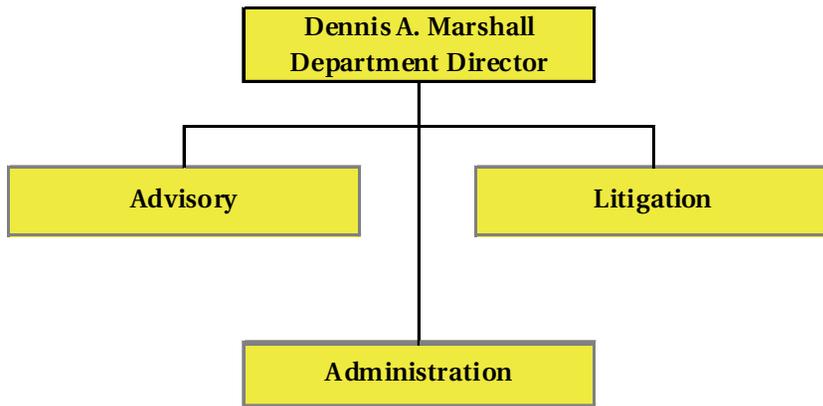
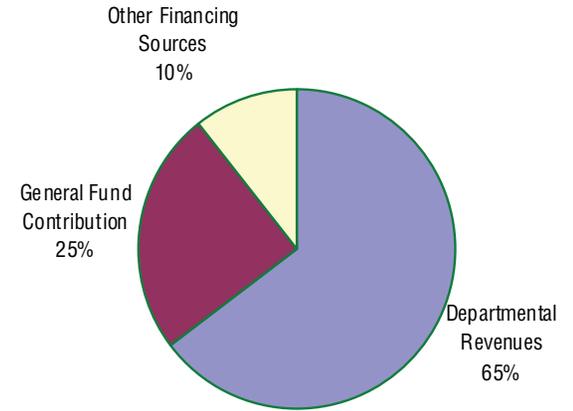


# COUNTY COUNSEL

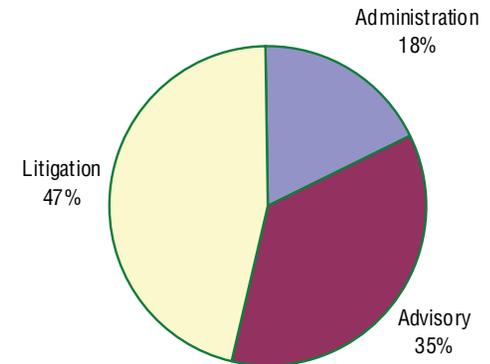
Budget & Positions (FTEs)	
Operating \$	3,094,613
Capital	-
Positions	37.8 FTEs



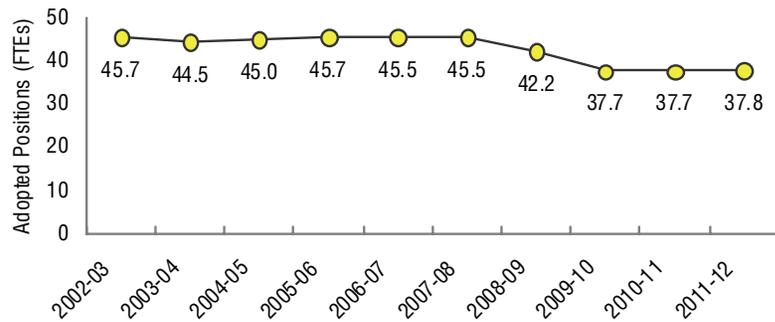
## SOURCE OF FUNDS



## USE OF FUNDS



## STAFFING TREND



**COUNTY COUNSEL**  
**Department Summary**

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
<b>Use of Funds Summary</b>				
<i>Operating Expenditures</i>				
Administration	\$ 1,106,838	\$ 1,414,329	\$ 1,292,765	\$ 1,351,272
Advisory	2,570,251	2,706,150	2,704,927	2,694,599
Litigation	3,248,973	3,316,558	3,313,696	3,557,196
Operating Sub-Total	6,926,062	7,437,037	7,311,388	7,603,067
Less: Intra-County Revenues	(3,639,869)	(4,254,316)	(4,656,666)	(4,508,454)
Expenditure Total	3,286,193	3,182,721	2,654,722	3,094,613
<i>Other Financing Uses</i>				
Operating Transfers	5,944	5,946	5,945	--
Department Total	\$ 3,292,137	\$ 3,188,667	\$ 2,660,667	\$ 3,094,613

