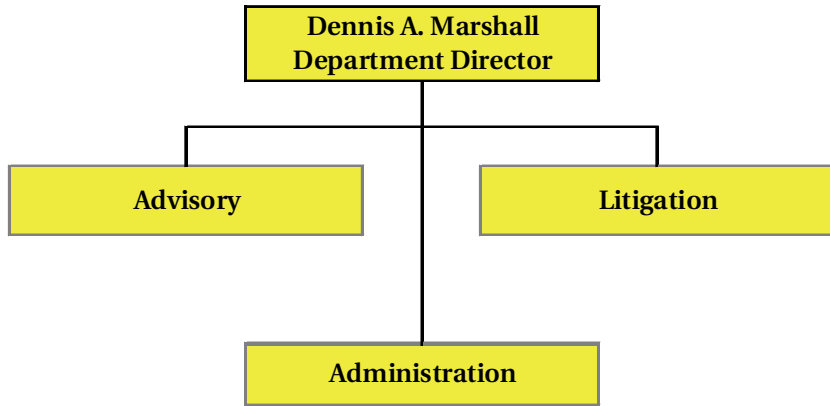
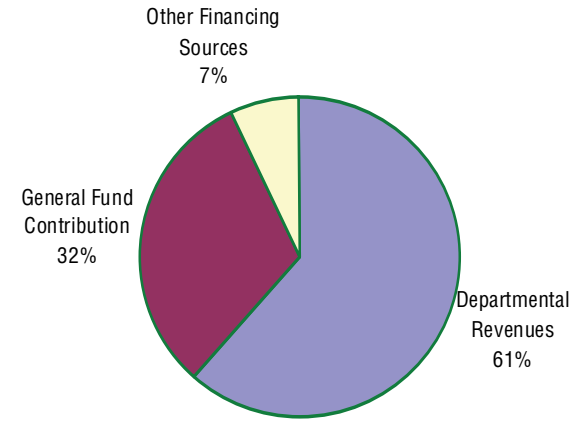


# COUNTY COUNSEL

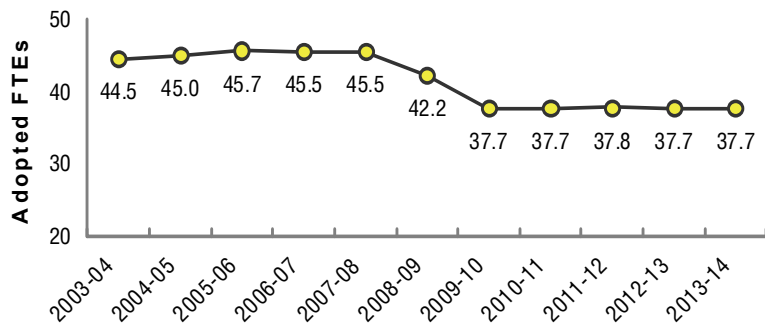
| Budget & Staffing |           |
|-------------------|-----------|
| Operating \$      | 3,172,838 |
| Capital           | -         |
| FTEs              | 37.7      |



