

County Counsel



BUDGET & FULL-TIME EQUIVALENTS SUMMARY & BUDGET PROGRAMS CHART

Operating	\$ 8,343,867
Capital	\$ 0
FTEs	38.65

Michael Ghizzoni
County Counsel

Legal Services

County Counsel

Department

MISSION STATEMENT

By statute, County Counsel is the legal adviser to the Board of Supervisors. Our attorneys and support staff advance and defend the County's civil policies and actions by: looking ahead, advising and litigating. We work closely with the Board of Supervisors and other County Officers to maintain the civil legal integrity of the County of Santa Barbara.

DEPARTMENT DESCRIPTION

We defend or prosecute all civil litigation in which the County, or its officers or employees in their official capacities, are parties. This regularly includes: federal civil rights and state tort cases; "dependency" actions to protect minor children; property tax assessment appeals; land use actions; statutory financial cases, by or against the Auditor-Controller or Treasurer; defense against State audits; mental health commitments and conservatorships; cases involving contracts; employment cases; and motions and writs for the Sheriff's Office.

We provide civil legal advice and services to: the Board of Supervisors, other County Officers, Departments, Boards, Commissions, Committees, and Special Districts. This legal advice involves many subjects, including: land use, public works, real property, contracts, public safety, regulatory, financial, elections, social services, housing, healthcare and personnel.

All of this advances the County's public service objectives, while helping to protect the County from loss and risk.

HIGHLIGHTS OF 2017-19 OBJECTIVES

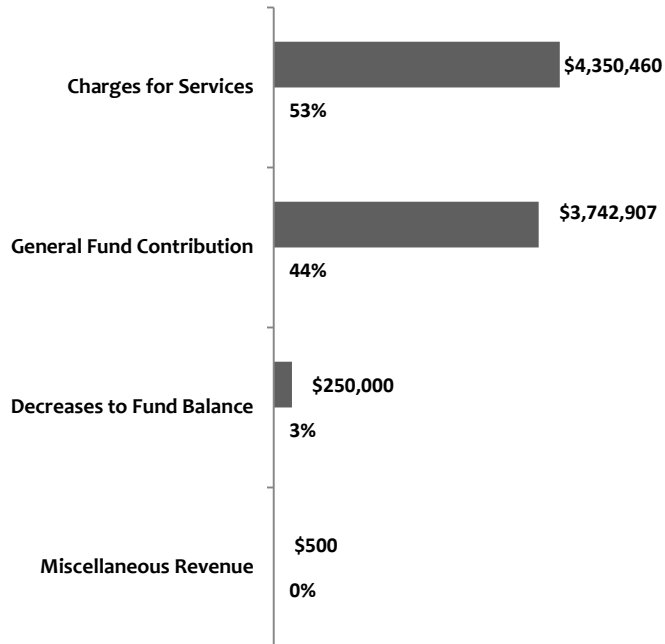
- Litigate: 1) Property tax assessment appeals, where we expect the litigated assessed value disputes to total about \$7.0 billion (the potential 1% property tax involved is about \$70 million, or about \$13 million for the County General Fund); 2) four years of Medi-Cal audits (\$8.3 million of disallowed costs remain, after we litigated recovery from the State this year of \$731,000 for 2008); 3) 30 pending civil rights and tort cases, including nine already set for trial or on appeal; 4) "Camp 4" Fee-To-Trust; 5) challenges to Eastern Goleta Valley Community Plan and Gaviota Coast Community Plan; 6) child protection cases and appeals; and 7) prepare to litigate, if the County has damages from the Refugio Oil Spill that are not recovered through claims against Plains (County has recovered 100% of \$1.9 million claimed to date).
- Legal support, concurrently, for "land use," "water," "oil" and "Rebalancing Project" issues: 1) marijuana regulation and enforcement; 2) Chumash negotiations; 3) "Table A" state water contracts and validation action; 4) three "Groundwater Sustainability Plans;" 5) lease extension requests by Ellwood Pipeline (Venoco) and Pacific Operators Offshore; and 6) cost-saving options for personnel and pension costs.
- Legal support, concurrently, to capital projects: 1) \$111 million Northern Branch Jail construction; 2) \$125 million Tajiguas Resource Recovery Project; 3) "conditions of confinement" improvements at the Main Jail; and 4) Laguna County Sanitation District Master Plan.