**Character of Expenditures**

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
<i>Operating Expenditures</i>				
Regular Salaries	\$ 4,334,744	\$ 4,493,112	\$ 4,487,669	\$ 4,483,186
Overtime	3,947	--	2,444	--
Extra Help	61,338	33,274	45,622	33,236
Benefits	1,920,942	1,910,392	1,892,960	2,133,957
Salaries & Benefits Sub-Total	6,320,971	6,436,778	6,428,695	6,650,379
Services & Supplies	605,091	1,000,259	882,693	952,688
Operating Sub-Total	6,926,062	7,437,037	7,311,388	7,603,067
Less: Intra-County Revenues	(3,639,869)	(4,254,316)	(4,656,666)	(4,508,454)
Expenditure Total	\$ 3,286,193	\$ 3,182,721	\$ 2,654,722	\$ 3,094,613

**Source of Funds Summary**

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
<i>Departmental Revenues</i>				
Federal & State Revenues	(21)	\$ --	\$ --	\$ --
Other Charges for Services	4,217,647	4,735,015	5,184,324	4,897,789
Miscellaneous Revenue	175	500	500	500
Revenue Sub-Total	4,217,801	4,735,515	5,184,824	4,898,289
Less: Intra-County Revenues	(3,639,869)	(4,254,316)	(4,656,666)	(4,508,454)
Revenue Total	577,932	481,199	528,158	389,835
<i>General Fund Contribution</i>	2,355,770	1,457,468	1,457,009	1,908,378
<i>Other Financing Sources</i>				
Use of Prior Fund Balances	358,435	1,250,000	675,500	796,400
Department Total	\$ 3,292,137	\$ 3,188,667	\$ 2,660,667	\$ 3,094,613

Actual FY 09-10		Adopted FY 10-11		Est. Actual FY 10-11		Recommended FY 11-12		
Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	
<b>Position Summary</b>								
<i>Permanent</i>								
Administration	4.8	3.5	4.8	2.7	4.8	2.6	4.8	2.6
Advisory	18.5	13.5	17.5	14.2	17.5	13.2	16.1	13.5
Litigation	22.2	19.5	23.2	19.4	23.2	20.6	24.6	20.3
Total Permanent	45.5	36.5	45.5	36.3	45.5	36.4	45.5	36.4
<i>Non-Permanent</i>								
Contract	--	0.4	--	0.4	--	0.4	--	0.4
Extra Help	--	1.3	--	1.0	--	1.1	--	1.0
Total Positions	45.5	38.2	45.5	37.7	45.5	37.9	45.5	37.8

**Position Summary**

*Permanent*

Administration	4.8	3.5	4.8	2.7	4.8	2.6	4.8	2.6
Advisory	18.5	13.5	17.5	14.2	17.5	13.2	16.1	13.5
Litigation	22.2	19.5	23.2	19.4	23.2	20.6	24.6	20.3
Total Permanent	45.5	36.5	45.5	36.3	45.5	36.4	45.5	36.4

*Non-Permanent*

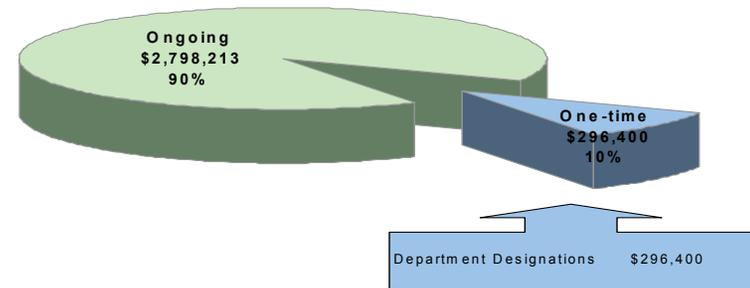
Contract	--	0.4	--	0.4	--	0.4	--	0.4
Extra Help	--	1.3	--	1.0	--	1.1	--	1.0
Total Positions	45.5	38.2	45.5	37.7	45.5	37.9	45.5	37.8

Note: FTE and position totals may not sum correctly due to rounding.

