

**County Counsel's Office
FY 2010-11 Performance Plan**

I. MISSION STATEMENT

The mission of the County Counsel's Office is to provide high quality and timely legal services supporting the County of Marin's mandated and discretionary governmental functions. Advisory and litigation services are furnished to county departments, boards and agencies in a manner that is cost-effective, professional and promotes excellence in delivery of government services contributing to the health, safety and welfare of county residents and visitors.

II. DEPARTMENT OVERVIEW

The County Counsel's Office provides responsive legal advice and assistance to the Board of Supervisors, county departments, boards and commissions, special districts and agencies. This assistance includes negotiating and drafting contracts and legal documents, and representing Marin County in civil litigation and administrative hearings. Other assistance includes administration of tort and other claims; legal services involving juvenile welfare statutes; and Public Administrator, Public Guardian, and Lanterman-Petris Short Conservatorships. The office also protects the county and its officers from liability and enables the Board of Supervisors to carry out its programs and policies within the limits of the law.

In addition, the County Counsel's Office assists the Civil Grand Jury, which consists of 19 residents selected annually by the Judges of the Superior Court. The Civil Grand Jury is charged with examining the conduct, policies and needs of public agencies (including the county) and elected officers within Marin County, as well as the conditions and management of the Marin County Jail and San Quentin State Prison. The Civil Grand Jury is required to submit a final report of its findings to the Superior Court.

The County Counsel's Office provides timely legal advice and litigation support to the Board of Supervisors, county departments, boards and commissions, and special districts and agencies. The County Counsel's Office handles all incoming claims and attempts to dispose of them at the claims level, before they become lawsuits.

County Counsel includes the following programs:

- County Counsel
- Civil Grand Jury

III. FY 2009-10 ACCOMPLISHMENTS

- Won six dismissals, three judgments on the pleading, two successful demurrers and two summary judgment motions
- Successfully appealed two cases to California Appellate Court
- Worked in coordination with the Human Resources Department to improve overall effectiveness of Employment Law Team in handling complex litigation, especially in the area of advice and counsel to county departments
- Won review in the California Supreme Court regarding *Greene v. County of Marin*, which overturned plaintiff's objection to establishing new flood control fees for the residents of the Ross Valley and Mill Valley Flood Control Districts affected by severe storms
- Successfully defended an appeal which would have negatively impacted all Public Guardian offices in the State of California
- Decreased expenses related to law library and negotiating contract with WestLaw to cap printing costs over the next three years of its subscriptions, saving the county \$24,630 in library expenses

IV. GOALS AND KEY INITIATIVES FOR FY 2010-11

Goal 1: Provide exemplary legal services to assist clients in achieving their objectives

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

It is absolutely clear that providing outstanding legal services assists our clients in achieving their objectives. Outstanding customer service continues to be the number one goal for the attorneys and staff. This goal, along with the high-caliber ability of the legal staff, combines to make the provision of exemplary legal services attainable.

FY 2010-11 Key Initiatives

- | |
|---|
| 1. Work closer with departments to ensure greater accuracy of claims and property investigation of defenses |
| 2. Continue with expanded customer service program to bring customer satisfaction to outstanding levels |
| 3. Continue aggressive defense of civil cases to eliminate or minimize damages where the county is exposed to liability |

Goal 2: Provide quality legal services in a cost-effective manner

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

The County of Marin continues to be one of the few counties that handles its own litigation in-house which saves the County at least \$3 million dollars annually. In addition to cost savings, in-house litigation improves the county's control over trial of the case, costs of discovery and/or settlement amounts, holding down costs considerably.

FY 2010-11 Key Initiatives

- | |
|---|
| 1. Train existing staff attorneys to maintain outstanding litigation skills |
| 2. Provide excellent support for litigation team members |
| 3. Implement annual customer service survey |

Goal 3: Provide departments and their representatives with the legal information they need to facilitate legal compliance, efficiency, and a safe and secure work environment

Please indicate how goal reflects one of the department's highest priorities and aligns with Countywide Goals and Priorities

**County Counsel's Office
FY 2010-11 Performance Plan**

County Counsel attorneys stay informed and current in their areas of expertise by attending trainings, seminars and conferences to keep their training and skills active during these litigious times.

FY 2010-11 Key Initiatives

1. Hands-on training of key department staff so that they are aware of new updates of the law concerning their department
2. Work closely with Human Resources and all departments to take a proactive role to provide a safe and secure work environment for county staff
3. Work closely with departments on employment law matters to ensure that departments make objective and fair decisions relating to employee discipline

V. KEY CHALLENGES AND ISSUES

- Implementing the office's long-term restructuring plan over the next three years
- Dealing with continuing state budget and county reductions that can lead to the elimination of staff positions and may require the retention of outside counsel at a potentially higher cost

VI. PROGRAM OVERVIEW

PROGRAM 1: COUNTY COUNSEL

PROGRAM DESCRIPTION AND RESPONSIBILITIES

The County Counsel's Office provides responsive legal advice and assistance to the Board of Supervisors, county departments, boards and commissions, and other clients such as the Marin County Employees Retirement Association (MCERA) and special districts and agencies. This assistance includes negotiating and drafting contracts and legal documents, as well as representing the county in civil litigation and administrative hearings. Other assistance includes administration of tort and other claims; legal services involving juvenile code enforcement; and Public Administrator, Public Guardian and Lanterman-Petris Short conservatorships. The office also protects the county and its officers from liability and enables the Board of Supervisors to carry out its programs and policies within the limits of the law. In addition, the County Counsel's Office assists the Civil Grand Jury.