County Counsel

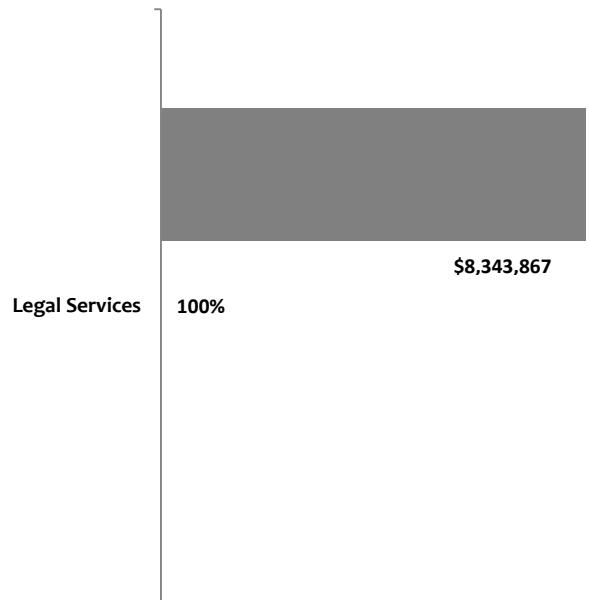
Department

RECOMMENDED SOURCES & USES OF FUNDS

Source of Funds - \$8,343,867

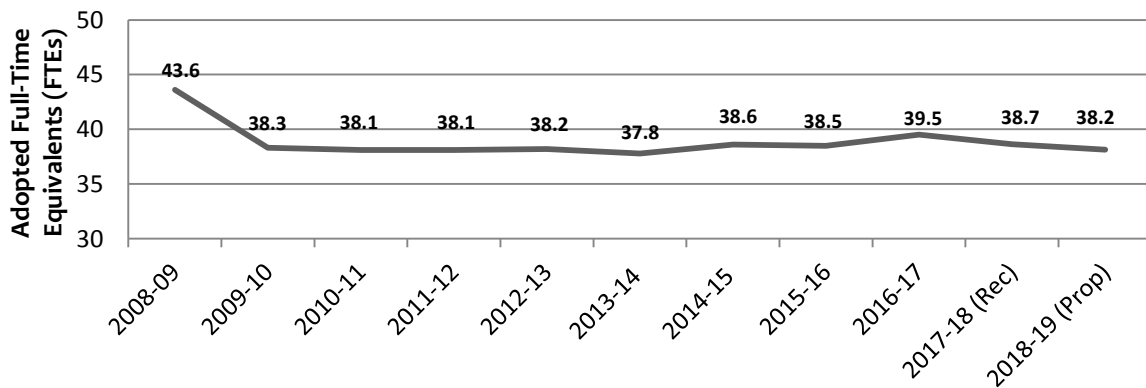


Use of Funds - \$8,343,867



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

Department

BUDGET OVERVIEW

Staffing Detail By Budget Program	2015-16 Actual	2016-17 Adopted	Change from FY16-17 Ado to FY17-18 Rec	2017-18 Recommended	2018-19 Proposed
Legal Services	38.12	39.50	(0.85)	38.65	38.15
Total	38.12	39.50	(0.85)	38.65	38.15
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Budget By Budget Program					
Legal Services	\$ 7,362,722	\$ 7,987,804	\$ 356,063	\$ 8,343,867	\$ 8,714,722
Total	\$ 7,362,722	\$ 7,987,804	\$ 356,063	\$ 8,343,867	\$ 8,714,722
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Budget By Categories of Expenditures					
Salaries and Employee Benefits	\$ 6,831,643	\$ 7,304,758	\$ 336,333	\$ 7,641,091	\$ 8,008,357
Services and Supplies	368,643	499,780	7,977	507,757	503,310
Other Charges	162,436	183,266	11,753	195,019	203,055
Total Operating Expenditures	7,362,722	7,987,804	356,063	8,343,867	8,714,722
Fund Balance Impact (+)	21,076	-	-	-	-
Total	\$ 7,383,798	\$ 7,987,804	\$ 356,063	\$ 8,343,867	\$ 8,714,722
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Budget By Categories of Revenues					
Charges for Services	\$ 3,983,999	\$ 3,983,923	\$ 366,537	\$ 4,350,460	\$ 4,350,460
Miscellaneous Revenue	249	500	-	500	500
Total Operating Revenues	3,984,248	3,984,423	366,537	4,350,960	4,350,960
Decreases to Fund Balances	124,450	342,465	(92,465)	250,000	250,000
General Fund Contribution	3,275,100	3,660,916	81,991	3,742,907	3,662,900
Fund Balance Impact (-)	-	-	-	-	450,862
Total	\$ 7,383,798	\$ 7,987,804	\$ 356,063	\$ 8,343,867	\$ 8,714,722

County Counsel

Department

CHANGES & OPERATIONAL IMPACT: 2016-17 ADOPTED TO 2017-18 RECOMMENDED

Staffing

- For FY 17/18 there will be a -.85 FTE staffing reduction: a Legal Office Professional will retire in August 2017, -1.0 FTE, with her position only funded for +.15 FTE (two months) in FY 17/18, and with that position remaining vacant after she retires.

Expenditures

- Net operating expenditure increase of +\$356,063 due to:
 - +\$336,333 increase in Salaries and Employee Benefits due to increases in retirement costs, health insurance costs and employee salaries.
 - +\$7,977 in Services and Supplies
 - +\$11,753 in Other Charges.

These changes result in Recommended operating expenditures of \$8,343,867 and non-operating expenditures of \$0.