**Budget Organization**

The County Counsel's Office programs are divided into Advisory Services, Litigation Services and Administration. Clients include the County and its boards and commissions, courts and numerous special districts. The County Counsel's Office has a staff of 37.8 employees. All staff is housed within the Administration building in Santa Barbara with one attorney stationed at the Sheriff's Department. Expenses are budgeted to one program but can be coded to a different program because of the actual need for legal services in a particular area. The cost of services and supplies for all three sub-divisions are budgeted within the Administration division.

FY 2011-2012 Funding Sources: Ongoing vs. One-time "Cliffs"

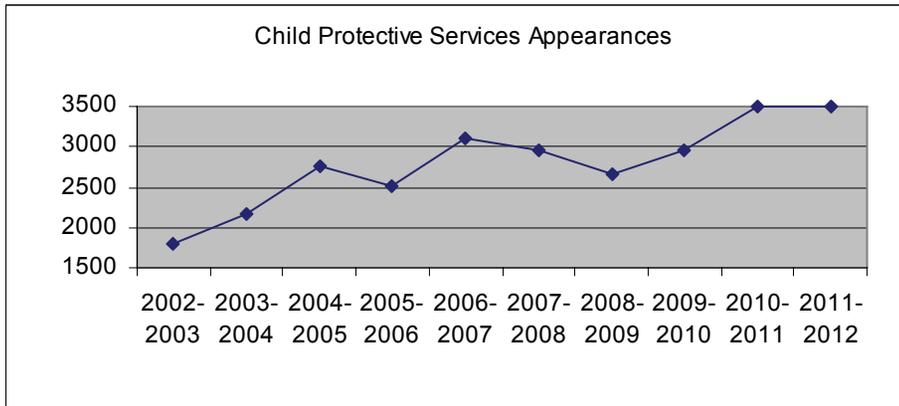


10% of the Fiscal Year 2011-2012 Recommended Budget is comprised of one-time sources of funding. These sources will fund 1.6 FTE attorney positions. An additional \$500,000 is appropriated each year in order to quickly react to potential unforeseen litigation expenditures.

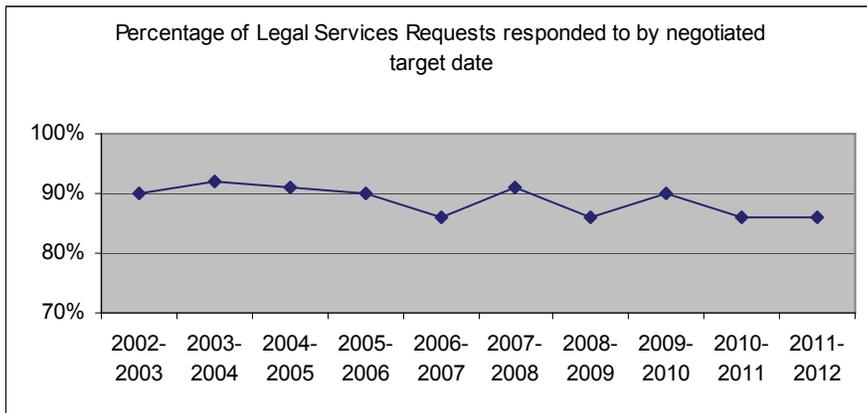
## MISSION STATEMENT

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.

## Activity Indicators



Factors contributing towards increased court appearances include: more trials set by parent's attorneys; continuances because of case backlog; more complex cases and cases involving private attorneys; a greater number of detentions, sometimes with five or six children in one family.



The number of legal services requests is contingent on incoming written requests to County Counsel from other County departments. Finishing the request by the negotiated target date depends on the difficulty of the request, staffing availability and current workload.

## COUNTY COUNSEL

### Department Summary (cont'd)

#### Significant Changes (FY 2010-11 Adopted to FY 2010-11 Estimated Actual)

##### FY 2010-2011 Adopted to FY 2010-2011 Estimated Actual (Expenditures)

Estimated Actual operating expenditures decreased by \$126,000 to \$7,310,000 from the Adopted Budget of \$7,436,000. This 1.7% decrease is the result of:

- -\$100,000 decrease for lower than anticipated outside counsel expenses.
- -\$26,000 decrease in miscellaneous expenditures.

