

COUNTY COUNSEL
Robert Shulman, County Counsel



Legal Counsel (10301) \$ 884,016

Total \$ 884,016





County Counsel Summary

	<u>07/08</u> <u>Actual</u>	<u>08/09</u> <u>Adopted</u>	<u>08/09</u> <u>Estimated</u>	<u>09/10</u> <u>Proposed</u>	<u>09/10</u> <u>Adopted</u>	<u>% Change</u> <u>From Prior</u> <u>Adopted</u>
Revenues						
Taxes	-	-	-	-	-	NA
Licenses, Permits & Franchises	-	-	-	-	-	NA
Fines, Forfeitures, & Penalties	-	-	-	-	-	NA
Use of Money & Property	-	-	-	-	-	NA
Federal/State Intergovernmental	-	-	-	-	-	NA
Charges for Services	18,560	30,625	55,247	36,500	36,500	19.2%
Miscellaneous Revenues	-	-	-	-	-	NA
Other Financing Sources	-	-	-	-	-	NA
General Fund Transfers	-	-	-	-	-	NA
General Fund Allocation	910,538	1,041,035	861,733	847,516	847,516	-18.6%
Total Revenues	929,098	1,071,660	916,980	884,016	884,016	-18%
Expenses						
Salaries & Benefits	1,028,377	1,185,084	1,031,993	987,498	987,498	-16.7%
Services & Supplies	87,118	95,318	88,120	92,772	92,772	-2.7%
Other Charges	-	-	-	-	-	NA
Overhead Cost Allocation (A87)	-	-	-	-	-	NA
Capital Assets	-	-	-	-	-	NA
Other Financing Uses	-	-	-	-	-	NA
Interfund Activity	(186,397)	(208,742)	(203,133)	(196,254)	(196,254)	-6.0%
Contingency	-	-	-	-	-	NA
Total Expenses	929,098	1,071,660	916,980	884,016	884,016	-18%
Fund Balance Added (Used)	-	-	-	-	-	
Staffing:	8.30	8.30	8.30	7.30	7.30	

	June 30, 2009 Projected Fund Balance	FY 09/10 Revenue	FY 09/10 Expense	FY 09/10 Net Change	June 30, 2010 Projected Fund Balance
General Fund	Fund #0101 *	884,016	884,016		*
		884,016	884,016		

* See General Fund Balance and Reserves in Section 1 for the FY 2009-10 General Fund analysis.



Legal Counsel

Mission Statement:

The mission of the County Counsel's Office is to provide high quality legal services to the Board of Supervisors, County Executive Officer, and other County departments, as well as Supervisor-governed districts.

Service Description:

The County Counsel's Office renders legal services to the Board of Supervisors, all County departments, and a few special districts. In addition, subject to direction from the Board of Supervisors, the County Counsel's Office defends lawsuits brought against the County and initiates lawsuits on behalf of the County.

The services provided typically include: civil litigation (including coordination with other counties having similar lawsuits), County contracting problems, Human Services Agency programs, Human Resource Department personnel matters, Sheriff's Department services, Community Development Agency programs and issues, road and transportation issues, constituent referrals from members of the Board of Supervisors, tax collection and bankruptcy matters, County-dependent special districts, and a variety of other legal issues.

Major Accomplishments in 2008-09:

- Accomplished new assignment of legal counsel to the Planning Commission and Planning Dept., with effective transition and training by the attorney retiring after 20 years in that assignment.
- Established written litigation procedures for the office, and an on-going Litigation Working Group meeting monthly to review case progress.
- Provided ordinances and resolutions for the Dark Horse Phase 3 Electrical Service Availability Fee, to extend power by the end of 2008.
- Avoided expense of trial by obtaining early dismissals in three court cases that were vigorously litigated.
- Provided effective assistance in negotiations and lease documentation for 4 county offices and hangar development on 2 ramps at the County Airport.

- Assisted Adult Protective Services and Public Guardian with protection of the elderly by filing more Probate Conservatorships in 2008 than in the three previous years.
- Advised and assisted the County Elections Office during oversight of the voting challenge process in the tight congressional race in November of 2008.
- Advanced the County's interests against the San Francisco-based AOC on complex property issues involved in transferring two court facilities (Nevada City and Truckee) prior to the September 2008 deadline.

Objectives & Performance Measures for 2009-10:

Objective:

Continue to ensure attorney responsiveness and effective problem-solving in the delivery of legal services.

