

## 025 - COUNTY COUNSEL

### Operational Summary

#### Mission:

To provide the highest quality legal advice and representation to the Board of Supervisors, elected and appointed department heads, County agencies/departments and staff, and Board-governed special districts.

#### Strategic Goals:

- Provide highly competent legal advice to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with high ethical and professional standards.
- Effectively prosecute and defend civil actions in which clients are involved.
- Deliver all legal services to clients as efficiently and economically as possible.

#### Key Outcome Indicators:

Performance Measure	2003 Business Plan Results	2004 Business Plan Target	How are we doing?
<b>PERCENTAGE OF AGENCIES RATING ADVISORY SUPPORT AS SATISFACTORY IN TERMS OF QUALITY &amp; RESPONSIVENESS.</b> <b>What:</b> Measurement of quality and effectiveness of services provided. <b>Why:</b> Client satisfaction is the primary measure of success for a service agency.	96% based on survey of clients.	Maintain at 90% or better rate of success.	Met goal.
<b>PERCENTAGE OF WRITTEN OPINIONS CHALLENGED IN COURT OR ADMINISTRATIVE PROCEEDINGS.</b> <b>What:</b> Measurement of the quality of legal advice. <b>Why:</b> Provides measure of quality of services provided.	One opinion challenged out of 227 issued (less than 0.5%).	Maintain at 5% or less.	Exceeded goal.
<b>PERCENTAGE OF CHALLENGED WRITTEN OPINIONS THAT ARE UPHELD.</b> <b>What:</b> Measurement of the quality of legal advice. <b>Why:</b> Provides measure of quality of services provided.	One opinion upheld (100%).	Maintain 90% or better rate of success.	Exceeded goal.

#### At a Glance:

Total FY 2003-2004 Actual Expenditure + Encumbrance:	7,158,399
Total Final FY 2004-2005 Budget:	8,409,027
Percent of County General Fund:	0.34%
Total Employees:	100.00

## Key Outcome Indicators: (Continued)

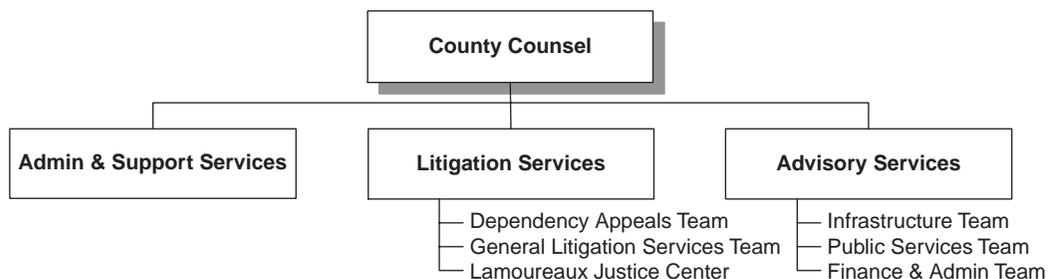
Performance Measure	2003 Business Plan Results	2004 Business Plan Target	How are we doing?
<p><b>PERCENTAGE OF CLIENTS RATING LITIGATION SUPPORT AS SATISFACTORY IN TERMS OF QUALITY/RESPONSIVENESS.</b></p> <p><b>What:</b> Measurement of quality and effectiveness of services provided.</p> <p><b>Why:</b> Client satisfaction is the primary measure of success for a service agency.</p>	90% based on survey of clients.	Maintain at 90% or better rate of success.	Met goal.
<p><b>PERCENTAGE OF DEPENDENCY CASES UPHELD ON APPEAL.</b></p> <p><b>What:</b> Measurement of the quality of services provided by County Counsel.</p> <p><b>Why:</b> Provides measure of quality and effectiveness of services provided.</p>	Over 90% were upheld on appeal.	Maintain 90% or better rate of success.	Exceeded goal.
<p><b>PERCENTAGE OF MENTAL HEALTH CASES WON OR RESOLVED WITH APPROVAL OF CLIENT.</b></p> <p><b>What:</b> Measurement of the quality of services provided by County Counsel.</p> <p><b>Why:</b> Provides measure of the quality and effectiveness of services provided.</p>	94% won or resolved.	Maintain 90% or better rate of success.	Exceeded goal.
<p><b>PERCENTAGE OF GENERAL LITIGATION CASES WON OR RESOLVED WITH APPROVAL OF CLIENT.</b></p> <p><b>What:</b> Measurement of the quality of services provided by County Counsel.</p> <p><b>Why:</b> Provides measure of quality and effectiveness of services provided.</p>	Estimated to be 90-95%.	Maintain 90% or better rate of success.	Met or exceeded goal.
<p><b>PERCENTAGE OF CLIENT REQUESTS FOR LEGAL ADVICE RESPONDED TO WITHIN 30 DAYS.</b></p> <p><b>What:</b> Measurement of the timeliness and effectiveness of services provided.</p> <p><b>Why:</b> Provides measure of quality and effectiveness of services provided.</p>	The number of opinion requests still outstanding after 30 days is 32 requests, compared to a baseline of over 200 opinion requests still outstanding after 30 days in 1998. (This figure is 15% of the 1998 baseline, and represents a 47% decrease in outstanding opinion requests since 2002.)	Maintain inventory of 30-day old opinion requests at 15% or less of 1998 baseline.	Exceeded goal. Opinion productivity is up 5% and Opinion backlog has been reduced below target level.
<p><b>PERCENTAGE OF CLIENTS RATING LEGAL SERVICES AS SATISFACTORY OR BETTER IN TERMS OF TIMELINESS.</b></p> <p><b>What:</b> Measurement of timeliness of services provided.</p> <p><b>Why:</b> Client satisfaction is the primary measure of success for a service agency.</p>	90% based on survey of clients.	Maintain 90% or better rate of success.	Met goal.

