

**County Counsel**  
**FY 2014 - 16 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 proceedings; 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

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## **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 code enforcement; conducting juvenile court proceedings; and 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 MCERA; identifying and capturing probate income within our budget; and marketing new employment law and litigation services 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 2013-14**

- Created new office brochure handouts to market departmental services to special districts that the department does not represent and enhance the services for existing special district clients; and conducted a Q&A presentation during an evening meeting with special districts and district supervisors to explain governmental procedures law
- Successfully argued before the Marin County Court of Appeal in numerous juvenile writ and appeal proceedings, including a very important juvenile court case involving sexual abuse of minor children by their stepfather, which required the father to submit to polygraph testing as part of his case plan
- Implemented promotional with a department reorganization.
- Implemented an employee recognition program in the office
- Provided a high level of tort defense and employment law defense in litigation and obtained several lawsuit dismissals without payment of any monies
- Restructured office teams to ensure better efficiency and trained three new extra hire Deputy County Counsels
- Achieved better results on the department's customer service survey (e.g., fewer complaints from clients on timeliness, response to phone calls, and opinions on response, in addition to other positive results)

## **V. Key Challenges and Outstanding Issues**

- Difficult land use issues are being faced by the County, which have resulted in contentious confrontations at Board of Supervisors meetings as well as the need for the department to educate Supervisors on the legal issues involved

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- An increase of Public Records Act (PRA) requests from the public has necessitated departmental attorneys to devote an inordinate amount of time to unreimbursed services. Marin County Counsel, unlike most County Counsel offices, has organized the PRA requests and removed the burden from departments. The department is still developing efficiency methods to handle the large number of requests along with the reliance of other departments on County Counsel to provide significant assistance.
- An increase in the court's caseload for the child welfare program has resulted in a second weekly calendar for the Child Protective Services/Juvenile calendar. This has resulted in a significant increase (of at least 20 percent) in the work for designated deputy county counsels.
- The expansion of special district services has begun to tax the resources of the department. While the expected increase in revenue is welcome, the department is cognizant that the increased workload will burden attorneys. It is estimated that the increased workload could equal 40 to 50 percent of one attorney position; while opinions might be absorbed through efficiency measures, actual litigation – whether it be tort or employment law defense – will contribute to the increased workload.
- Assessment Appeals Board (AAB) requests for additional legal support: The AAB has made a new request to have an attorney present at hearings where an appellant has requested findings of fact. This request will entail an AAB attorney being present where no such presence was previously required. Since the AABs meet once per month or more, this could create a burden of seven percent of an attorney position.
- Best Practices within Health and Human Services (HHS): With the HHS Chief Assistant Director's departure and reorganization with several new key people at HHS, the department has determined that it will be necessary to assist HHS in a significant way to identify problem areas and implement best practices. It is estimated that the increase in workload from this endeavor is 10 percent of one attorney position. In addition, HHS has increasingly requested County Counsel involvement in an area called "Fair Hearings". Prior to this new request, the department was not involved in the Fair Hearings, which requires an attorney to provide legal assistance and advocacy at the hearings. At this juncture, it is unknown what the actual burden will be.
- The loss of two long-standing County Counsel III attorneys and one County Counsel IV attorney, as well as the subsequent hiring and training of new attorneys to replace their key positions, also poses a challenge.

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**VI. Performance Plan**

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

Initiative Description	Program(s)
Work closely with the Children and Family Services division of Health and Human Services by training staff on warrant protocol, other warrant issues, subpoena issues, and courtroom preparation	County Counsel
Give presentations on Personnel Management Regulations and manager responsibilities regarding discrimination and harassment reporting	County Counsel
Continue aggressive defense of civil cases to eliminate or minimize damages where the County is exposed to liability and improve quality and efficiency with an enhanced litigation team	County Counsel
Maintain a team approach (in late 2012, the department established teams in order to share knowledge, evenly divide caseloads for each attorney, provide leadership opportunities to team leaders (new in 2014), and deliver better services; the teams have now matured to the point where positive impacts are being seen in all areas)	County Counsel

