

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	2004 Business Plan Results	2005 Business Plan Target	How are we doing?
PERCENTAGE OF CLIENTS RATING ADVISORY SUPPORT AS SATISFACTORY IN TERMS OF QUALITY & RESPONSIVENESS. What: Measurement of quality and effectiveness of services provided. Why: Client satisfaction is the primary measure of success for a service agency.	93% or better based on survey of clients.	Maintain at 90% or better rate of success.	Exceeded goal.
PERCENTAGE OF WRITTEN OPINIONS CHALLENGED IN COURT OR ADMINISTRATIVE PROCEEDINGS. What: Measurement of the quality of legal advice. Why: Provides measure of quality of services provided.	No opinions challenged.	Maintain at 5% or less.	Exceeded goal.
PERCENTAGE OF WRITTEN OPINIONS THAT ARE UPHELD. What: Measurement of the quality of legal advice. Why: Provides measure of quality of services provided.	No opinions challenged.	Maintain 90% or better rate of success.	Exceeded goal.

At a Glance:

Total FY 2004-2005 Projected Expend + Encumb:	7,483,885
Total Recommended FY 2005-2006	8,675,732
Percent of County General Fund:	0.33%
Total Employees:	99.00



Key Outcome Indicators: (Continued)

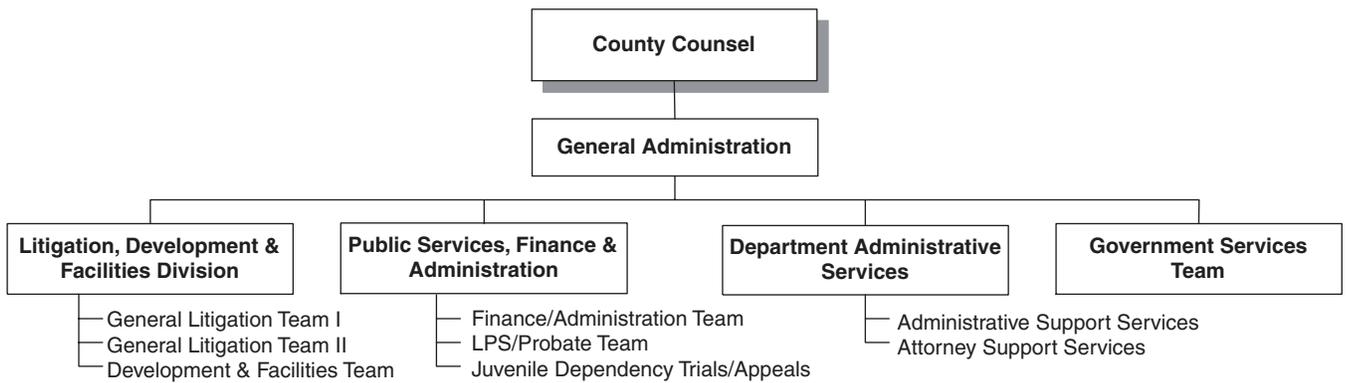
Performance Measure	2004 Business Plan	2005 Business Plan	How are we doing?
	Results	Target	
PERCENTAGE OF CLIENTS RATING LITIGATION SUPPORT AS SATISFACTORY IN TERMS OF QUALITY/RESPONSIVENESS. What: Measurement of quality and effectiveness of services provided. Why: Client satisfaction is the primary measure of success for a service agency.	90% or better based on survey of clients.	Maintain at 90% or better rate of success.	Met goal.
PERCENTAGE OF DEPENDENCY CASES UPHELD ON APPEAL. What: Measurement of the quality of services provided by County Counsel. Why: Provides measure of quality and effectiveness of services provided.	Over 90% were upheld on appeal.	Maintain 90% or better rate of success.	Exceeded goal.
PERCENTAGE OF MENTAL HEALTH CASES WON OR RESOLVED WITH APPROVAL OF CLIENT. What: Measurement of the quality of services provided by County Counsel. Why: Provides measure of the quality and effectiveness of services provided.	94% won or resolved.	Maintain 90% or better rate of success.	Exceeded goal.
PERCENTAGE OF GENERAL LITIGATION CASES WON OR RESOLVED WITH APPROVAL OF CLIENT. What: Measurement of the quality of services provided by County Counsel. Why: Provides measure of quality and effectiveness of services provided.	Estimated to be 90-95%.	Maintain 90% or better rate of success.	Met or exceeded goal.
PERCENTAGE OF CLIENT REQUESTS FOR LEGAL ADVICE RESPONDED TO WITHIN 30 DAYS. What: Measurement of the timeliness and effectiveness of services provided. Why: Provides measure of quality and effectiveness of services provided.	The number of opinion requests still outstanding after 30 days is 15% or less than 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.
PERCENTAGE OF CLIENTS RATING ADVISORY & LITIGATION SERVICES AS SATISFACTORY IN TERMS OF TIMELINESS. What: Measurement of timelines of services provided. Why: Client satisfaction is the primary measure of success for a service agency.	93% or better based on survey results.	90% or better based on survey results.	Exceeded goal.