Revenues

- Net operating revenue increase of +\$366,537. All County Counsel billing was impacted by a 7.0% increase in the overhead rate for Fiscal Year 2017-18. The following Charges for Services accounts were affected;
 - +\$263,000 increase in Legal Services to Other Funds due to increased billings to Liability.
 - +\$95,537 increase in Legal Services other than Risk Management.
 - +\$8,000 in Other Services.
- Net non-operating revenue decrease of -\$10,554 due to:
 - -\$92,465 decrease in Decreases to Fund Balance
 - +\$81,911 increase in General Fund Contribution which reflects the recommended GFC target.

These changes result in Recommended operating revenues for FY2017-18 of \$4,350,960 and non-operating revenues of \$3,992,907, resulting in total revenues of \$8,343,867. Non-operating revenues primarily include General Fund Contribution, transfers, and Decreases to Committed.

CHANGES & OPERATIONAL IMPACT: 2017-18 RECOMMENDED TO 2018-19 PROPOSED

The FY 2017-18 Recommended to 2018-19 Proposed shows: an increase of +\$370,855 in operating expenditures, primarily due to expected increases in Salaries and Employee Benefits.

The FY 2017-18 Recommended to 2018-19 Proposed General Fund Contribution shows a decrease of -\$80,007, leaving a negative fund balance impact of -\$450,862, primarily due to expected increases in Salaries and Employee Benefits.

RELATED LINKS

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

County Counsel

Department

PERFORMANCE MEASURES

Description	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Estimated Actual	FY 2017-18 Recommend	FY 2018-19 Proposed
The percentage of litigated cases which resolve at 85% or less than the amount reserved by Risk: Target=85%.	86% 6/7	96 22/23	85% 17/20	85% 11/13	85% 11/13
The percentage of litigated cases resolved without payment to plaintiff: Target=60%.	68% 13/19	68% 13/19	67% 20/30	62% 8/13	62% 8/13
Percent of departmental Employee Performance Reviews (EPRs) completed by the due date.	Not used in prior years	84% 31/37	97% 36/37	100% 37/37	100% 37/37

County Counsel



County Counsel

Program

LEGAL SERVICES

Through this single Budget Program, the Office of County Counsel: 1) provides civil law legal advice to statutory clients, including the Board of Supervisors; and 2) defends or prosecutes all civil litigation in which the County, or its officers or employees in their official capacities, are parties.