## FY 2003-2004 Key Project Accomplishments:

- Shifted attorney resources to meet increased demands in the practice areas of mental health jury trials, an increased litigation workload in the areas of eminent domain and flood control works, and a challenge to the new County Charter.
- Expedited the review and approval of the Social Services Agency's year-end contracts. (There are approximately 60 such "year end" contracts, many of which are voluminous, in addition to our normal contract workload.)
- Provided substantial unprogrammed hours of attorney time to the implementation of the Health Insurance Portability and Accountability Act (HIPAA) throughout County agencies.

- Advised John Wayne Airport staff on federal and statutory legal issues pertaining to post-9/11 legal requirements for enhanced security including the new Aviation and Transportation Security Act and negotiations with the newly formed federal Transportation Security Administration. Reviewed and assisted in drafting all applicable agreements between the County and the Transportation Security Administration related to its implementation of 100% baggage screening at John Wayne Airport and drafted the emergency contract pertaining to the construction of improvements necessary to accommodate 100% baggage screening.
- Instituted new Law Awareness Workshop program.
- Increased training for client agencies.
- Successfully defended appellate challenge to road fees in the sum of \$787,000 paid to the County by two developers and challenged in Extra Space of Laguna Hills v. County of Orange.
- Successfully defended court challenges to the new County Charter.
- Undertook representation of County's Deferred Compensation Plan when joined in marital dissolution actions.
- Provided both advice and representation in numerous stop notice cases.
- Successfully represented the County and its various departments in Pitchess motions for law enforcement records, and subpoenas for employee records.
- Provided legal advice and representation for the Assessor on tax matters before the Assessment Appeals Board and in the Superior Court.
- Coordinated the retention of appraisers for the Santa Ana River Project.
- In 2003, approximately 200 mental health (LPS) cases were set for jury trial. Eight, twelve, or even more cases were set for jury trial each week, which meant a great deal of additional trial negotiation and preparation resources were needed. To meet this need, a special Strike Team of litigators from the general litigation team was created. In coordination with the regular County Counsel Probate/Mental Health team, this combined effort assured that County Counsel was ready for each case. In the process, the Office developed improved mechanisms for obtaining and organizing voluminous mental health records.
- Provided extensive training for Public Administrator/Public Guardian staff in matters relating to the handling of estates and court proceedings and testimony.

## Organizational Summary



**COUNTY COUNSEL - EXECUTIVE** - Provides executive management oversight for department. Attends Board of Supervisors' meetings and provides legal services to the Board of Supervisors.