FY 2004-05 Key Project Accomplishments:

- Provided legal assistance to ensure that enactment of Proposition 1-A (a statewide ballot initiative) would not impair the County's bankruptcy recovery debt pledges and liens.
- Successfully appealed an adverse trial court decision that would have seriously limited the County's ability to require builders to comply with the Foothill Trabuco Specific Plan.
- Provided increased legal services to Registrar of Voters on novel issues, including implementation of the Federal Help America Vote Act, electronic voting, special elections and local initiatives.
- Provided a high level of legal support for the Rancho Mission Viejo development project process.

- Protected the County's rights in a condemnation action filed by the Santa Ana Redevelopment Agency regarding acquisition of a building which housed County HCA/Environmental Health Division and obtained compensation and relocation benefits.
- Assisted County CEO in avoiding condemnation action threatened by OCTA for its SR-22 widening project, and assisted in negotiating a settlement of claims in a way that compensated the County for the property rights acquired by OCTA and resulting losses sustained by the County.
- In 2004, prepared 364 mental health (LPS) cases for jury trial, a 53% increase over the previous year.
- Assisted John Wayne Airport staff in drafting emergency contracts for construction of and improvements to screening of airline passengers.
- Assisted Human Resources Department on implementation of self-directed brokerage option for participants in the County's Deferred Compensation Program.
- Advised RDMD/Flood/Santa Ana Program staff regarding the responsibilities of the Orange County Flood Control District in dealing with property owners and members of the public in response to request for information and documents, and in negotiation of potential acquisitions as a part of the Prado Dam project.
- Advised RDMD/Real Estate regarding the County's responsibilities in dealing with property owners in the Tustin area as to possible acquisition of properties necessary for extension of walking trail.
- Assisted in the preparation of the Kermore Lane kennel noise ordinance.
- Provided a significant level of legal support for the ongoing Dana Point Harbor revitalization.
- Continuation of the Law Awareness Workshop program.
- 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.
- Through condemnation proceedings and resulting settlements, completed the acquisition of all remaining property interests required by the Orange County Flood Control District for reconstruction of the Segunda Deschecha Canada flood channel.
- Continued to provide both advice and representation in numerous stop notice cases.
- Coordinated the retention of appraisers for the Santa Ana River Project.
- Continued to provide extensive, ongoing training for Social Services Agency personnel relating to child dependency law and proceedings.
- Continued to provide extensive training for Public Administrator/Public Guardian staff in matters relating to the handling of estates and court proceedings and testimony.
- Provided ongoing training to Assessor staff in matters relating to the legal issues involved in equalization of property values.
- Trained various Department and Agency accounting staff in the handling of stop notices in construction cases.

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.

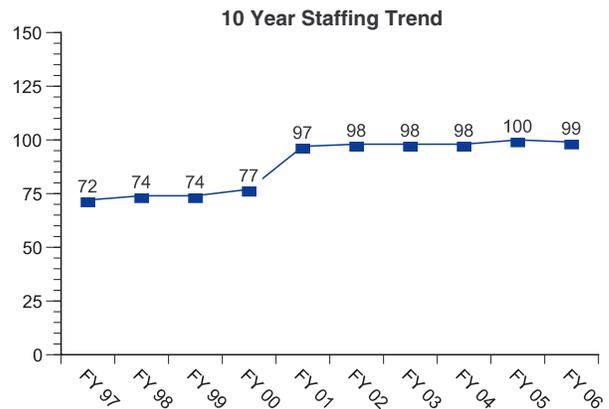
Litigation, Development & Facilities - Prosecutes and defends civil actions in which the County or Board-governed districts are involved such as eminent domain proceedings, tax cases, zoning matters, environmental and contract actions, damage suits, and election matters. Also provides legal advice to the Resources and Development Management Department, and drafts and reviews contracts, leases, licenses, permits, deeds and conveyances, and franchises.

Public Services Division - 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. Also includes the Finance/Administration Team, which provides legal advice to County departments on public finance matters and tax collection issues, conflict of interest issues, and elections.

Department Administrative Services - Provides administrative, clerical, and general support for the County Council and the three 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.