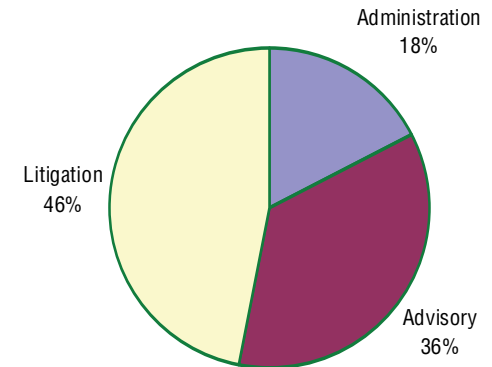
## SOURCE OF FUNDS



## STAFFING TREND



## USE OF FUNDS



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

|                               | Actual<br>FY 10-11 | Adopted<br>FY 11-12 | Recommended<br>FY 12-13 | Proposed<br>FY 13-14 |
|-------------------------------|--------------------|---------------------|-------------------------|----------------------|
| <b>Use of Funds Summary</b>   |                    |                     |                         |                      |
| <i>Operating Expenditures</i> |                    |                     |                         |                      |
| Administration                | \$ 1,098,902       | \$ 1,351,272        | \$ 1,259,737            | \$ 1,284,620         |
| Advisory                      | 2,541,695          | 2,694,599           | 2,549,125               | 2,660,010            |
| Litigation                    | 3,349,797          | 3,557,196           | 3,356,213               | 3,506,069            |
| Operating Sub-Total           | 6,990,394          | 7,603,067           | 7,165,075               | 7,450,699            |
| Less: Intra-County Revenues   | (4,688,534)        | (4,508,454)         | (3,992,237)             | (3,992,237)          |
| Expenditure Total             | 2,301,860          | 3,094,613           | 3,172,838               | 3,458,462            |
| <i>Other Financing Uses</i>   |                    |                     |                         |                      |
| Operating Transfers           | 5,944              | --                  | --                      | --                   |
| Department Total              | \$ 2,307,804       | \$ 3,094,613        | \$ 3,172,838            | \$ 3,458,462         |

**Character of Expenditures**

|                               | Actual<br>FY 10-11 | Adopted<br>FY 11-12 | Recommended<br>FY 12-13 | Proposed<br>FY 13-14 |
|-------------------------------|--------------------|---------------------|-------------------------|----------------------|
| <i>Operating Expenditures</i> |                    |                     |                         |                      |
| Regular Salaries              | \$ 4,357,122       | \$ 4,491,124        | \$ 4,203,445            | \$ 4,220,610         |
| Overtime                      | 2,532              | --                  | --                      | --                   |
| Extra Help                    | 74,438             | 33,110              | 32,620                  | 32,745               |
| Benefits                      | 1,853,701          | 2,126,145           | 1,970,508               | 2,227,442            |
| Salaries & Benefits Sub-Total | 6,287,793          | 6,650,379           | 6,206,573               | 6,480,797            |
| Services & Supplies           | 702,601            | 952,688             | 958,502                 | 969,902              |
| Operating Sub-Total           | 6,990,394          | 7,603,067           | 7,165,075               | 7,450,699            |
| Less: Intra-County Revenues   | (4,688,534)        | (4,508,454)         | (3,992,237)             | (3,992,237)          |
| Expenditure Total             | \$ 2,301,860       | \$ 3,094,613        | \$ 3,172,838            | \$ 3,458,462         |

|                                  | Actual<br>FY 10-11 | Adopted<br>FY 11-12 | Recommended<br>FY 12-13 | Proposed<br>FY 13-14 |
|----------------------------------|--------------------|---------------------|-------------------------|----------------------|
| <b>Source of Funds Summary</b>   |                    |                     |                         |                      |
| <i>Departmental Revenues</i>     |                    |                     |                         |                      |
| Other Charges for Services       | \$ 5,201,724       | \$ 4,897,789        | \$ 4,394,137            | \$ 4,394,137         |
| Miscellaneous Revenue            | 511                | 500                 | 900                     | 900                  |
| Revenue Sub-Total                | 5,202,235          | 4,898,289           | 4,395,037               | 4,395,037            |
| Less: Intra-County Revenues      | (4,688,534)        | (4,508,454)         | (3,992,237)             | (3,992,237)          |
| Revenue Total                    | 513,701            | 389,835             | 402,800                 | 402,800              |
| <i>General Fund Contribution</i> |                    |                     |                         |                      |
|                                  | 1,276,770          | 1,908,378           | 2,270,038               | 2,555,662            |
| <i>Other Financing Sources</i>   |                    |                     |                         |                      |
| Use of Prior Fund Balances       | 517,333            | 796,400             | 500,000                 | 500,000              |
| Department Total                 | \$ 2,307,804       | \$ 3,094,613        | \$ 3,172,838            | \$ 3,458,462         |

Note: The Proposed 2013-14 "General Fund Contribution" amount of \$2,555,662 displayed in the summary table to the left includes a projected General Fund Contribution of \$2,340,811 and a projected budget gap of \$214,851.

|                      | Actual<br>FY 10-11 | Adopted<br>FY 11-12 | Recommended<br>FY 12-13 | Proposed<br>FY 13-14 |
|----------------------|--------------------|---------------------|-------------------------|----------------------|
| <b>FTE Summary</b>   |                    |                     |                         |                      |
| <i>Permanent</i>     |                    |                     |                         |                      |
| Administration       | 2.7                | 2.6                 | 2.2                     | 2.2                  |
| Advisory             | 13.2               | 13.5                | 13.3                    | 13.3                 |
| Litigation           | 20.1               | 20.3                | 21.1                    | 21.1                 |
| Total Permanent      | 36.0               | 36.4                | 36.7                    | 36.7                 |
| <i>Non-Permanent</i> |                    |                     |                         |                      |
| Contract             | 0.4                | 0.4                 | --                      | --                   |
| Extra Help           | 1.4                | 1.0                 | 1.0                     | 1.0                  |
| Total FTEs           | 37.7               | 37.8                | 37.7                    | 37.7                 |

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

## 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. All staff is housed within the Administration building in Santa Barbara with one attorney stationed part-time at the Sheriff's department. The office is currently staffed with 25.6 attorneys and 11.1 support staff.