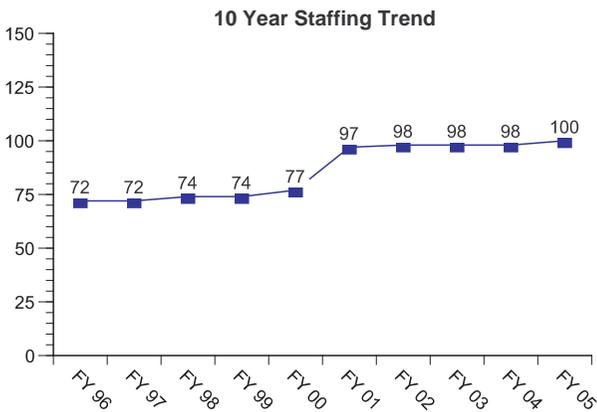
**ADVISORY SERVICES** - Provides legal advice to officers and employees of the County on matters relating to their duties and responsibilities in the administration of the public business. Drafts and reviews legal opinions, contracts, leases, licenses,

permits, deeds and conveyances, franchises and city-County agreements, Ordinances, Resolutions, and bills for introduction in the Legislature. Attends meetings of the Board of Supervisors and other County boards and commissions.

**LITIGATION SERVICES** - Prosecutes and defends civil actions in which the County or Board-governed districts are involved such as eminent domain proceedings, tax cases, zoning matters, environmental and contract actions, damage suits, and election matters. Provides legal services to the Public Administrator/Public Guardian in conservatorship matters and legal services to the Social Services Agency in Juvenile Court matters concerning abused, abandoned, or neglected children.

**ADMINISTRATIVE SUPPORT** - Provides administrative, clerical, and general support for the County Counsel and the two other divisions. Responsible for secretarial support to the attorneys, law library support and resources, human resources functions, budget, records management, computer systems and network administration, accounting, safety, and purchasing.

**Ten Year Staffing Trend:**



**Ten Year Staffing Trend Highlights:**

- Two new positions were added during the FY 04/05 budget hearings. One position was added to respond to an increase in work for the Sheriff-Coroner. The other position was added to provide additional support and reduce the attorney caseload in the area of SSA/Juvenile Dependency.
- No new positions were added in 03/04 or in FY 02/03.
- One position was added in FY 01/02 in response to client department request for additional service in the area of HCA special education and juvenile client issues.
- Twenty positions were added in FY 00/01 in response to client department requests for additional services in the areas of SSA/Juvenile Dependency and CSA/PA-PG LPS/Probate and for added litigation support.
- Five positions were added from FY 95/96 to FY 99/00 to meet increased service requests by client departments.

**Budget Summary**

**Plan for Support of the County's Strategic Priorities:**

County Counsel will continue to improve efficiencies, effectiveness, and economies within the department through expanded use of technology for communications, document review and production, and legal research. Staff will also continue to focus on successful implementation of the organizational performance measurement program (ROG), the attorney pay for performance program, and the employee pay for performance program (PIP). County Counsel will continue to use contractors in lieu of adding staff when cost effective.

**Changes Included in the Base Budget:**

Appropriations requests reduced to meet NCC target budget.

**Approved Budget Augmentations and Related Performance Results:**

Unit/Amount	Description	Performance Plan	Ref. Num.
<b>Add 1 Sr. Deputy Attorney for Sheriff-Coroner Support (FY 04-05)</b> Amount:\$ 0	1 attorney to provide legal support services to the Sheriff-Coroner.	Respond to all priority requests w/in 10 days and to 90% of all other requests within 30 days.	025-735



## Approved Budget Augmentations and Related Performance Results: (Continued)

Unit/Amount	Description	Performance Plan	Ref. Num.
<b>Add 1 Deputy Attorney IV Position for SSA-Juvenile Dependency Support (FY 04-05)</b> <b>Amount:\$ 143,974</b>	1 Deputy Attorney IV position to provide support for Juvenile Dependency cases.	Reduction in delay of critical decisions for children.	025-544

## Final Budget and History:

Sources and Uses	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Total Positions	-	98	98	100	2	2.04
Total Revenues	1,605,020	2,104,500	1,521,381	2,004,500	483,119	31.76
Total Requirements	4,976,621	8,220,435	7,119,183	8,409,027	1,289,844	18.12
Net County Cost	3,371,601	6,115,935	5,597,801	6,404,527	806,726	14.41

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2003-04 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: County Counsel in the Appendix on page 457.