FY 2010-11 PROGRAM INITIATIVES

- **INSTRUCTIONS:** Please add up to 5 (five) key program initiatives below for FY 2010-11.

FY 2010-11 Program Initiatives

1. Attempt to expand our legal services to more special districts, which will generate more revenue to the county
2. Resume Retirement Board Advice which will decrease MCERA's outside attorney expenses which ultimately reduces the county's contribution rates

**County Counsel's Office
FY 2010-11 Performance Plan**

FY 2010-11 Program Initiatives

3. Increase support to the Public Administrator to assist with increases in the number of decedents failing to appoint administrative representatives to handle the distribution of their estates
4. Consider expansion of our employment law team services to special district clients to increase revenue to the county

PROGRAM 2: CIVIL GRAND JURY

PROGRAM DESCRIPTION AND RESPONSIBILITIES

The Civil Grand Jury consists of nineteen citizens, selected annually by the judges of the Marin County Superior Court. It is statutorily authorized to examine the conduct, policies, and needs of public agencies, including county departments, and elected officers within Marin County. It is also required to inquire into the conditions and management of the Marin County Jail and San Quentin State Prison. The Civil Grand Jury is required to submit a final report of its findings to the superior court.

VII. PERFORMANCE MEASURES

Objective: Achieve a high level of customer satisfaction

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Number of Child Protective Services trainings provided	37	35	50	40
Number of Brown Act and Public Records Act presentations given	43	8	30	20
Number of Public Records Act requests handled	99	126	50	90
Number of oral opinions provided	8,791	8,820	8,800	9,000
Number of customer satisfaction surveys distributed and completed	22	34	34	39
Efficiency Measures				
Percent of cost savings in legal fees using office attorneys compared with outside counsel	40%	42%	45%	45%
Effectiveness Measures				
Customer satisfaction survey rating of good or outstanding	95%	95%	90%	95%

**County Counsel's Office
FY 2010-11 Performance Plan**

Story Behind Performance: County Counsel, like other county departments, is bracing for hefty budget reductions over the next five years to address Government Accounting Standards Board (GASB) pension contribution deficiencies and lowered property tax revenue. This, combined with the state's borrowing of money from its counties, will challenge our office's mission to provide excellent customer service to our county departments and outside agencies. The number of customer satisfaction surveys distributed will increase in FY 2010-11 to include board staff.

Objective: Ensure that the lead attorney in each case has sufficient resources to perform at an optimum level

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Number of employment law cases handled	10	9	4	10
Number of attorneys assigned to assist lead attorney	2-3	2	3	2
Number of lead attorneys surveyed to determine if approach is helpful	4	5	3	3

Story Behind Performance: Due to the county's plan for long-term restructuring, the department anticipates a smaller pool of attorneys in the litigation team, combined with a probable increase in employment law cases.

Objective: Successfully dispose claims against the county by either settlement or rejection

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Total number of claims received	135	120	70	70
Efficiency Measures				
Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	83%	95%	85%	85%
Effectiveness Measures				
Percent of claims denied	66%	78%	85%	85%
Percent of claims settled	20%	17%	28%	15%
Percent of claims resulting in lawsuits	2%	5%	6%	4%

Story Behind Performance: Working in concert with our insurance adjuster and with prompt investigatory responses from our department contacts, County Counsel has been able to systematically address all claims in a timely manner and dispose of them at the least cost to the county.

**County Counsel's Office
FY 2010-11 Performance Plan**

Objective: Ensure that the necessary needs of employees are being met

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Number of surveys distributed	n/a	25	25	21
Efficiency Measures				
Percent of surveys returned	n/a	100%	100%	100%
Effectiveness Measures				
Percent of employees rating their experience within the County Counsel's Office as either good or excellent	n/a	100%	100%	99%

Story Behind Performance: The County Counsel's Office has benefited from the guidance of its veteran administrative staff, experienced attorneys (who average ten years of County Counsel office experience), and support staff who have all logged at least five years of County Counsel experience. There is very little turnover in this department, probably owing to the fact that the staff enjoys its work, that for the most part it is not only extremely interesting, but varied and meaningful as well.

Objective: Measure performance and improve customer service of support staff and attorneys

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Workload Measures				
Number of legal secretaries	n/a	n/a	n/a	5
Number of County Counsel Attorneys	n/a	n/a	n/a	15.7
Efficiency Measures				
Ratio of legal secretaries to attorneys	n/a	n/a	n/a	80%
Percent of secretaries surveyed regarding attorney productivity	n/a	n/a	n/a	80%
Percent of attorney's surveyed regarding support staff	n/a	n/a	n/a	80%
Effectiveness Measures				
Percentage of support staff performance reated efficient or better	n/a	n/a	n/a	80%
Percentage of attorneys service rated as efficient or better	n/a	n/a	n/a	80%

**County Counsel's Office
FY 2010-11 Performance Plan**

Measures	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Estimate	FY 10-11 Estimate
Number of survey recommendations implemented	n/a	n/a	n/a	80%

Story Behind Performance: Each support staff legal secretary handles the support work for several attorneys. This performance measure will survey attorneys to provide confidential feedback as to how performance can be improved.

While our customer service ratings for attorneys are high (90 to 95 percent), we are always looking for ways to improve. This internal mechanism will focus on ways for attorneys to improve their efficiency and effectiveness from the eyes of veteran legal secretaries. The program is solely designed as a means of improving in these areas especially where resources are shrinking.