated staff turnover.

GOAL SETTING

Fiscal Goal

FY 2012-13

- **Goal:** County Counsel's fiscal goal for FY 2012-13 was to bill and collect the revenues that have been budgeted for the fiscal year.
- **Outcome(s)/Result(s):** County Counsel appears to be on track with regard to billing and collection of revenues for FY 2012-13. A monthly review of the department's revenue report, as well as internal reports of billings that have not been paid to date, is performed to track whether yearly budget projections are being met.

FY 2013-14

- **Goal:** Once again, County Counsel's fiscal goal for FY 2013-14 is to bill and collect the revenues that have been budgeted for the fiscal year. The FY 2013-14 revenue goal of \$2,866,641 is an ambitious goal and it will require the efforts of all attorneys to attain.
- **Performance Metric:** We will use monthly revenue reports to track our progress on a monthly basis.

Operational Goal

FY 2012-13

- **Goal:** County Counsel's operational goal for FY 2012-13 was to use the department's administrative resources to support our fiscal goal by timely and accurately billing clients for legal services rendered.
- **Outcome(s)/Result(s):** County Counsel's two additional attorneys in FY 2012-13 have assisted the department in more timely responding to client requests for legal services, resulting in more timely and accurate billing of clients for legal services rendered. These additional attorneys absorbed some of the existing caseload of other attorneys, allowing the workload to be more evenly distributed and resulting in more efficient and timely service delivery. In addition, County Counsel has used monthly revenue reports to track billing of clients and their ultimate payment to insure appropriate payment.

FY 2013-14

- **Goal:** County Counsel's operational goal for FY 2013-14 is to maximize the use of available legal resources to provide well-reasoned and researched legal advice in all legal matters and vigorous advocacy in contested matters, and to provide these legal services in as timely a manner as possible.
- **Performance Metric:** The department will use monthly reports from attorneys to track workload and response time to clients.

Departmental Goal

FY 2012-13

- **Goal:** County Counsel's overall goal for FY 2012-13 was to deploy additional attorney resources to more timely respond to client requests for legal services.
- **Outcome(s)/Result(s):** With the addition of two attorneys in FY 2012-13, County Counsel has been able to more timely respond to client requests for legal services. These additional attorneys absorbed some of the existing caseload of other attorneys, allowing workload to be more evenly distributed and resulting in more efficient and timely service delivery.

FY 2013-14

- **Goal:** To deploy any additional attorney and staff resources to more timely respond to client requests for legal services.
- **Performance Metric:** The department will use monthly reports from attorneys to track workload and response time to clients.

SUMMARY OF CAO RECOMMENDATIONS

Significant Program Changes

For the first time, NCC for outside legal services is being budgeted in Org 0710, instead of Org 2540. The CAO has recommended an NCC contribution of \$210,000 for FY 2013-14 outside legal services. We have budgeted this expenditure in its own line item (Account 7294-Professional Specialized Services – Contract) and will only use these funds for outside

legal services. County Counsel will not use it for any other purpose, nor does the department plan to use its departmental NCC contribution of \$1,805,156 to pay for outside legal services. Should the \$210,000 not be a sufficient amount for outside legal services, County Counsel will advise the Board of Supervisors that additional funds are necessary.

Staffing is recommended at 31 positions, reflecting an increase of 3 positions over FY 2012-13 Adopted Budget. One Deputy County Counsel I and one Secretary II positions are recommended to be added to current staffing to avoid service reductions to NCC departments. An Accountant I/II position is recommended to be added to current staffing to handle payment of vendors, invoicing of clients, preparation and monitoring of department budget, and other financial matters as the volume and complexity of County Counsel's billing and finances has significantly increased over time.

Salaries and Benefits

- Salaries and Benefits, recommended at \$4,287,224, represent a 7% (\$265,135) increase over the FY 2012-13 Adopted Budget.