##### FY 2010-2011 Adopted to FY 2010-2011 Estimated Actual (Revenues)

Estimated Actual operating revenues increased by \$449,000 to \$5,185,000 from the Adopted Budget of \$4,735,000. This 8.6% increase is the result of:

- +\$368,000 increase in revenues associated for Liability and Workers Compensation.
- +\$60,000 increase in revenues associated with Social Services.
- +\$20,000 increase in miscellaneous revenues.

#### Significant Changes (FY 2010-11 Estimated Actual to FY 2011-12 Recommended)

##### FY 2010-2011 Estimated Actual to FY 2011-2012 Recommended (Expenditures)

The Recommended Budget's operating expenditures will increase by \$292,000 to \$7,602,000 from the Estimated Actual Budget of \$7,310,000. This 3.8% increase is the result of:

- +\$132,000 increase in Retirement costs.
- +\$100,000 keeping status quo adopted budget for potential outside counsel cost funding.
- +48,000 increase due to increases in Unemployment Insurance, Health Insurance and FICA contributions and a decrease in Workers Compensation rates.
- +\$42,000 increase in miscellaneous expenditures.
- -\$30,000 decrease in IT Data processing service costs by providing in house LAN support.

##### FY 2010-2011 Estimated Actual to FY 2011-2012 Recommended (Revenues)

The Recommended Budget's operating revenue will decrease by \$287,000 to \$4,898,000 from the Estimated Actual Budget of \$5,185,000. This 5.5% decrease is the result of:

- -\$158,000 decrease in cost allocation (overhead costs charged to direct cost departments).
- -\$109,000 decrease in Legal Services consisting of a decrease of \$60,000 in Social Services, \$23,000 decrease in Probate fees, \$10,000 decrease in Redevelopment Agency fees and \$16,000 decrease in miscellaneous revenue.
- -\$33,000 decrease in legal services for Liability and Workers Compensation.
- +\$13,000 increase in legal services associated with Air Pollution Control District and Energy.

## COUNTY COUNSEL

### Department Summary (cont'd)

#### Departmental Priorities and Their Alignment With County Goals

The emphasis of County Counsel's Fiscal Year 2011-2012 budget is continued delivery of quality legal services – reliable, timely and useful advice; exemplary and effective advocacy. Basic services include attendance and advice at public meetings, communicating and collaborating with clients to solve legal problems, providing legal opinions, reviewing and drafting legal documents, providing training to staff, county departments and public officials. The major challenge in 2011-2012 will be to continue to provide quality professional legal services with decreased staffing and funding since July 1, 2008.

Non General Fund departments are directly charged for County Counsel services and by providing revenue to County Counsel, will continue to receive the same level of services provided in Fiscal Year 2010-11. Basic preventative services to General Fund departments will remain unchanged from Fiscal Year 2010-2011 to Fiscal Year 2011-2012.

The County Counsel's Office strategic actions align primarily with:

#### **Goal 1: Efficient and Responsive Government: An Efficient, Professionally Managed Government Able to Anticipate and to Effectively Respond to the Needs of the Community.**

A substantial part of the department's work is required by law and is a business necessity.

The following focus areas have been identified for Fiscal Year 2011-2012:

#### **Focus Area 1: Workers' Compensation:**

Current Year (FY 10-11) Accomplishments:

- Represented the County in approximately 125 litigated cases with reserves of nearly \$10 million; successfully brought nearly 15% of the cases to conclusion including 8 major settlements approved by the Board of Supervisors, resulting in aggregate savings of more than \$776,900 in potential liability which is the difference between Risk's reserved amount versus the actual settlement paid.
- Provided legal service for multi-faceted employment issues and coordinated handling of workers' compensation claims with related legal actions, including Civil Service appeals, retirement claims, Department of Fair Employment and Housing/Equal Employment Opportunity Commission (DFEH/EEOC) charges, tort lawsuits.
- Continued to work with Retirement Board staff to avoid overlap between workers' compensation and disability retirement benefits saving the County thousands of dollars.

Proposed Strategic Actions:

- Continue providing high quality representation in litigated workers' compensation cases; negotiating favorable settlements and aggressively litigating all others.