## Highlights of Key Trends:

- There is a continuing shift in the skill mix required in the practice of law. As the practice of law has become more complex, specialists have replaced general practitioners in the legal profession, and this trend has impacted County Counsel. Attorneys in the County Counsel's Office have always been specialists in public law. But in recent years, the advisory and litigation attorneys in the County Counsel's Office have found it necessary to concentrate on specialized areas of legal practice, in order to deliver quality legal services to the County of Orange. Developing and maintaining a high level of expertise in specialized areas of legal practice presents a continuing challenge for this Office.
- In 2003, our property tax litigation workload has increased, and this trend is expected to continue. In addition, there has been an increase in the number of mental health cases set for jury trial. The number of indexed legal opinions issued by the office increased from 215 in 2002 to 227 in 2003. There have been significant increases in transactional work (other than requests for formal opinions) in the areas of contract negotiation and drafting, preparation and review of agenda staff reports, and legal review of employee benefit plans and related issues.
- The demand for expertise in water quality issues will continue to increase in 2004 and subsequent years. State and federal agencies are increasing their enforcement efforts in this area, particularly in the control of urban runoff and other non-point pollution sources. The Housing and Community Services Department anticipates an increase in the number and complexity of real property transactions. The size and complexity of planned developments such as Rancho Mission Viejo and Irvine Company projects require substantial expertise in land use law. The need for advisory services for the anticipated review and restructuring of the entire County purchasing system will tax available advisory services. Increasing Mental Health/Probate caseload may require the diversion of attorney time from training and advisory services to courtroom coverage. Increases in Assessment Appeals Board (AAB) and tax-related caseload are expected as a result of a recent court decision. Santa Ana River Project planning will continue with an increase in legal service needs anticipated as condemnation progresses. Health Care Agency enforcement actions relating to hazardous material disposal will require higher levels of service. Registrar of Voters will require increased legal services for implementation of the federal Help America Vote Act, and for issues surrounding the introduction of electronic voting

machines. Likely enactment of severely reduced State budget will most likely result in litigation against the State and, quite possibly, litigation against the County.

### Budget Units Under Agency Control

No.	Agency Name	County Counsel - Executive	Advisory Services	Litigation Services	Administrative Support	Total
025	County Counsel	276,382	3,016,102	2,834,220	2,282,323	8,409,027
	Total	276,382	3,016,102	2,834,220	2,282,323	8,409,027



## 025 - COUNTY COUNSEL

### Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Intergovernmental Revenues	\$ 71	\$ 0	\$ 0	\$ 0	\$ 0	0.00%
Charges For Services	1,533,324	2,004,500	1,519,829	2,004,500	484,671	31.89
Miscellaneous Revenues	1,387	0	1,553	0	(1,553)	-100.00
Other Financing Sources	70,238	100,000	0	0	0	0.00
<b>Total Revenues</b>	<b>1,605,020</b>	<b>2,104,500</b>	<b>1,521,381</b>	<b>2,004,500</b>	<b>483,119</b>	<b>31.76</b>
Salaries & Benefits	9,970,264	11,222,784	11,156,858	11,464,167	307,309	2.75
Services & Supplies	1,088,800	1,339,171	970,252	1,443,171	472,919	48.74
Fixed Assets	0	0	6,454	0	(6,454)	-100.00
Intrafund Transfers	(6,082,444)	(4,341,520)	(5,014,381)	(4,498,311)	516,070	-10.29
<b>Total Requirements</b>	<b>4,976,621</b>	<b>8,220,435</b>	<b>7,119,183</b>	<b>8,409,027</b>	<b>1,289,844</b>	<b>18.12</b>
<b>Net County Cost</b>	<b>\$ 3,371,601</b>	<b>\$ 6,115,935</b>	<b>\$ 5,597,801</b>	<b>\$ 6,404,527</b>	<b>\$ 806,726</b>	<b>14.41%</b>

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2003-04 Actual Expenditure + Encumbrance included in the "At a Glance" section.