Staffing

Staffing Detail By Budget Program	2015-16 Actual	2016-17 Adopted	Change from FY16-17 Ado to FY17-18 Rec	2017-18 Recommended	2018-19 Proposed
COUNTY COUNSEL	1.00	1.00	-	1.00	1.00
CHIEF ASST COUNTY COUNSEL	1.00	1.00	-	1.00	1.00
CHIEF DEPUTY	1.00	1.00	-	1.00	1.00
DEPUTY COUNTY COUNSEL SR	10.62	11.00	1.00	12.00	12.00
DEPUTY COUNTY COUNSEL SR-RES	1.00	1.00	-	1.00	1.00
DEPUTY COUNTY COUNSEL	10.88	12.00	(1.50)	10.50	10.00
BUSINESS MANAGER	1.00	1.00	-	1.00	1.00
LEGAL OFFICE PRO	-	-	1.00	1.00	1.00
COMPUTER SYSTEMS SPEC	1.00	1.00	-	1.00	1.00
LEGAL OFFICE PRO SR-RES	8.85	10.00	(1.85)	8.15	8.15
PARALEGAL-RES	1.15	-	-	-	-
EXTRA HELP	0.62	0.50	0.50	1.00	1.00
Total	<u>38.12</u>	<u>39.50</u>	<u>(0.85)</u>	<u>38.65</u>	<u>38.15</u>

Revenue & Expenditures

Budget By Categories of Expenditures	2015-16 Actual	2016-17 Adopted	Change from FY16-17 Ado to FY17-18 Rec	2017-18 Recommended	2018-19 Proposed
Salaries and Employee Benefits	\$ 6,831,643	\$ 7,304,758	\$ 336,333	\$ 7,641,091	\$ 8,008,357
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Total Operating Expenditures	<u>7,362,722</u>	<u>7,987,804</u>	<u>356,063</u>	<u>8,343,867</u>	<u>8,714,722</u>
Total Expenditures	<u>\$ 7,362,722</u>	<u>\$ 7,987,804</u>	<u>\$ 356,063</u>	<u>\$ 8,343,867</u>	<u>\$ 8,714,722</u>
Budget By Categories of Revenues					
Charges for Services	3,983,999	3,983,923	366,537	4,350,460	4,350,460
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Decreases to Fund Balances	124,450	342,465	(92,465)	250,000	250,000
General Fund Contribution	3,275,100	3,660,916	81,991	3,742,907	3,662,900
Total Revenues	<u>\$ 7,383,798</u>	<u>\$ 7,987,804</u>	<u>\$ 356,063</u>	<u>\$ 8,343,867</u>	<u>\$ 8,263,860</u>

County Counsel

Program

LEGAL SERVICES (CONT'D)

2016-17 Anticipated Accomplishments

ERG property tax assessment appeals: ERG holds the rights to extract oil and gas from nearly 19,000 acres in Santa Barbara County. For 2011-2016, their total valuation dispute with the County Assessor is about \$1.42 billion; this represents a potential one-time 1% property tax alone of about \$14.2 million. (From whatever 1% property tax revenue we ultimately achieve from ERG: 1) the County General Fund's share is about 19%; 2) the County Fire Protection District's share is about 6%; and 3) the remainder goes to other taxing entities, mostly education.) In 2015, ERG filed in Texas for Chapter 11 bankruptcy, which is not yet final. In August 2016, ERG filed a motion asking the Bankruptcy Court to determine -- and significantly reduce -- ERG's tax liability for its oil and gas properties in Santa Barbara County. Working closely with County Assessor, we opposed that motion and in December 2016 the Bankruptcy Court denied ERG's motion and returned the valuation of ERG's Santa Barbara property interests to the County's Assessment Appeals Board. Ongoing.