- Continue to offer customer-focused solutions for complex multi-faceted employment problems.
- Continue to provide leadership and support for interdepartmental project teams listed below, and workers' compensation education, training, and advice to Risk Management and County departments.

Proposed Key Projects:

- Committee for Advising on Reasonable Accommodation in Employment (CARE) project team: multi-departmental team that manages the County's legally-mandated interactive process for reasonably accommodating disabled employees.
- Claim Review/Leave of Absence Project: County Counsel and Risk Management meet regularly with County departments to review workers' compensation and other non work-related leaves of absence and update action plans.
- Disability Retirement Process Improvement Project: County Counsel/General Services meet with Retirement staff to maximize coordination on disability matters, and improve disability retirement processes.
- Risk Management Evaluation Team (RMET): County Counsel is part of the team responsible for evaluating liability and workers' compensation claims, insurance rates and charges to departments and other policy related matters.

#### **Focus Area 2: Equal Employment Opportunity issues:**

Current Year (FY 10-11) Accomplishments:

- Investigated 5 complaints filed with the County Equal Employment Opportunity (EEO) office; provided formal responses to the DFEH/EEOC on 7 complaints investigated by those enforcement agencies, and advised Risk Management on 4 EEO-related government tort claims.
- Provided leadership and support for interdepartmental project teams listed below, along with education, training, and advice to County departments on compliance with EEO requirements and avoidance of claims.

Proposed Strategic Actions:

- Continue to work with the EEO office to investigate and report on complaints and respond on behalf of the County to EEO complaints filed with outside agencies.
- Continue to provide leadership and support in EEO education, training, and advice to County departments.

## COUNTY COUNSEL

### Department Summary (cont'd)

#### Proposed Key Project:

- Continue to handle EEO and DFEH/EEOC investigations and reports.

#### **Focus Area 3: Labor & Employment:**

##### Current Year (FY 10-11) Accomplishments:

- Assisted with drafting of Disciplinary Protocols, telecommuting policy, revisions to Family and Medical Leave Policy and provided attendance training.
- Provided discipline training for Public Health supervisors.
- Provided departments with disciplinary advice, including drafting Skelly letters and representing departments before Civil Service Commission on disciplinary appeals.

##### Proposed Strategic Actions:

- Continue to assist departments on disciplinary matters and continued training on disciplinary matters.

##### Proposed Key Projects:

- Provide advice on issues related to pension reform.
- Provide advice on employer-employee relations.

#### **Focus Area 4: Risk Management – Litigation:**

##### Current Year (FY 10-11) Accomplishments:

- Successfully resolved 16 cases through dismissal, trial and/or settlement for equal to or less than the amount reserved by Risk Management (July 2010 – March 2011).
- Continued to provide counsel to the Excess Insurance Authority Claims Review Committee (CSAC) on excess claims.
- Increased litigation of workers' compensation subrogation cases.
- Provided pre-litigation medical malpractice and claim reviews for Public Health.
- Implemented with Risk Management bi-monthly litigation claim review of all case reserves.

##### Proposed Strategic Actions:

- Continue to partner with Risk Management in early resolution of claims and lawsuits.
- Continue “writ avoidance” approach to jail medical and other conditions of confinement issues.
- Continue to increase use of databases for improved case management and litigation workflow.

##### Proposed Key Projects:

- Risk Management Evaluation Team (RMET) and quarterly accrual meetings with Auditor and CEO staff.
- Provide high quality legal representation and successfully defend pending litigated cases.
- Provide liability reduction and litigation training for County departments and employees.

#### **Focus Area 5: Governance and Multi-Jurisdictional Relationships:**

##### Current Year (FY 10-11) Accomplishments:

- Supported negotiations to minimize impacts on County from University of California, Santa Barbara’s (UCSB) Long Range Development Plan. The resulting agreements obligate UCSB to provide one-time funding of approximately \$7 Million plus ongoing commitments of about \$3 Million per year for additional Fire and UCSB Police Department personnel.
- Litigated and resolved seven appeals by Greka Oil & Gas, Inc. of administrative fines by County. Brought into compliance, Greka also will pay County \$2 Million and install an additional \$100,000 of secondary containment.
- Reviewed and advised on County’s proposed issuance of FY 11-12 Tax and Revenue Anticipation Notes, which were about \$64 Million in the prior Fiscal Year.
- Negotiated a Conditional Settlement Agreement with U.S. Fish and Wildlife Service, where County will avoid civil penalties for alleged violations of the Endangered Species Act concerning California Tiger Salamanders.
- Supported County’s Project Team for new solid waste franchise agreements, which are some of County’s largest contracts.
- Defended complex tax assessment appeals in consolidated “fractionally-owned” aircraft cases, with statewide impact of \$50 million per year in property tax revenues. Potential impact on County is \$1.2 million in back taxes and an estimated \$350,000 each year going forward, appeal is pending.