Government Services - Provides legal advice to officers and employees of specific County departments on matters relating to their duties and responsibilities in the administration of the public business. Drafts and reviews legal opinions, contracts, ordinances, resolutions, and bills for introduction in the Legislature. Advises and represents the Human Resources department and Employee Relations on employee benefit and employee relations issues. Attends meetings of the Board of Supervisors and other County boards and commissions.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- One position was transferred to CEO IT in FY 05/06 to provide better utilization of personnel, backup and cross cultivation of skills.
- 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. The Office has aggressively engaged staff in identifying any and all possible cost savings that do not compromise our ability to provide our current level of service. This includes careful timekeeping to capture billable time and identification of other revenue sources. Economy also involves maximizing the value of work performed. To this end, County Counsel is involved in two initiatives to make its work product more available and more useful to County employees: an expanded training program for County employees, and the continuing development of an Intranet web site.

Requested Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	Brass Ser.
ADD 1 DEPUTY ATTORNEY IV - PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN Amount:\$ 135,241	1 Dep. Attorney IV to provide legal services to PA/PG for mental health and probate cases.	Handle court referrals in compliance w/ Court set deadlines; favorable outcomes at 90% or better.	2285

Proposed Budget History:

Sources and Uses	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget As of 3/31/05	Projected ⁽¹⁾ At 6/30/05	Recommended	Projected Amount	Projected Percent
Total Positions	-	99	99	99	0	0.00
Total Revenues	1,521,381	2,004,500	1,103,020	1,834,000	730,980	66.27
Total Requirements	7,119,183	8,369,574	7,637,768	8,675,732	1,037,964	13.58
Net County Cost	5,597,801	6,365,074	6,534,748	6,841,732	306,984	4.69

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2004-05 projected requirements included in "At a Glance" (Which exclude these).

Detailed budget by expense category and by activity is presented for agency: County Counsel in the Appendix on page page 487

Highlights of Key Trends:

- In the past decade there has been a shift in the skill mix required in the practice of law. Highly specialized professionals have replaced the generalist lawyer. Attorneys in the County Counsel's Office have always been specialists in public law. In recent years, both County Counsel

advisory and litigation attorneys have followed the general trend towards specialization in substantive areas of practice. Developing and maintaining this high level of legal expertise presents a continuing challenge for the Office.



■ Advisory attorneys typically provide highly specialized legal services to elected officials, one or more major departments such as the Social Services Agency, the Health Care Agency, Sheriff-Coroner, Probation, Public Facilities and Resources Department and the CEO, as well as smaller departments. General litigation attorneys are focusing their practice on subjects identified with specific departments, including the Treasurer-Tax Collector and the Assessor, the Orange County Flood Control District, Public Facilities and Resources Department, and Planning and Development Services Department. Attorneys working in the Juvenile Dependency and Mental Health/Probate Sections are likewise engaged in highly specialized areas of the law and are physically located in two outlying locations. Moreover,

County Counsel attorneys are being called upon not only to provide general legal advice and representation, but also to become more involved in transactional services and client training.

■ Specialization is essential to providing timely, comprehensive legal services, and minimizing the cost of retaining outside counsel. However, with the advantages of specialization come organizational challenges, such as: 1) ensuring that there is sufficient ongoing legal training to minimize the disruption to client services related to changing client needs, attorney vacancies and assignment changes; and 2) maintaining a corporate perspective among attorneys working at different locations.

Budget Units Under Agency Control:

No.	Agency Name	County Counsel - Executive	Litigation, Development & Facilities	Public Services Division	Department Administrative Services	Government Services	Total
025	County Counsel	570,188	3,647,570	4,963,799	3,104,884	-3610709	8,675,732
	Total	570,188	3,647,570	4,963,799	3,104,884	-3610709	8,675,732



025 - County Counsel

Summary of Proposed Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005		FY 2004-2005		Change from FY 2004-2005	
	Actual	Budget	Projected ⁽¹⁾	FY 2005-2006	Projected	Amount	Percent	
Charges For Services	\$ 1,519,829	\$ 2,004,500	\$ 1,099,812	\$ 1,834,000	\$ 734,188	66.75%		
Miscellaneous Revenues	1,553	0	3,208	0	(3,208)	-100.00		
Total Revenues	1,521,381	2,004,500	1,103,020	1,834,000	730,980	66.27		
Salaries & Benefits	11,156,858	11,424,714	11,301,703	12,318,797	1,017,094	8.99		
Services & Supplies	970,252	1,443,171	1,207,173	1,522,334	315,161	26.10		
Fixed Assets	6,454	0	0	0	0	0.00		
Intrafund Transfers	(5,014,381)	(4,498,311)	(4,871,108)	(5,165,399)	(294,291)	6.04		
Total Requirements	7,119,183	8,369,574	7,637,768	8,675,732	1,037,964	13.58		
Net County Cost	\$ 5,597,801	\$ 6,365,074	\$ 6,534,748	\$ 6,841,732	\$ 306,984	4.69%		

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2004-05 projected requirements included in "At a Glance" (Which exclude these).

