

# **County Counsel FY 2013 - 14 Performance Plan**

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## **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

## **IV. Accomplishments for FY 2012-13**

- Opened 17 new cases, and closed 13 others with no payouts
- Obtained four new cases from referrals through County Special Districts
- Obtained a dismissal against the County on a high profile wrongful death lawsuit which could have resulted in a significant verdict against the County of Marin
- Had two attorneys graduate from the County's Leadership Academy
- Maintained stream of revenue in spite of recessionary economy
- Transitioned existing attorney staff to adeptly handle Public Administrator and Public Guardian probate matters
- Successfully continued to reduce employment litigation
- Provided excellent employment law advice to ensure uniformity in the application of employment practices to all departments

## County Counsel FY 2013 - 14 Performance Plan

- Spearheaded aggressive handling of Open Space District encroachments and assisted Open Space with a comprehensive policy on encroachments
- Aggressively handled code enforcement violations to ensure compliance and revenue collection
- Successfully defended numerous tort cases against the County which resulted in dismissals or settlements without payment of any monies
- Adeptly handled a significant Child Protective Services (CPS) caseload to ensure the safety of abused and neglected children and to ensure that parents are reunified with abused children when appropriate
- Successfully handled several Juvenile CPS Appeals at the Court of Appeals
- Transitioned from the retirement of a long-term County Counsel to the current Interim County Counsel

### V. Key Challenges and Outstanding Issues

- Loss of a key paralegal to retirement
- Reorganization of the office to make it run more efficiently and promote higher staff morale
- Continued downsizing of department while maintaining excellent services to clients
- Continuing to find new sources of revenue by identifying needs of County agencies

### VI. Performance Plan

Department Goal	Countywide Goal
Goal I: Provide exemplary legal services to assist clients in achieving their objectives	VI. Excellent Customer Service

Initiative Description	Program(s)
Work with the Human Resources Department (HR) to review and revise the training material for the Leadership Academy	County Counsel
Provide legal research to ensure revision of the Personnel Management Regulations (PMRs) complies with state and federal law, Including PMR 21 which is the Equal Employment Opportunity (EEO) policy	County Counsel

**Program:** County Counsel

**Objective:** Achieve a high level of customer satisfaction

Workload Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
Number of Child Protective Services trainings provided	30	32	40	40	40

## County Council FY 2013 - 14 Performance Plan


Workload Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
Number of Public Records Act requests handled	130	260	176	90	90
Number of oral opinions provided	8,906	8,754	8,430	7,716	7,356
Number of customer satisfaction surveys distributed and completed	30	39	N/A	39	39
Efficiency Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
Percent of cost savings in legal fees using office attorneys compared with outside counsel	45%	45%	48%	66%	66%
Effectiveness Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
Customer satisfaction survey rating of good or outstanding	90%	92%	N/A	95%	96%

Department Goal	Countywide Goal
Goal II: Provide quality legal services in a cost-effective manner	VI. Excellent Customer Service



Initiative Description	Program(s)
Enhance revenue opportunities for County Council	County Council

**Program:** County Council

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

Workload Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
Total number of claims received	84	99	110	80	80
Efficiency Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
 Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	95%	100%	96%	98%	98%
Effectiveness Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target

## County Council FY 2013 - 14 Performance Plan

Effectiveness Measures	2009/10	2010/11	2011/12	2012/13	2013/14
	Actual	Actual	Actual	Target	Target
 Percent of claims denied	61%	73%	81%	76%	90%
 Percent of claims settled	34%	26%	19%	25%	10%
Percent of claims resulting in lawsuits	5%	1%	4%	2%	2%

Department Goal	Countywide Goal
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	VI. Excellent Customer Service

Initiative Description	Program(s)
County Counsel Attorneys prepared and gave a presentation to the Personnel Commission regarding County Personnel Management Regulations (PMRs)	County Counsel
Develop key teams to provide more efficient service such as dedicated back-up personnel and cross-trained attorneys	County Counsel

Department Goal	Countywide Goal
Goal IV: Provide trainings as necessary, handle Public Record Act requests (PRAs) countywide, and provide timely oral opinions to County departments	VI. Excellent Customer Service

Initiative Description	Program(s)
Utilize newly formed Public Record Act (PRA) team to prepare record request template to expedite the increased number of requests	County Counsel
Provide training sessions and outreach to the departments that directly receive their PRA requests	County Counsel