**COUNTY COUNSEL**  
**Department Summary (cont'd)**

Proposed Strategic Actions:

- Maintain close working relationship with County departments, for early identification of legal risks, consistent legal advice and useful solutions.
- Provide high quality litigation representation, including with defense of administrative fine appeals and tax assessment appeals.

Proposed Key Projects:

- Negotiations with U.S. Bureau of Reclamation for a new Lake Cachuma Master Lease Agreement.
- Review and advise on County's potential issuance of FY 12-13 Tax and Revenue Anticipation Notes.

**Focus Area 6: Land Use Law:**

Current Year (FY 10-11) Accomplishments:

- Prevailed in litigation to enforce County's restrictive covenant for "passive recreation and the preservation of wildlife habitat" at Elings Park South.
- Researched and drafted substantial amendments to seven County Code chapters, including: Petroleum, Building and Chapter 44 (to establish the duties and rights of residential landlords and tenants for relocation payments).
- Prevailed in California Environmental Quality Act (CEQA) litigation, to defend County's approvals for the Diamond Rock Sand and Gravel Mine project and Lompoc Wind Energy project.
- Santa Barbara Ranch Litigation. Brought about a stipulated dismissal of Applicant's "Brown Act" litigation at no cost to County. Prepared a trial brief to defend County's approvals for the project; July 2011 hearing is pending.
- Advised the Board of Supervisors and Planning & Development Department concerning nine appeals involving NextG's Distributed Antenna System, which were resolved without litigation. Supported Planning & Development's update to County's Telecommunication Ordinance to address changes in federal law.
- Supported General Plan and Community Plan projects, including: 2009-2014 Housing Element, Seismic and Safety Element and Los Alamos Community Plan.

Proposed Strategic Actions:

- Maintain close working relationship with County departments, for early identification of legal risks, consistent legal advice and useful solutions.

- Provide high quality litigation representation, defending County's land use approvals and enforcing County's requirements.

Proposed Key Projects:

- Research and support drafting: a Medical Marijuana Dispensary ordinance; a mobile home closure and conversion ordinance; and updates of County Code chapters for Parks, Subdivisions and Roads.
- Support Community Plan projects, including: Mission Canyon Community Plan, Orcutt Community Plan, Goleta Valley Community Plan and Gaviota Coast Community Plan.

**Focus Area 7: Health and Human Services Law:**

Current Year (FY 10-11) Accomplishments:

- Continued litigation challenges to State Department of Mental Health's disallowance of over \$14 Million of services for FY 2002/2003 – FY2008/2009 from County's Multi-agency Integrated System of Care (MISC) and Counseling and Education Centers (CEC) Programs.
- Continued litigation defense of claims by Casa Pacifica Center for Children and Families, where Casa Pacifica seeks payments of an additional \$800,000.
- Supported Public Health Department's implementation of an Electronic Health Record system, including a contract with GE Healthcare for hardware, software and consulting services.

Proposed Strategic Actions:

- Maintain close working relationship with County departments, for early identification of legal risks, consistent legal advice and useful solutions.
- Provide high quality litigation representation, defending County's charges for mental health services.

Proposed Key Projects:

- Litigation challenges to State Department of Mental Health's disallowance of over \$14 Million of mental health services for FY 2002-2003 to FY 2008-2009.
- Challenge State Department of Mental Health's disallowance of about \$778,000 of cost report charges from County's contract for mental health services with Child Abuse Listening & Mediation (CALM) for FY 2004-2005.
- Research and support Public Health Department's efforts for a County project under the statewide Medicaid Waiver Program for potential improvements to indigent care services.