### Final Budget Summary of County Council - Executive:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Charges For Services	\$ 10,447	\$ 0	\$ 670	\$ 0	\$ (670)	-100.00%
Miscellaneous Revenues	(37)	0	0	0	0	0.00
<b>Total Revenues</b>	<b>10,410</b>	<b>0</b>	<b>670</b>	<b>0</b>	<b>(670)</b>	<b>-100.00</b>
Salaries & Benefits	495,629	280,066	495,870	269,182	(226,688)	-45.72
Services & Supplies	165,264	7,200	113,838	7,200	(106,638)	-93.68
<b>Total Requirements</b>	<b>660,893</b>	<b>287,266</b>	<b>609,708</b>	<b>276,382</b>	<b>(333,326)</b>	<b>-54.67</b>
<b>Net County Cost</b>	<b>\$ 650,483</b>	<b>\$ 287,266</b>	<b>\$ 609,038</b>	<b>\$ 276,382</b>	<b>\$ (332,656)</b>	<b>-54.62%</b>

### Final Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Charges For Services	\$ 1,305,802	\$ 1,904,500	\$ 1,230,021	\$ 1,904,500	\$ 674,479	54.83%
Miscellaneous Revenues	790	0	962	0	(962)	-100.00
Other Financing Sources	0	100,000	0	0	0	0.00
<b>Total Revenues</b>	<b>1,306,592</b>	<b>2,004,500</b>	<b>1,230,983</b>	<b>1,904,500</b>	<b>673,517</b>	<b>54.71</b>
Salaries & Benefits	2,919,889	3,187,594	3,213,790	3,427,016	213,226	6.63



### Final Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Services & Supplies	26,030	0	37,202	35,528	(1,674)	-4.50
Intrafund Transfers	(427,467)	(289,651)	(816,926)	(446,442)	370,484	-45.35
<b>Total Requirements</b>	<b>2,518,453</b>	<b>2,897,943</b>	<b>2,434,065</b>	<b>3,016,102</b>	<b>582,037</b>	<b>23.91</b>
<b>Net County Cost</b>	<b>\$ 1,211,861</b>	<b>\$ 893,443</b>	<b>\$ 1,203,082</b>	<b>\$ 1,111,602</b>	<b>\$ (91,480)</b>	<b>-7.60%</b>

### Final Budget Summary of Public Services, Finance & Admin:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Intergovernmental Revenues	\$ 71	\$ 0	\$ 0	\$ 0	\$ 0	0.00%
Charges For Services	216,089	100,000	289,138	100,000	(189,138)	-65.41
Miscellaneous Revenues	154	0	49	0	(49)	-100.00
Other Financing Sources	70,238	0	0	0	0	0.00
<b>Total Revenues</b>	<b>286,552</b>	<b>100,000</b>	<b>289,187</b>	<b>100,000</b>	<b>(189,187)</b>	<b>-65.42</b>
Salaries & Benefits	6,140,969	6,599,883	6,842,174	6,763,329	(78,845)	-1.15
Services & Supplies	317,262	209,762	186,995	122,760	(64,235)	-34.35
Intrafund Transfers	(5,651,041)	(4,051,869)	(4,179,365)	(4,051,869)	127,496	-3.05
<b>Total Requirements</b>	<b>807,191</b>	<b>2,757,776</b>	<b>2,849,805</b>	<b>2,834,220</b>	<b>(15,585)</b>	<b>-0.55</b>
<b>Net County Cost</b>	<b>\$ 520,639</b>	<b>\$ 2,657,776</b>	<b>\$ 2,560,618</b>	<b>\$ 2,734,220</b>	<b>\$ 173,602</b>	<b>6.78%</b>

### Final Budget Summary of Administrative Support:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Charges For Services	\$ 986	\$ 0	\$ 0	\$ 0	\$ 0	0.00%
Miscellaneous Revenues	479	0	542	0	(542)	-100.00
<b>Total Revenues</b>	<b>1,465</b>	<b>0</b>	<b>542</b>	<b>0</b>	<b>(542)</b>	<b>-100.00</b>
Salaries & Benefits	413,777	1,155,241	605,023	1,004,640	399,617	66.05
Services & Supplies	580,243	1,122,209	632,218	1,277,683	645,465	102.10
Fixed Assets	0	0	6,454	0	(6,454)	-100.00
Intrafund Transfers	(3,936)	0	(18,090)	0	18,090	-100.00
<b>Total Requirements</b>	<b>990,084</b>	<b>2,277,450</b>	<b>1,225,605</b>	<b>2,282,323</b>	<b>1,056,718</b>	<b>86.22</b>
<b>Net County Cost</b>	<b>\$ 988,619</b>	<b>\$ 2,277,450</b>	<b>\$ 1,225,063</b>	<b>\$ 2,282,323</b>	<b>\$ 1,057,260</b>	<b>86.30%</b>