United Launch Alliance (ULA) property tax assessment appeals: ULA is a joint venture for space launch activities, with significant taxable property at Vandenberg Air Force Base. For 2007-2016, their total valuation dispute with the County Assessor is about \$3.83 billion; this represents a potential one-time 1% property tax alone of about \$38.3 million. (From whatever 1% property tax revenue we ultimately achieve from ULA: 1) the County General Fund's share is about 19%; 2) the County Fire Protection District's share is about 6%; and 3) the remainder goes to other taxing entities, primarily education.) In Fall 2015, the Assessment Appeals Board held, for the Assessor, that the \$234 million assessed value that the Assessor asserted within the "escape assessment" for 2008 was not duplicative of the 2008 "regular assessments." This year, we expect that the Assessment Appeals Board will resolve ongoing motion practice about the timeliness of escape assessments. Ongoing.

State audits of County Medi-Cal programs: We continued litigation of State Fiscal Year (SFY) 06/07-09/10 audits of Medi-Cal programs, which initially totaled more than \$9 million of disallowed County costs. For SFY 08/09, we litigated recovery of about \$731,000 through an Informal Hearing, after the Hearing Officer reversed some State findings against the County; we expect to complete a Formal Hearing in June 2017 concerning the remaining about \$2.3 million of disallowed County costs for that year. Ongoing.

Federal civil rights, state tort and workers' compensation litigation since March 1, 2016:

- Successfully resolved 30 civil rights and tort cases for a total payout of about \$1.3 million, where 20 of those cases were resolved with no County payout, including through motions to dismiss and summary judgments.
- Economically resolved 8 workers' compensation "tail claims" under the County's self-insured workers' compensation program for injuries occurring before July 2010 (effective July 2010, the County replaced this self-insured program with insurance through CSAC-EIA's Primary Workers' Compensation Program). Those 8 settlements freed up about \$1.2 million of Risk Management's reserves.

County Counsel

Program

LEGAL SERVICES (CONT'D)

2016-17 Anticipated Accomplishments (Cont'd)

- Prevailed in 2 of 2 cases at the 9th Circuit Court of Appeals, where the 9th Circuit: 1) in *Huk*, upheld the District Court's dismissal of due process claims against the County and 7 County employees, after removal of a child from foster care; and 2) in *Adams*, upheld the District Court's dismissal of due process claims against a County case worker, following the Plaintiff's involuntary detention under § 5150).

Chumash issues: On December 24, 2014, the Bureau of Indian Affairs issued a Notice of Decision to accept the about 1,428-acre "Camp 4" property into trust. On January 19, 2017, the Department of the Interior denied the County's appeal of that decision. On January 20, 2017, the Bureau of Indian Affairs accepted the Tribe's conveyance of the "Camp 4" property. On January 28, 2017, the County filed litigation in U.S. District Court, seeking to set aside these actions by the Federal government. Throughout FY 2016-17, we continued to provide extensive and time-critical legal support for: 1) filing and briefing administrative appeals and litigation for Camp 4, and the Mooney and Escobar property; 2) negotiating and incorporating enforceable waivers of sovereign immunity into the County's contracts with the Tribe; 3) a contract for enhanced law enforcement services with the Tribe, through which they will fund 2.0 FTE Deputy Sheriffs, to mitigate potential public safety impacts from an expanded alcohol license; and 4) the Ad Hoc Subcommittee's discussions with the Tribe, regarding land use and financial matters of mutual concern, including Santa Ynez Valley properties such as Camp 4, the Mooney and Escobar property, and the 350-acre "Triangle" property. Ongoing.

Northern Branch Jail Project: Continued to provide extensive and time-critical legal support to this \$111 million construction project. In June 2016, the Board of Supervisors approved the multiple construction and inspection contracts. Anticipated construction completion is November 2018. Anticipated occupancy is Spring 2019. Ongoing.

