

County Counsel

FY 2012-13 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; Public Administrator, Public Guardian, and Lanterman-Petris Short Conservatorships. The office also defends 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. PROGRAM DESCRIPTION AND RESPONSIBILITIES

COUNTY COUNSEL

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

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Public Administrator, Public Guardian and Lanterman-Petris Short conservatorships. The office also defends 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. The County Counsel's Office has taken on added responsibilities including resumption of legal services to the MCERA's office; identifying and capturing probate income within our budget; and marketing its employment law resources to special districts.

CIVIL GRAND JURY

The Civil Grand Jury consists of 19 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.

IV. ACCOMPLISHMENTS FOR FY 2011-12

- The attorney litigation team won a Motion for Summary Judgment dismissal on an employment law case entitled Ramirez v. County of Marin, avoiding an expensive trial. It is rare and difficult to win a Summary Judgment motion in such an employment law case, due to their complex nature.
- Won dismissal in Northern District Court against a wrongful death in custody case, which was set for trial in November 2011 (Dunn v. County of Marin), which would have expended much county staff time in preparation, and potential mid-six-figure verdict
- Obtained a dismissal in a bicycle accident case against the County (Petrov v. County of Marin), with all parties paying their own costs. Legal costs were also recovered for a private contractor who was also sued in the case
- Won an appeal in the Ninth Circuit Court of Appeals, on an Employment/Civil Rights case upholding the County's Motion for Summary Judgment (Kob v. County of Marin)
- Won a dismissal in a wrongful death in custody/medical malpractice case to get complaint dismissed before extensive work was done on the case (Tolomai/Leverett v. County of Marin).
- Argued and won a civil rights case in the Court of Appeal entitled Muhammad v. County of Marin
- Continued to provide timely and excellent advice to county departments

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V. GOALS AND KEY INITIATIVES FOR FY 2012-13

GOAL I

Provide exemplary legal services to assist clients in achieving their objectives

Countywide Goal	VIII. Effective Communication
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FY 2012-13 Key Initiatives
1. Working closely with Health and Human Services Division of Children and Family Services by training staff on warrant protocol and other warrant issues, as well as subpoena issues.
2. Trainings for Public Administrator on real property sales and decedent estate issues.
3. Presentations on PMR's and manager responsibilities regarding discrimination and harassment reporting.
4. Continue aggressive defense of civil cases to eliminate or minimize damages where the County is exposed to liability.
5. Continue with expanded customer service program to bring customer satisfaction to outstanding levels.

GOAL II

Provide quality legal services in a cost-effective manner

Countywide Goal	VI. Excellent Customer Service
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FY 2012-13 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
4. Make changes in assignments to meet needs of clients
5. Provide training to attorneys to be more efficient so that the work can be performed notwithstanding a reduction in staff

GOAL III

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

Countywide Goal	VI. Excellent Customer Service
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FFY 2012-13 Key Initiatives
1. Work closely with departments on employment law matters to ensure that departments make objective and fair decisions relating to employee discipline
2. Provide updates to clients on changes in the law
3. Provide trainings to departments as necessary

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GOAL IV

Provide trainings as necessary, handle Public Record Act requests (PRAs) countywide, and provide timely oral opinions to County departments

Countywide Goal	VI. Excellent Customer Service
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FY 2012-13 Key Initiatives

1.	Communicate effectively with County departments to ensure that they are aware of training by County Counsel
2.	Advise departments that County Counsel will coordinate Public Record Act Requests (PRAs)
3.	Customer service survey will measure how effectively the department provides timely advice to departments

VI. KEY CHALLENGES AND OUTSTANDING ISSUES

- Managing workloads as the department loses positions through attrition, including the retirement of long time County Counsel Patrick Faulkner
- Implementing the office’s long-term restructuring plan over the next three years
- Ongoing budgetary reductions may lead to the elimination of staff positions and could require the retention of outside counsel at a much higher cost to the County

VII. PERFORMANCE MEASURES

Department Goal	Goal I: Provide exemplary legal services to assist clients in achieving their objectives Click here to enter text.
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Objective: Achieve a high level of customer satisfaction

MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actuals	FY 2011-12 Target	FY 2011-12 Target
Workload Measures					
Number of Child Protective Services trainings provided	35	30	32	40	40
Number of Public Records Act requests handled	126	130	260	90	90
Number of oral opinions provided	8,820	8,906	8,754	7,800	7,716
Number of customer satisfaction surveys distributed and completed	34	30	39	39	39

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MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actuals	FY 2011-12 Target	FY 2011-12 Target
Efficiency Measures					
Percent of cost savings in legal fees using office attorneys compared with outside counsel	42%	45%	45%	46%	66%
Effectiveness Measures					
Customer satisfaction survey rating of good or outstanding	95%	90%	92%	95%	95%

➔ Indicates a Key Measure

Story Behind Performance: Customer satisfaction has been measured for over ten years, enabling the department to compare satisfaction annually, identify problem areas and make changes as necessary to meet the needs of clients. The department anticipates continued improvement to customer satisfaction measures.

Department Goal	Goal II: Provide quality legal services in a cost-effective manner Click here to enter text.
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Objective: Successfully dispose of claims against the County by either settlement or rejection

MEASURES	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Target	FY 2012-13 Target
Workload Measures					
Total number of claims received	120	75	99	70	80
Efficiency Measures					
➔ Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	95%	83%	100%	85%	98%
Effectiveness Measures					
➔ Percent of claims denied	78%	80%	73%	86%	76%
➔ Percent of claims settled	17%	20%	26%	15%	25%
Percent of claims not resulting in lawsuits	95%	80%	99%	97%	98%

➔ Indicates a Key Measure

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Story Behind Performance: The average payout for a claim during FY 2010-11 was \$1,730. This may seem high, as the average was brought up due to two claims (auto collisions), which resulted in significant damage. There was also an expensive video recording device that was impounded by the Sheriff's Department regarding a murder investigation that increased the average.