Performance Measures:

- Continue regular attorney participation in General Administration, Agenda Review, the Contracts and Insurance Forum, the Risk Management Committee, the Wildwood Estates Workout, Court Facilities issues, the Courthouse Law Library Trustees, and others upon request, such as committees and commissions that include members of the Board of Supervisors.
- Cross-training of attorneys for dependable back-up in all areas of legal practice when the primary attorney is unavailable, achieving 90% coverage within 48 hours.
- Procedure for legal assignment tracking, turnaround and completion within 48 hours in most situations, unless time extensions are arranged. Attorneys are clearly informed about which of the 44 distinct practice areas they are responsible for.
- Follow up on any complaints about customer service, and hold staff accountable for quality, responsiveness, and timely completion.
- Measure calendar year special work assignments. Consistent trend over the past five years is at 65-75 per month. Year 2007



Legal Counsel

averaged 74 per month. In 2008 the average was close to 78 per month.

Objective:

Increase effective use of office technology in legal document handling, legal research, and as applied in county administration.

Performance Measures:

- Document frequent internal IGS training by staff in Word, Excel, E-works, Docushare, and Infonet.
- Participation by secretarial staff in the IGS-sponsored Word and Excel Users Groups, including lead facilitation of the Word Users Group.
- Annual attorney and staff training in legal research through on-line resources such as Lexis-Nexis, and the statewide County Counsel website called "Coconet" and its Shared Legal Resources ("SLRS").
- Consistent attendance by all staff at the county's in-house training sessions conducted by IGS and HR.
- Hold monthly office meetings at which information is shared from departmental and Board workshops, especially pertaining to technology advances that are here, or are coming, or need initiation through the COI process.

Objective:

In view of the state's complete revision of the "County Service Area Law" (SB 1458, effective 1/1/09), there is a need to clarify the proper functioning of the 14 CSAs in Nevada County which are authorized for roads, solid waste, landfill maintenance, etc.

Performance Measures:

- Review and contribute to LAFCo's Sphere of Influence Updates in 2009 as they relate to CSAs.
- Assist and advise in the use of CSAs for road and emergency access functions, including gate maintenance, vegetation control, and other services.
- Research and report on when CSAs are preferable to Permanent Road Divisions (PRDs) when offers of dedication are being made or accepted, and when parcel charges are the means for assuring a reliable revenue stream.

- Research and report on how CSAs can be consolidated for solid waste and landfill maintenance functions, and how CSA zones can be created by the Board of Supervisors for the purpose of implementing or phasing in mandatory curbside collection.
- Interface with Sanitation Dept. and with the Solid Waste and Hazardous Materials Commission on consideration of ordinances necessary for steady progress in mandatory curbside collection and mandatory recycling.

Objective:

Provide special attention by County Counsel himself on Board of Supervisors' "Priority A" objectives to enable Code Enforcement to enforce violations with faster results and cost recovery.

Performance Measures:

- County Counsel to draft ordinance for administrative citations referencing applicable state codes, utilizing best practices from other jurisdictions, and tailoring to needs of Code Enforcement Division.
- County Counsel to draft ordinance regarding Summary Abatement of nuisances for which an immediate health and safety threat has been assessed.
- County Counsel to propose amending Land Use and Development Code to provide for misdemeanor sanctions for serious violations warranting involvement of District Attorney.
- County Counsel to research and clarify how to maximize use of Notices of Violation or Notices of Non-Compliance recorded with County Recorder so that title searches reveal status of enforcement case.
- County Counsel to advise the Code Enforcement Division on nuisance abatement at County cost, after hearing, with recovery of cost through lien on title or through assessment on property tax bill.

Objective:

Provide legal direction and assistance on the implementation of Laura's Law (AB 1421) in Nevada County (commenced in April 2008) and by other counties prior to Legislature's consideration of the sunset of the Law.



Legal Counsel

Performance Measures:

- Provide on-going assistance in preparing and filing court cases under Laura's Law, refining and improving on the procedures submitted to State Mental Health in May of 2008.
- Proactively respond to legal concerns of stakeholders, including families and advocates for the client population, in order to avoid the expense and distraction of litigation.
- Present Nevada County's procedures and experiences to a statewide audience beginning in March 2009, with follow up through the appropriate County Counsel Association website forum.
- Serve as legal liaison to Superior Court regarding Laura's Law implementation as respects documents filed, training required, and overall effectiveness of hearings and assisted outpatient treatment orders.
- Provide on-going legal support to County Behavioral Health and law enforcement as regards their duties in utilizing Laura's Law to ensure public safety through effective outpatient treatment.

Service Budget Unit Code	- 10301
Office/Department	- County Counsel
Major Service Area	- General Government/County Counsel



Legal Counsel (10301)

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2009/10 Fund Analysis:						
					Fund Balance	
		Revenues	Expenses		Added (Used)	
General Fund	Fund # 0101	884,016	884,016			
		884,016	884,016			

Comments/Analysis of Differences:

There was a reduction of 1.0 FTE Attorney position in FY 09-10.

Public Hearing Comments:

Adopted as proposed.