Psychiatric Health Facility (PHF) recertification survey: The PHF received a five-year recertification survey in June 2016 from Centers for Medicare and Medicaid Services (CMS). After that survey we moved quickly and provided a significant increase in legal support for about 6 months, towards: 1) contracting with consultants to assist Behavioral Wellness with corrective actions; 2) a required Plan of Correction and re-survey; and 3) formation and ongoing legal support of a Psychiatric Health Facility Governing Board, to oversee operations of the PHF. After the PHF's resurvey in December 2016 and subsequent update to the Plan of Correction in January 2017, we expect that 6-month spike of legal support for this part of PHF operations to decrease during FY 2017-19, to primarily involve support to the PHF Governing Board.

County Counsel

Program

LEGAL SERVICES (CONT'D)

2016-17 Anticipated Accomplishments (Cont'd)

Provided legal support for consideration by the Board of Supervisors of significant “land use” and “water” issues, including: 1) the Board’s adoption of the Gaviota Coast Community Plan; 2) formation of Groundwater Sustainability Agencies for the Cuyama Valley, San Antonio Creek Valley, and Santa Ynez River Valley groundwater basins; 3) the County’s negotiations with the Department of Water Resources and Central Coast Water Authority for the reacquisition of 12,214 acre-feet of “Table A” water; 4) prevailed against writ litigation in *Rose v. County*, after the Board in 2014 did not terminate an alleged nonconforming residential use; 5) prevailed against writ litigation in *Surfrider Foundation and Gaviota Coast Conservancy v. County*, after the Board in 2014 approved the Paradiso del Mare project to build two homes on the Gaviota Coast; and 6) after motion practice, obtained the County’s stipulated dismissal with prejudice from the *Hair* litigation, concerning Montecito Planning Commission’s approval of a Coastal Development Permit for a proposed well.

Other litigation outside of the General Liability Fund and Workers’ Compensation Fund:

- Prevailed in 5 of 5 cases at the Court of Appeal of California, involving: 1) Four terminations of parental rights in Child Welfare Services cases; and 2) in *Mosby*, the County’s denial of a permit to operate a sports facility on land zoned for agriculture.
- After motion practice, Plaintiffs dismissed all Defendants in the *Whitlow* litigation, involving school immunizations, SB277, and the County’s Public Health Department.
- Compelled a \$10,000 payment to the County, for violations of the affordable housing covenant on a home bought through the County’s affordable housing program.
- Litigation support to County Auditor-Controller’s Internal Audit function: compelled a \$27,000 repayment for a former County employee’s unauthorized personal use of County vehicles; filed suit and obtained a Stipulated Judgment compelling \$29,260 of repayments for another employee’s overpaid overtime; and filed suit and have a May 2017 trial date to recover another employee’s about \$20,400 of overpaid overtime.

Refugio Oil Spill: Continued to provide legal support to:

- Ensure that Unified Command followed the Cliff Face Area Monitoring Plan, which stated that monitoring for stability, erosion control and potential re-oiling would not be considered complete until an inspection followed a defined “significant rain event” of 3.5” or more in a 24-hour period. This final inspection occurred in February 2017, and did not detect re-oiling or other problems.

County Counsel

Program

LEGAL SERVICES (CONT'D)

2016-17 Anticipated Accomplishments (Cont'd)

- Interim claims against Plains: In 2015 we identified part of the Oil Pollution Act that allowed the County to claim now, for less than the full damages to which the County may ultimately be entitled, without being barred later from recovering those further damages. We then worked closely with Auditor-Controller for claims that now have yielded 100% of the about \$1.9 million that the County has claimed to date for its “removal costs” and “increased costs of government services.” Ongoing.
- Recurring meetings with the Petroleum and Hazardous Materials Safety Administration and State Fire Marshall, to ensure solid information flow to the County. Ongoing.
- Natural Resource Damage Assessment: As we coordinated in 2015 with the U.S. Department of Justice and the California Department of Fish and Wildlife, the County participates through a “seat at the table” in the multi-year NRDA process. Ongoing.