### FY 2011-12 Anticipated Accomplishments

- Initiated litigation and then negotiated a conceptual agreement that would require the State to return about \$4.8 million of disputed mental health funds that it had withheld from the County.
- Anticipated the short deadlines in *California Redevelopment Association v. Matosantos* and supported County's timely compliance with the complex ABX1 26 amendments that dissolved Redevelopment Agencies.
- Provided legal support to County labor negotiators bargaining successor MOUs containing employee concessions, including new lower retirement tiers.
- Land use litigation and projects:
  - Resolved threatened litigation against County's entry into the 25-year Lake Cachuma Maintenance Agreement.
  - Prevailed in the litigated defenses of: Lompoc Wind Energy Project approvals; Scheller pole barn approvals; and denial of Jameson certificates of compliance.
  - Supported County's consideration of complex and high-visibility land use projects, including: Goleta Valley Community Plan; Santa Barbara Ranch Project; Miramar Project; Las Varas Project; Cavaletto Tree Farm Project; and Park Hill Estates Project.

## COUNTY COUNSEL

### Department Summary (cont'd)

-Moved quickly to support County's acceptance of a 306-acre open space dedication and trail easements in the Orcutt area.

- Successfully resolved 34 cases through dismissal, removal, trial and/or settlement for equal to or less than the amount reserved by Risk Management. The Ninth Circuit Court of Appeals upheld the District Court's grant of the County's Motion for Summary Judgment in the Bravo case, which involved the simultaneous execution of warrants by multiple law enforcement agencies.
- Provided legal support for several major financings, including: 2012-2013 Tax and Revenue Anticipation Notes of about \$60 million (in progress as of March 2012); qualified energy conservation bond financings totaling about \$26 million for the Calle Real and Laguna Sanitation District solar projects; and conduit issuance of debt of about \$12 million for the Montecito Retirement Association.
- Supported efforts to reduce Workers' Compensation costs by reducing workers' compensation attorney billings by 1.0 FTE.
- Researched and drafted five new ordinances or substantial amendments to County Codes, including: Medical Marijuana Dispensary Ordinance and Mobile Home Park Closure Ordinance.
- Successfully opposed surety's motion to vacate forfeiture of two bail bonds totaling \$1 million, a substantial portion of which the County will receive if the trial court's judgment is upheld on appeal.

### 2012-14 Objectives

- Maintain close legal support relationships with County departments, the County Planning Commissions and the Board of Supervisors, for early identification of legal risks, "problem prevention," consistent advice, and practical solutions.
- Continue to support improvements in the defensibility of the County's contracts.
- Provide high quality litigation representation:
  - Defend County's land use actions, enforce County's requirements and defend against appeals of administrative fines imposed by the County.
  - Continue to minimize County's litigation costs by defending in-house as much General Liability Fund litigation as possible.
  - Continue to defend against State's denial of County charges for mental health services.
- Represent the County Assessor. This will include complex appellate litigation involving the fractionally owned aircraft industry, where the potential impact on the County is \$1.2 million in back taxes and about \$350K per year thereafter.

## COUNTY COUNSEL

### Department Summary (cont'd)

-Continue to reduce Workers' Compensation costs by supporting Risk Management's efforts to transition the program to an outside contractor.

- Continue legal support for the County's roles in the wind down and dissolution of the former redevelopment agencies in Santa Barbara County, including the former County Redevelopment Agency.
- Research and draft new ordinances within Planning & Development's work plan, including: Inclusionary Housing Ordinance and Winery Ordinance.

#### **Changes and Operational Impact: 2011-2012 Adopted to 2012-2013 Recommended**

##### Staffing:

There will be no increase or decrease of staffing from 2011-2012 Adopted to 2012-2013 Recommended.

