

1011800000—County Counsel

General Government

J. Mark Myles, County Counsel

General Fund	2017-2018 Actual	2018-2019 Adjusted	2019-2020 Requested	2019-2020 Recommended	Increase/ (Decrease)
Expenditures					
Salaries & Benefits	\$4,267,573	\$4,485,304	\$4,724,049	\$4,724,049	\$238,745
Services & Supplies	319,175	157,290	163,594	163,594	6,304
Centrally-Budgeted Expenses	77,092	95,826	75,661	75,661	(20,165)
Total Expenditures	\$4,663,840	\$4,738,420	\$4,963,304	\$4,963,304	\$224,884
Expenditure Reimbursements	(3,028,578)	(2,660,229)	(4,104,497)	(4,104,497)	(1,444,268)
Total Appropriations	\$1,635,262	\$2,078,191	\$858,807	\$858,807	(\$1,219,384)
Earned Revenues By Source					
Charges For Services	\$244,853	\$175,262	\$185,262	\$185,262	\$10,000
Miscellaneous Revenues	181	0	0	0	0
Total Revenues	\$245,034	\$175,262	\$185,262	\$185,262	\$10,000
Net County Cost	\$1,390,228	\$1,902,929	\$673,545	\$673,545	(\$1,229,384)
Staffing					
Allocated Positions	19.0	19.0	19.0	19.0	0.0
Temporary (Full-Time Equivalent)	0.7	0.0	0.0	0.0	0.0
Total Staffing	19.7	19.0	19.0	19.0	0.0

Purpose

The Office of the County Counsel provides legal services to the Board of Supervisors (BOS), County departments, and Special Districts governed by the BOS. The Office also acts as legal advisor to various boards and commissions, and prosecutes or defends all court actions of a civil nature involving the County.

Board Strategic Priorities 2019-2020 through 2021-2022

The 2019-2020 recommended budget for the Office of the County Counsel focuses on the implementation of the Board Strategic Priorities as adopted by the Board on April 9, 2019. The Board Strategic Priorities for fiscal years 2019-2020 through 2021-2022 are a continuation of the Board's original five key priorities established in 2015. The Board has updated and augmented the goals associated with these strategic priorities to reflect the Board's direction related to water issues, health, collaboration, and homelessness.

Ensure Fiscal Responsibility

The Office will continue to work closely with the BOS, the County Administrator (CAO), and County departments on significant legal matters affecting the County. County Counsel supervises and/or directly staffs significant litigation on a wide variety of matters including tort defense, civil rights claims, medical malpractice, breach of contract, water law, and employment-related claims. County Counsel provides legal and practical advice to all County departments in their day-to-day business to help achieve the overall goal of avoidance of legal disputes and the appropriate resolution of legal disputes and lawsuits, which may still occur. County Counsel's advisory and advocacy roles are key tools in liability-avoidance and adherence to fiscal responsibility.

Promote Good Governance and Increase Organizational Capabilities

As the County's advisor, County Counsel will continue to remain abreast of the ever-changing law as it affects the County's governance and its organizational efficiencies. County Counsel staff routinely assist with the preparation of policies and procedures, rules and/or regulations as required by law or best business practices. When an organization has

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effective policies and procedures in place, on which its staff can rely, it is best able to increase its organizational capabilities. The Office of the County Counsel also provides training for ethics, duties and authority, conflict of interest for designated County officers and employees, and training in utilizing the disciplinary process and for Skelly hearing officers. The Office of the County Counsel has also, on an as-needed basis, proffered the services of its legal staff to assist in the supervision and oversight of various departments or departmental divisions during management transition periods. The most recent utilization of County Counsel’s legal staff in that manner included:

- San Joaquin General Hospital’s Human Resources Division (in conjunction with staff from the County’s Human Resources Office).
- Registrar of Voters.
- Community Development Department.

Improve Public Safety and Enhance Overall Criminal Justice System

County Counsel advises and litigates on behalf of the County departments that deal with public safety including the Sheriff’s Office, District Attorney, Public Defender, Probation, Public Works, and Health Care Services.