**COUNTY COUNSEL**  
**Department Summary (cont'd)**

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
<b>Department-wide Effectiveness Measures</b>				
As an efficient and responsive government, the County will maintain a quality workforce through completing 100% of departmental Employee Performance Reviews (EPRs) by the anniversary due date.	34% 11 32	100% 31 31	34% 12 35	100% 35 35
As an efficient and responsive government, the Department will reduce or maintain the rate of General Liability claims filed from the previous year's actual claims filed.	0	0	0	0
As an efficient and responsive government, the Department will reduce or maintain the rate of Workers' Compensation claims filed from the previous year's actual claims filed.	0	0	0	0
As an efficient and responsive government, the County will maintain a productive workforce through a Departmental lost time rate of 3.5% or less.	3.41% 2,593.80 76,174.00	3.89% 3,023.60 77,772.00	3.43% 2,600.00 75,816.00	3.43% 2,600.00 75,816.00
Provide advice on an estimated 450 agenda items per year, among Board of Supervisors meetings and other County board and commission meetings, in order to achieve an Efficient and Responsive Government.	347	430	450	450
Respond by negotiated target date to 86% of an estimated 700 written legal requests per year that require legal drafting or legal analysis, in order to achieve an Efficient and Responsive Government.	89% 606 682	90% 560 620	86% 602 700	86% 602 700

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
<b>Department-wide Effectiveness Measures</b>				
Use facilitation to reduce disputed issues for action by the Board of Supervisors in 60% of an estimated 2 third-party appeals per year of Planning Commission and Zoning Administrator decisions, in order to adhere to Land Use Policies.	100% 7 7	100% 6 6	100% 2 2	100% 2 2
For litigation cases that settle, resolve those cases on average at 80% or less of the amount reserved by the Risk Administrator as being at risk, in order to achieve an Efficient and Responsive Government.	86% 6 7	88% 7 8	80% 12 15	80% 12 15
Represent the County in an estimated 3,500 Child Protective Services appearances per year in order to achieve an Efficient and Responsive Government.	2,950	2,900	3,500	3,500
Resolve 75% of litigation cases without any payment to plaintiff: through voluntary dismissal, motion practice, or trial, in order to achieve an Efficient and Responsive Government.	83% 5 6	88% 7 8	75% 12 16	75% 12 16
In workers' compensation cases requiring action by the Board of Supervisors, resolve those cases on average at 80% or less than the amount reported at risk, in order to achieve an Efficient and Responsive Government.	78% 7 9	90% 9 10	80% 8 10	80% 8 10

**COUNTY COUNSEL**  
**Department Summary (cont'd)**

	Actual FY 09-10	Adopted FY 10-11	Est. Actual FY 10-11	Recommended FY 11-12
	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>	<u>Pos.</u>
<b>Position Detail</b>				
<b>Administration</b>				
County Counsel	1.0	1.0	1.0	1.0
Business Manager	1.0	1.0	1.0	1.0
Legal Office Pro	2.0	2.0	2.0	2.0
Computer Systems Spec I	0.8	0.8	0.8	0.8
Sub-Division Total	<u>4.8</u>	<u>4.8</u>	<u>4.8</u>	<u>4.8</u>
<b>Advisory</b>				
County Counsel	-	-	--	--
Chief Asst County Counsel	1.0	1.0	1.0	1.0
Chief Deputy County Counsel	2.0	1.0	1.0	--
Deputy County Counsel	11.5	11.5	11.5	11.1
Legal Office Pro	4.0	4.0	4.0	4.0
Sub-Division Total	<u>18.5</u>	<u>17.5</u>	<u>17.5</u>	<u>16.1</u>
<b>Litigation</b>				
Chief Asst County Counsel	1.0	1.0	1.0	1.0
Chief Deputy County Counsel	1.0	2.0	2.0	3.0
Deputy County Counsel	12.6	12.6	12.6	13.0
Program Manager	1.0	1.0	1.0	1.0
Legal Office Pro	2.0	2.0	2.0	2.0
Paralegal	4.6	4.6	4.6	4.6
Sub-Division Total	<u>22.2</u>	<u>23.2</u>	<u>23.2</u>	<u>24.6</u>
Division Total	<u>45.5</u>	<u>45.5</u>	<u>45.5</u>	<u>45.5</u>

These totals included allocated but unfunded positions.

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