2016 Presidential Primary Election and Presidential General Election: We provided significant and time-sensitive legal support to the County’s Elections Division for several months and also provided legal support to the Board of Supervisors concerning: 1) the Transient Occupancy Tax (TOT) Increase ballot measure, which passed at the November 2016 General Election; and 2) formation of the Isla Vista Community Services District, following statutory amendments through Assembly Bill 3 in 2015.

Fire Station 10: The City of Goleta, the County, and the County Fire Protection District approved a Memorandum of Understanding and related agreements in March 2016, concerning the City’s proposed design and construction of Fire Station 10, to serve the Goleta area. This will be funded in part by about \$1.5 million of AB 1600 Goleta Fire Protection Fees that the County had already collected for this purpose.

County Counsel

Program

LEGAL SERVICES (CONT'D)

2017-19 Objectives

Litigate property tax assessment appeals to protect about \$7.0 billion of “assessed value:”

- United Launch Alliance (ULA): For the disputed years 2007-2016, ULA’s total valuation dispute with the County Assessor is about \$3.83 billion, for a potential one-time 1% property tax alone of about \$38.3 million. For context, at stake here for the County General Fund alone is a one-time payment of about \$7.3 million, and then about \$500,000 per year thereafter, and declining. We expect that during the next 2 years ULA will continue to vigorously litigate each of the assessment years.
- Oil and gas: We expect to support County Assessor’s handling and litigation of a significant increase in oil and gas property tax assessment appeals during the next 2 years, including from: ERG, Exxon, Freeport-McMoRan, and Venoco. For context, just ERG’s present property valuation disputes total about \$1.42 billion, for a potential one-time 1% property tax alone of about \$14.2 million.

State audits of County Medi-Cal programs: We litigated recovery this year of about \$731,000 of disallowed County costs for SFY 08/09. We expect that further litigation will be ongoing throughout FY 2017-19, where we seek to recover the remaining about \$8.3 million of disallowed County costs for SFY 06/07-09/10.

“Rebalancing Project,” to examine the County’s delivery of services with available resources: Over the next several years this will likely require significant legal analysis of: 1) “mandatory” versus “discretionary” County services; 2) potential changes in how the County delivers some services; and 3) potential cost-saving options for personnel and pension costs. Example: the Public Employees’ Pension Reform Act of 2013 (PEPRA) addresses the sharing of “normal costs” between public employers and public employees, and one of its key subdivisions becomes operative on January 1, 2018.

\$111 million Northern Branch Jail Project: Construction has begun, anticipated construction completion is November 2018, and anticipated occupancy is Spring 2019. Because of the State’s notification and/or concurrence requirements involving AB900 bond financing, legal support will continue to be more complicated for this project than for non-AB900 projects. We expect to see a sustained, heavy demand for legal support throughout the next four years for: 1) supporting the 9 separate contracts within this project (2 State agreements; separate contracts for onsite construction and offsite construction; and 5 consultant agreements [construction management; architect; project expert; Inspector of Record; and testing and special inspections]); 2) construction “change orders;” 3) any construction claims, litigation, closeouts and audits; and 4) related to opening the Northern Branch Jail: a medical care contract, other service contracts, and Northern Branch Jail policies and procedures.

\$125 million Tajiguas Resource Recovery Project: Continue to provide extensive and time-critical legal support for the contracting and public financing components of this project that will use conversion technology to extend the life of the Tajiguas Landfill.

County Counsel

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LEGAL SERVICES (CONT'D)

2017-19 Objectives

Provide legal support to the proposed Laguna County Sanitation District Wastewater Reclamation Plant Facilities Master Plan, including review of project documents and -- if approved by the Board of Directors -- public financing; bidding; contracts; and construction.

Chumash issues: Continue to provide extensive and time-critical legal support for: 1) administrative appeals and litigation of Fee-To-Trust issues, including for Camp 4; and 2) the Ad Hoc Subcommittee's discussions with the Tribe, regarding land use and financial matters of mutual concern, including Santa Ynez Valley properties such as Camp 4, the Mooney and Escobar property, and the 350-acre "Triangle" property.