Promote Economic Development

The Office has a full-time Deputy County Counsel who devotes a significant amount of time in advising and assisting the Community Development Department and Environmental Health Code Enforcement teams. Another Deputy County Counsel represents and advises the Employment and Economic Development Department.

Stay Informed and Proactive in Dealing with Water Issues

County Counsel works closely with the BOS, CAO, and County departments on significant legal matters affecting the County’s water concerns, including, but not limited to: water rights and governance issues concerning the San Joaquin Delta; the Sustainable Groundwater Management Act; the Twin Tunnels project (“WaterFix”); the State Water Resources Control Board Point of Diversion Hearings; and the WaterFix Bond Validation proceedings. County Counsel has, either directly, and/or with the assistance of outside counsel, kept abreast of water issues affecting not only the County, but a significant portion of Northern California. With the State of California’s growth and recurring drought issues, water will continue to be at the forefront of the County’s key concerns.

Major Budget Changes

Salaries & Employee Benefits

- \$288,745 Salary and benefits adjustments.
- (\$50,000) One-time leave payout in 2018-2019.

Services & Supplies

- \$5,350 Rent on newly acquired copier/printer.

Centrally-Budgeted Expenses

- (\$16,496) Decrease in data processing charges.

Expenditure Reimbursements

- \$1,444,268 Cost Allocation Plan adjustment.

Program Discussion

The 2019-2020 recommended budget for the Office of the County Counsel totals \$4,963,304, which is an increase of \$224,884 from the 2018-2019 adjusted budget. The increase is primarily due to salary and benefits adjustments offset by a decrease in budgeted leave payout costs.

In 2018-2019, the Office of the County Counsel assisted in the development of the Homeless Encampment Management Policy, the development of the Office of the Medical Examiner, and helped draft the hemp cultivation urgency ordinance.

During 2019-2020, the Office of the County Counsel will continue to work on significant legal matters affecting the County including the governance and operations of San Joaquin General Hospital; continued legal efforts related to business development at the Airport; water rights and governance issues concerning the San Joaquin Delta and the “WaterFix”, significant labor issues; cannabis policies; the transition of the Coroner’s Office to the Office of the Medical Examiner; implementation of the Homeless Encampment Management Policy; and implementation of the hemp cultivation ordinance.

County Counsel will continue to provide the following:

- Supervise and staff litigation on a wide variety of matters including tort defense, civil rights claims, medical malpractice, breach of contract, and employment-related claims.

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- Coordinate internal and external risk management services for the County.
- Assist with the preparation of policies and procedures for required and optional ethics, duties and authority, and conflicts of interest training for designated County officers and employees.
- Legal and practical advice to all County departments in their day-to-day business to help achieve the overall goal of avoidance of legal disputes and the appropriate resolution of any legal disputes and lawsuits, which may still occur.
- Litigation defense and related services to the County and its officials and employees, while maintaining its efforts to increase the number of litigated cases retained and defended by in-house attorneys, thereby decreasing the number of cases that are referred to outside litigation counsel at a considerably higher cost to the County.

Workload Data

	-----Actual-----			Est./Act. 2018-2019	Projected 2019-2020
	2015-2016	2016-2017	2017-2018		
Attorney Hours					
<i>Community Development & Public Works Issues</i>	983	940	1,020	999	1,350
<i>Contract Issues</i>	1,333	1,450	1,450	2,365	2,080
<i>County Administration Issues</i>	2,524	2,412	2,500	1,829	2,120
<i>Health & Public Assistance Issues</i>	3,616	3,384	3,500	3,122	3,200
<i>Labor Relations Issues</i>	2,280	2,600	2,600	2,763	2,525
<i>Law and Justice Issues</i>	2,068	2,126	2,100	1,586	1,650
<i>Litigation Hours</i>	7,883	7,600	7,200	7,754	7,850
<i>Retirement Issues</i>	560	444	580	557	590
<i>Revenue Issues</i>	947	948	950	844	850
<i>Water & Special District Issues</i>	101	60	110	36	50
Total Attorney Hours	22,295	21,964	22,010	21,855	22,265