- County Counsel has a projected staff of 37.7 employees, all housed within the Administration building in Santa Barbara with one attorney stationed part-time at the Sheriff's department. County Counsel has dropped its budgeted staffing level over the past five years from 45.5 FTE in FY 07-08 to a proposed staffing level of 37.7 in FY 12-13. Positions have been held vacant and as a result, there is a decline in the salary, retirement and benefit costs associated with these vacancies. When vacancies have been filled, they have been filled at a lower level than the previous incumbent.

##### Expenditures:

Net decrease of \$438,000. This is a 6% decrease due to the following:

- -\$444,000 decrease in Salaries and Benefits to vacancies within department caused by retirement and job transfers which were subsequently filled at a significantly lower level.
- +\$6,000 increase in Services and Supplies due to Liability Insurance.

##### Revenues:

Net decrease of \$503,000. This 10% decrease is the result of:

- -\$331,000 decrease in cost allocation plan revenue (CAP). The cost plan revenue was transferred to the General Fund General Revenue department budget this fiscal year. This revenue account fluctuates significantly within an individual central service department budget from year to year. This change will smooth out the fluctuation in these departmental revenues.
- -\$187,000 decrease in revenue due to the reduction of a worker compensation attorney through a collaborative effort with General Services.
- -\$45,000 decrease in revenue due to lower billable costs related to various departments and agencies.
- +\$30,000 increase in anticipated Property Tax Administration Fees revenue.
- +\$29,000 increase in revenue due to Redevelopment Agency issues and the continued legal support regarding the dissolution of the former redevelopment agencies within Santa Barbara County.

##### Other Financing Sources:

- Net decrease of \$296,000. This 37% decrease is due to a reduced use of Litigation Designation to fund staff salaries and benefits.

#### **Changes and Operational Impact: 2012-2013 Recommended to 2013-2014 Proposed**

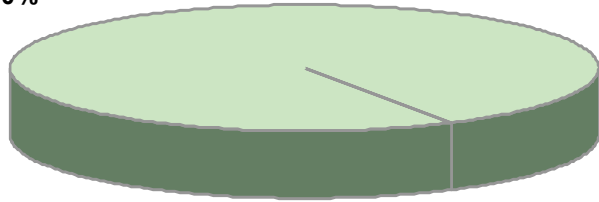
The \$286,000 increase in expenditures for the Proposed 2013-2014 budget is primarily the result of an increase in Salaries and Benefits caused by a \$214,000 increase in the retirement rate and a \$35,000 increase in health insurance contributions.

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

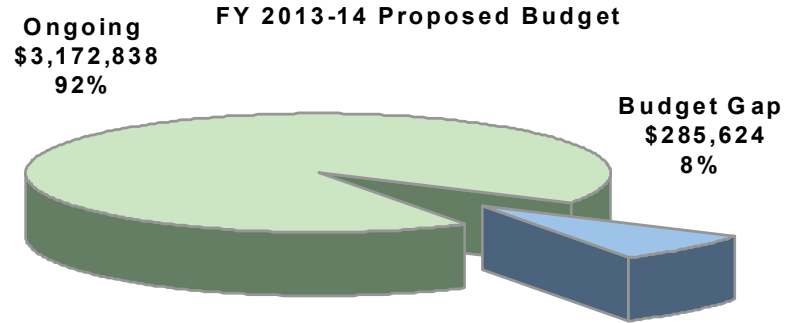
|   | Actual<br>FY 10-11 | Adopted<br>FY 11-12 | Recommended<br>FY 12-13 | Proposed<br>FY 13-14 |
|---|--------------------|---------------------|-------------------------|----------------------|
| <b>Outcome Measures</b>   |                    |                     |                         |                      |
| Percent of reserved dollars required to settle litigated cases (Target =< 90%).   | N/A                | N/A                 | < 90%                   | < 90%                |
| Percent of litigated cases resolved without payment to plaintiff (Target => 60%). | N/A                | N/A                 | > 60%                   | > 60%                |

**FY 2012-13 Recommended Budget**

**Ongoing**  
**\$3,172,838**  
**100%**



The Fiscal Year 2012-2013 Recommended Budget does not rely on one-time funding sources.



To maintain FY 2012-13 service levels, it is estimated that \$285,624 of funding will be required in FY 2013-14. Of this amount, it is projected that \$70,178 will be available through General Fund Contribution. An additional \$215,446 must be identified to prevent the need for service level reductions.