Recommended funding includes:

- Full-year funding for 28 positions (21 attorneys and 7 support staff), as well as funding for the addition of 1 attorney, 1 secretary and 1 accountant positions effective July 22, 2013.
- Account 6100, Regular Salaries reflects a 5% (\$123,138) increase over FY 2012-13 Adopted Budget. This increase is primarily due to increased salaries from promotions, as well as the addition of one attorney and two support staff.
- Account 6200, Extra-Help reflects a 116% (\$30,092) increase over FY 2012-13 Adopted Budget, and provides for partial year funding for one extra-help secretary position until the permanent position can be filled.
- Account 6350, Unemployment Insurance represents a 64% (\$5,963) reduction from FY 2012-13 Adopted Budget, due to decreased Unemployment Insurance rates provided by Risk Management.
- Account 6400, Retirement Contributions represents a 5% (\$61,490) increase over FY 2012-13 Adopted Budget, due to increased salaries and the addition of three staff.
- Account 6600, Health Insurance represents a 9% (\$15,476) increase over FY 2012-13 Adopted Budget, due to the addition of one attorney and one support staff.

Services and Supplies

- Services and Supplies, recommended at \$594,573, represent a 54% (\$209,174) increase over FY 2012-13 Adopted Budget, due to the shift of budgeting for outside legal services in Org 0710 instead of Org 2540, Interest and Miscellaneous Expenditures and the budgeting for overdue maintenance and security improvements to the County Counsel's Office.

Recommended funding includes:

- Account 7221, Building Maintenance GSA represents a 100% (\$12,070) increase over current year for various improvement and maintenance projects, including additional work station lighting and employment of security measures for the protection of departmental personnel and the department's confidential documents.
- Account 7265, Office Expense represents an 11% (\$4,309) increase over current year, due to a need to replace aging desk chairs and printers and increased costs of office supplies, partially offset by no longer recognizing on-line legal research costs in this account.

- Account 7271, Books & Publications represents a 46% (\$15,269) increase over current year, due to recognizing on-line legal research costs in this account, increased costs for on-line legal research, partially offset by decreased subscriptions to printed materials.
- Account 7294, Professional & Specialized Services Contract represents a 100% (\$210,000) increase over current year. This is due to the shift in budgeting for outside legal services from Org 2540, Interest and Miscellaneous Expenditures to Org 0710, County Counsel for outside legal services.
- Account 7345, Facility Services Rent represents a 49% (\$34,461) decrease from current year due to decreased rates.
- Account 7385, Small Tools & Instruments represents a 100% (\$4,000) increase over current year due to a need to replace a small copy machine.
- Account 7412, Mileage represents a 67% (\$2,000) increase over current year, due to a need to send attorneys to professional trainings necessary to meet their continuing education requirements.
- Account 7415, Transportation, Travel & Education represents a 133% (\$4,000) increase over current year, due to a need to send attorneys to professional trainings necessary to meet their continuing education requirements.
- Account 7430, Utilities represents a 5% (\$1,762) increase over current year, due to increased rates and a required contribution to the Downtown Beautification Tax.
- Account 7611, Security Services represents a 38% (\$8,771) decrease from current year, due to decreased rates provided by ISD.

SUMMARY OF REVENUES

Revenues are recommended at \$2,866,641, an 11% (\$287,459) increase over the FY 2012-13 Adopted Budget, which is primarily due to the continued increase in legal service work for departments with third party revenue and the expected receipt of State mandate monies reimbursing the department for legal services rendered for PERB matters in FY 2011-12.

Revenues	FY 2012-13 Adopted	FY 2012-13 Estimated Actual	FY 2013-14 Recommended
Acct # - Intergovernment Revenues – State			
3591 – State- Indian Gaming	0	2,668	0
3591 – State - PERB State Mandate 2011-12	0	0	84,057
Total	\$ 0	\$ 2,668	\$ 84,057
Acct # - Charges for Services			
4906 – Court Ordered Attorney Fees	150,000	225,000	259,000
5039 – Other Agencies Services	229,500	170,000	190,000
5040 – Other County Departments	275,788	257,788	7,000
Total	\$ 655,288	\$ 652,788	\$ 456,000
Acct # - Intrafund			
5990 – Intrafund Revenue	1,923,894	1,923,894	2,326,584
Total	\$ 1,923,894	\$ 1,923,894	\$ 2,326,584
Total Revenues	\$ 2,579,182	\$ 2,579,350	\$ 2,866,641