## County Council FY 2014 - 16 Performance Plan

**Program:** County Council

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

<b>Workload Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Actual	Actual	Target	Target	Target
Number of Child Protective Services trainings provided	32	40	45	40	42	44
Number of Public Records Act requests handled	260	176	161	90	124	140
Number of oral opinions provided	8,754	8,430	7,932	7,356	9,000	9,360
Number of customer satisfaction surveys distributed	N/A	N/A	N/A	138	138	138
<b>Efficiency Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Actual	Actual	Target	Target	Target
Percent of cost savings in legal fees using office attorneys compared with outside counsel	45%	48%	46%	66%	60%	60%
<b>Effectiveness Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Actual	Actual	Target	Target	Target
Number of customer satisfaction surveys completed	39	n/a	n/a	39	42	138
Customer satisfaction survey rating of good or outstanding	92%	N/A	N/A	96%	98%	98%

**Story Behind Performance:**

The department has now set up a series of teams to step in as necessary to assist the responsible attorney with specialized knowledge in areas of expertise. There has been a deluge of Public Records Act requests to County departments, which are being forwarded to County Council so that departments will remain in compliance with the law.




## County Council FY 2014 - 16 Performance Plan

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

Initiative Description	Program(s)
Train existing staff attorneys to maintain outstanding litigation skills	County Council
Provide excellent support for litigation team members	County Council
Work with HR on a pilot project to reduce the number of specialized classifications by replacing with a single classification that includes a series of steps	County Council

**Program:** County Council

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

	<b>Workload Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
		Actual	Actual	Actual	Target	Target	Target
	Total number of claims received	99	110	112	80	85	85
	<b>Efficiency Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
		Actual	Actual	Actual	Target	Target	Target
	Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	100%	96%	99%	98%	98%	98%
	<b>Effectiveness Measures</b>	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
		Actual	Actual	Actual	Target	Target	Target
	Percent of claims denied	73%	81%	79%	90%	95%	95%
	Percent of claims settled	26%	19%	20%	10%	8%	8%
	Percent of annual claims resulting in lawsuits	1%	4%	1%	2%	1%	1%

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Department Goal	Countywide Goal
<b>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</b>	VI. Excellent Customer Service

Initiative Description	Program(s)
Work closely with County departments on employment law matters to ensure that departments make objective and fair decisions relating to employee discipline	County Counsel
Provide updates to clients on changes to law	County Counsel
Provide trainings to departments as necessary on significant changes to law	County Counsel

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

Initiative Description	Program(s)
Communicate effectively with County departments to ensure that they are aware of training by County Counsel	County Counsel
Advise departments that County Counsel will coordinate Public Record Act requests	County Counsel
Customer service survey will measure how effectively the department provides timely advice to other County departments	County Counsel

## County Counsel FY 2014 - 16 Performance Plan

Department Goal	Countywide Goal
<b>Goal V: Enhance revenue opportunities for the department</b>	X. Financial Responsibility

Initiative Description	Program(s)
Develop new sources of revenue through outreach to other special districts for general law advice, employment law services and litigation work	County Counsel

**Program:** County Counsel

**Objective:** Expand services to Special Districts

### Story Behind Performance:

County Counsel is hoping to expand its existing source of revenue by promoting available services to special districts. The department has already expanded services to some special district clients through handling their litigation matters. It is hoped that the special districts will see the efficiency of the department's litigation services and the resultant economic advantages.

The department has already completed one Special District presentation (January 30th, 2014) with Supervisor Sears and anticipates two more presentations. As a result of the first presentation, there was a marked increase in service requests from existing clients who attended the meeting.

Additionally, the department created a Special District brochure in January 2014 for the express purpose of marketing available services. And, finally, the County Counsel and Assistant County Counsel will meet with Special Districts who are not currently clients to determine whether there is an opportunity to gain their business.

Three new measures will be used this year to track results of these efforts:

1. Number of Special District Cases
2. Overall increase in department revenue
3. Increase in revenue from Special Districts