Proposed Budget Summary of County Counsel - Executive:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005		FY 2004-2005		Change from FY 2004-2005	
	Actual	Budget	Projected ⁽¹⁾	FY 2005-2006	Projected	Amount	Percent	
Charges For Services	\$ 670	\$ 0	\$ (670)	\$ 0	\$ 670	-100.00%		
Total Revenues	670	0	(670)	0	670	-100.00		
Salaries & Benefits	495,870	269,182	345,970	511,175	165,205	47.75		
Services & Supplies	113,838	7,200	32,243	59,013	26,770	83.02		
Intrafund Transfers	0	0	(149,116)	0	149,116	-100.00		
Total Requirements	609,708	276,382	229,097	570,188	341,091	148.88		
Net County Cost	\$ 609,038	\$ 276,382	\$ 229,767	\$ 570,188	\$ 340,421	148.15%		

Proposed Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005		FY 2004-2005		Change from FY 2004-2005	
	Actual	Budget	Projected ⁽¹⁾	FY 2005-2006	Projected	Amount	Percent	
Charges For Services	\$ 1,230,021	\$ 1,904,500	\$ 964,186	\$ 733,600	\$ (230,586)	-23.91%		
Miscellaneous Revenues	962	0	0	0	0	0.00		
Total Revenues	1,230,983	1,904,500	964,186	733,600	(230,586)	-23.91		
Salaries & Benefits	3,213,790	3,427,016	2,421,792	3,334,637	912,845	37.69		

Proposed Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget As of 3/31/05	Projected ⁽¹⁾ As of 6/30/05	Recommended	Projected Amount	Percent
Services & Supplies	37,202	35,528	225,704	312,933	87,229	38.64
Intrafund Transfers	(816,926)	(446,442)	(1,043,809)	0	1,043,809	-100.00
Total Requirements	2,434,065	3,016,102	1,603,687	3,647,570	2,043,883	127.44
Net County Cost	\$ 1,203,082	\$ 1,111,602	\$ 639,501	\$ 2,913,970	\$ 2,274,469	355.66%

Proposed Budget Summary of Public Services Division:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget As of 3/31/05	Projected ⁽¹⁾ As of 6/30/05	Recommended	Projected Amount	Percent
Charges For Services	\$ 289,138	\$ 100,000	\$ 132,564	\$ 1,100,400	\$ 967,836	730.08%
Miscellaneous Revenues	49	0	25	0	(25)	-100.00
Total Revenues	289,187	100,000	132,589	1,100,400	967,811	729.93
Salaries & Benefits	6,842,174	6,763,329	3,575,029	4,386,443	811,414	22.69
Services & Supplies	186,995	122,760	339,378	577,356	237,978	70.12
Intrafund Transfers	(4,179,365)	(4,051,869)	(1,540,861)	0	1,540,861	-100.00
Total Requirements	2,849,805	2,834,220	2,373,546	4,963,799	2,590,253	109.13
Net County Cost	\$ 2,560,618	\$ 2,734,220	\$ 2,240,957	\$ 3,863,399	\$ 1,622,442	72.39%

Proposed Budget Summary of Department Administrative Services:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget As of 3/31/05	Projected ⁽¹⁾ As of 6/30/05	Recommended	Projected Amount	Percent
Charges For Services	\$ 0	\$ 0	\$ 3,732	\$ 0	\$ (3,732)	-100.00%
Miscellaneous Revenues	542	0	3,183	0	(3,183)	-100.00
Total Revenues	542	0	6,915	0	(6,915)	-100.00
Salaries & Benefits	605,023	965,187	4,036,323	2,647,634	(1,388,689)	-34.40
Services & Supplies	632,218	1,277,683	523,867	457,250	(66,617)	-12.71
Fixed Assets	6,454	0	0	0	0	0.00
Intrafund Transfers	(18,090)	0	(1,739,681)	0	1,739,681	-100.00
Total Requirements	1,225,605	2,242,870	2,820,509	3,104,884	284,375	10.08
Net County Cost	\$ 1,225,063	\$ 2,242,870	\$ 2,813,594	\$ 3,104,884	\$ 291,290	10.35%

Proposed Budget Summary of Government Services:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005		FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual	Budget	As of 3/31/05	Projected ⁽¹⁾	Recommended	Projected	Percent
Salaries & Benefits	\$ 0	\$ 0	\$ 0	\$ 922,589	\$ 1,438,908	\$ 516,319	55.96%
Services & Supplies	0	0	0	85,982	115,782	29,800	34.65
Intrafund Transfers	0	0	0	(397,641)	(5,165,399)	(4,767,758)	1,199.01
Total Requirements	0	0	0	610,930	(3,610,709)	(4,221,639)	-691.01
Net County Cost	\$ 0	\$ 0	\$ 0	\$ 610,930	\$ (3,610,709)	\$ (4,221,639)	-691.01%