Workforce planning, since: 1) an orderly knowledge transfer is essential, but takes time; and 2) about 25% of our current County Counsel workforce is 57 years old or older, and in "General" retirement plans that incentivize retirements at between ages 57 and 62.

Refugio Oil Spill: If the County sees further damages from the oil spill -- beyond the \$1.9 million that the County already has recovered -- we will be prepared to bring litigation during or before Spring 2018, concerning that loss. Our success in working closely with the Petroleum and Hazardous Materials Safety Administration, the State Fire Marshall, and the separate Natural Resource Damage Assessment process also means that we will be providing legal support to the County's role in those functions for about the next 1-2 years.

Federal civil rights, state tort and workers' compensation litigation:

- Federal civil rights and state tort litigation: Defend civil actions for damages against the County and its employees, including:
 - Five cases already set for trial before March 2018: *Brislane* (jail inmate alleges having to sleep on floor violated civil rights); *Keller* (alleges dangerous condition of County Road caused collision that left Plaintiff a paraplegic); *Markee* (alleges dangerous condition of public property caused fatal fall from Sea Lookout Park); *Stoianova* (alleges negligence of County employee in rear-end traffic collision); and *Swiderski* (alleges Laguna County Sanitation District rejected Plaintiff's job application based on her gender); and,
 - Four cases that are on appeal: *Bjorklund* (Plaintiff's appeal of Superior Court's partial dismissal of claims that Sheriff's deputies used excessive force); *Flath* (Plaintiff's appeal of Superior Court's grant of summary judgment for the County, against a claim that Sheriff's deputy was within scope of employment at time of traffic accident); *McCrary* (County's appeal of Superior Court's partial denial of "anti-SLAPP" motion); and *Shafer* (County's appeal of District Court's denial of "qualified immunity" for Sheriff's deputy who allegedly used excessive force, where Plaintiff's damages, attorney's fees and costs total about \$397,000).

County Counsel

Program

LEGAL SERVICES (CONT'D)

2017-19 Objectives (Cont'd)

- Self-insured workers' compensation "tail claims" litigation: Continue to reduce the County's self-insured workers' compensation liability for injuries occurring before July 2010, by economically resolving the six remaining litigated cases, which include some of the most costly and difficult to resolve.
- Legal support to "conditions of confinement" improvements at the Main Jail.

Provide legal support to the Board of Supervisors and County staff about significant "land use" issues, including: 1) defend against the writ challenge by *Zoom Properties*, against the adoption by the Board of Supervisors in October 2015 of the Eastern Goleta Valley Community Plan; 2) defend against the writ challenge by *Young America's Foundation*, against the adoption by the Board of Supervisors in November 2016 of the Gaviota Coast Community Plan; 3) defend against the "quiet title" and writ challenge by *Pollyrich Properties*, against the approval by the Board of Supervisors in July 2016 of a Conditional Use Permit for the Sierra Grande Rural Recreation ("Zipline") Project; 4) marijuana regulation and enforcement; and 5) proposed Short-Term Rental Ordinance.

Provide legal support to the Board of Supervisors and County staff about significant "water" issues, including:

- Preparation of required planning and actions under the 2014 "Sustainable Groundwater Management Act," including: 1) the first "Groundwater Sustainability Plan" in Santa Barbara County is due for Cuyama Valley by January 31, 2020; and 2) Groundwater Sustainability Plans for San Antonio Creek Valley and Santa Ynez River Valley are due by January 31, 2022.
- The County's negotiations with the Department of Water Resources and Central Coast Water Authority, for a contract to reacquire 12,214 acre-feet of "Table A" water.
- Potential extension of the 1963 Water Supply Agreement between the State and the Santa Barbara County Flood Control and Water Conservation District. This would be complicated by 19 Water Supply Retention Agreements executed between 1983-1988, involving the Flood Control and Water Conservation District; and a Transfer of Financial Responsibility Agreement in 1991, between the Flood Control and Water Conservation District, and the Central Coast Water Authority.
- Proposed Bay Delta Conservation Plan.

County Counsel

