



FY 2018-19

BUDGET WORKSHOP

COUNTY COUNSEL

Michael Ghizzoni
Department Director

Legal Services

ONE COUNTY. ONE FUTURE.

KEY CHALLENGES / EMERGING ISSUES

- Effective legal support to the long-term disaster recovery needs more legal resources and/or broader “holds” on other projects.
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- At the same time, we are litigating multiple high-value cases -- including \$3.8 billion of property tax assessment appeals -- and supporting more than \$245 million of capital projects.
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- It increases risk to cut legal support to functions that actually do not “scale down” during budget cuts; & our weekend workload already is unsustainable.

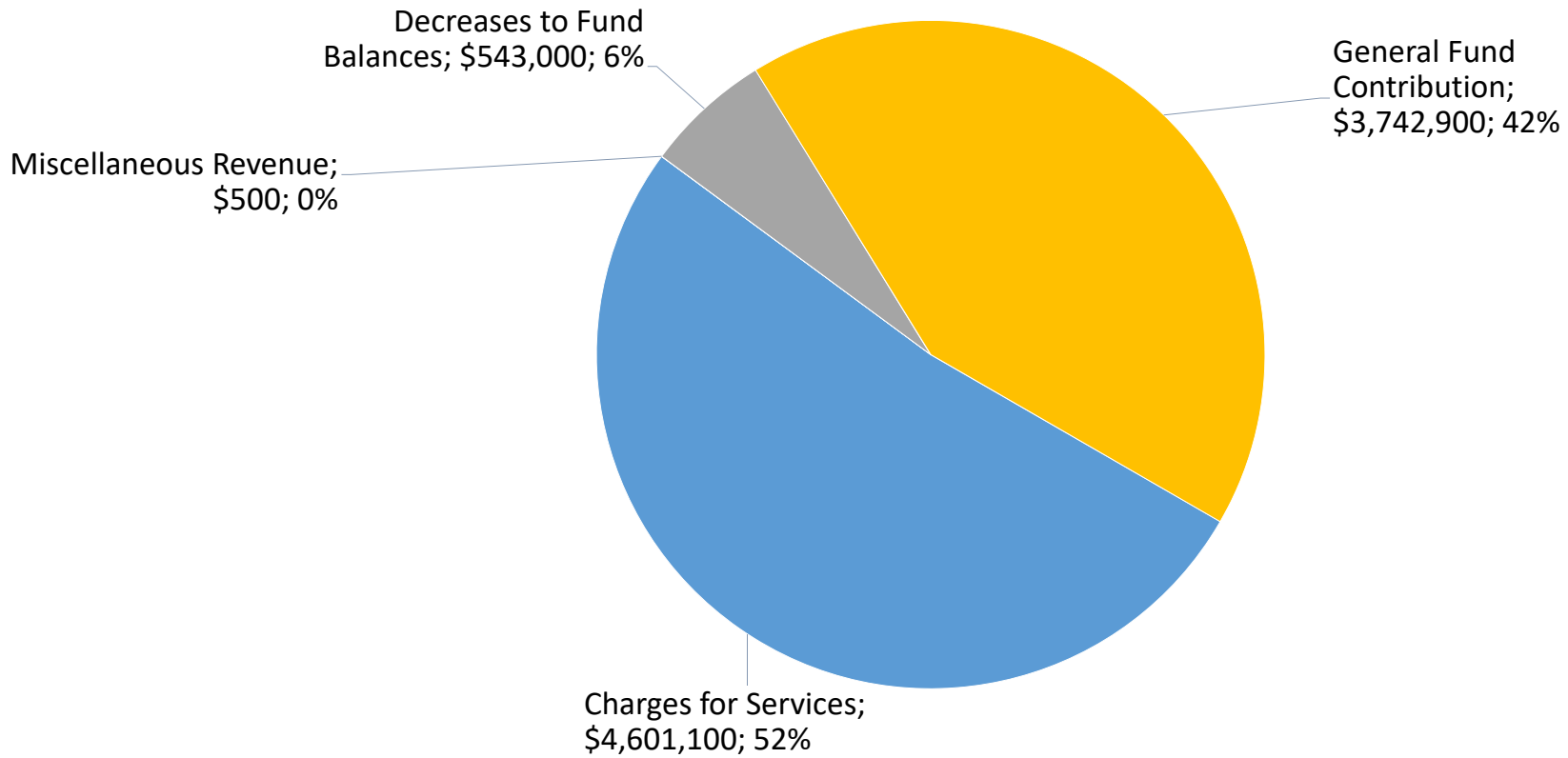


SUMMARY

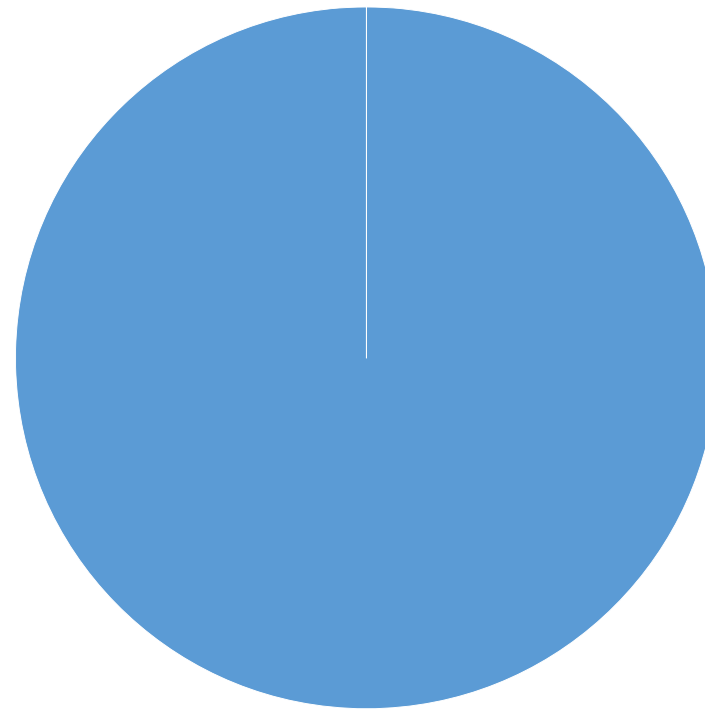
Operating	\$ 8,887,500
Capital	\$ 0
General Fund	\$ 3,742,900.
FTEs	39.0
Use of One-Time for Ongoing Operations	\$ 0
Service Level Reductions	\$ 159,800
Restoration Requests	\$ 176,750
Expansion Requests	\$ 105,450



FY 2018-19 SOURCE OF FUNDS



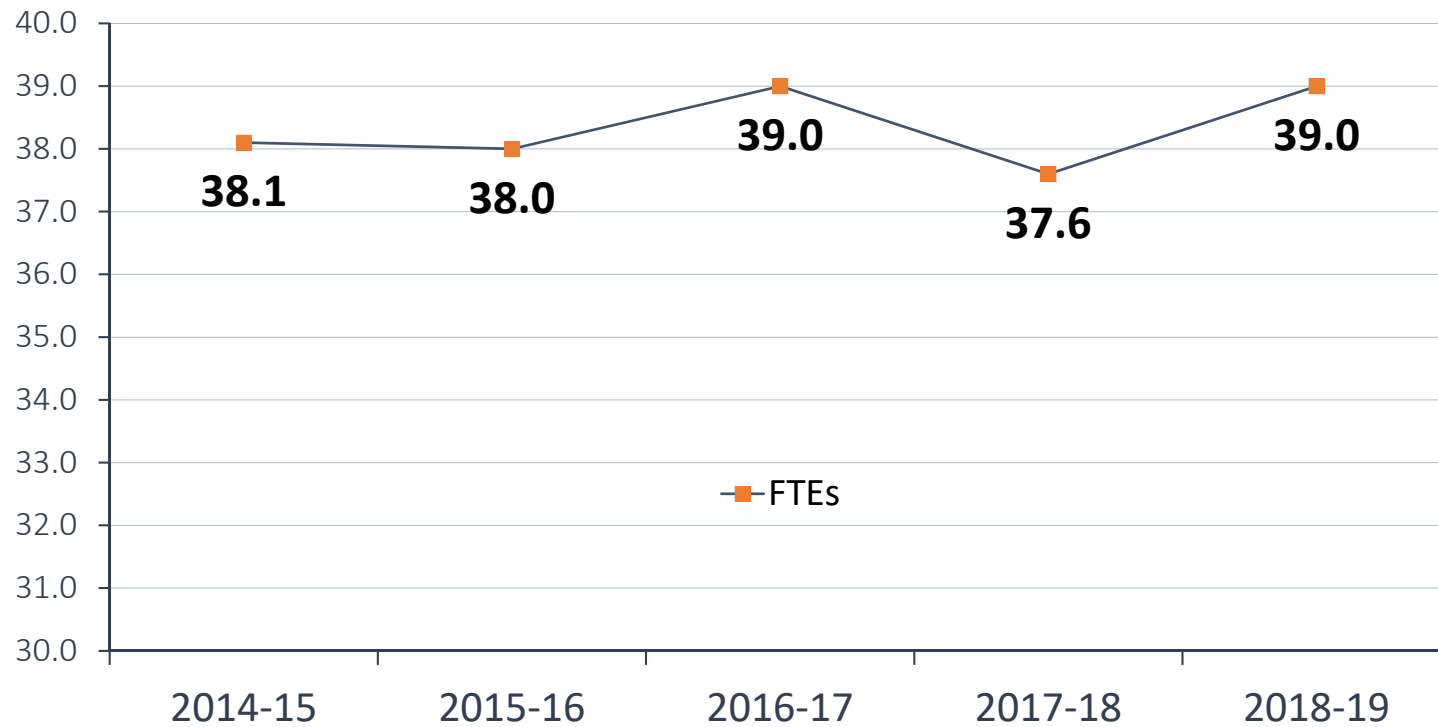
FY 2018-19 USE OF OPERATING FUNDS



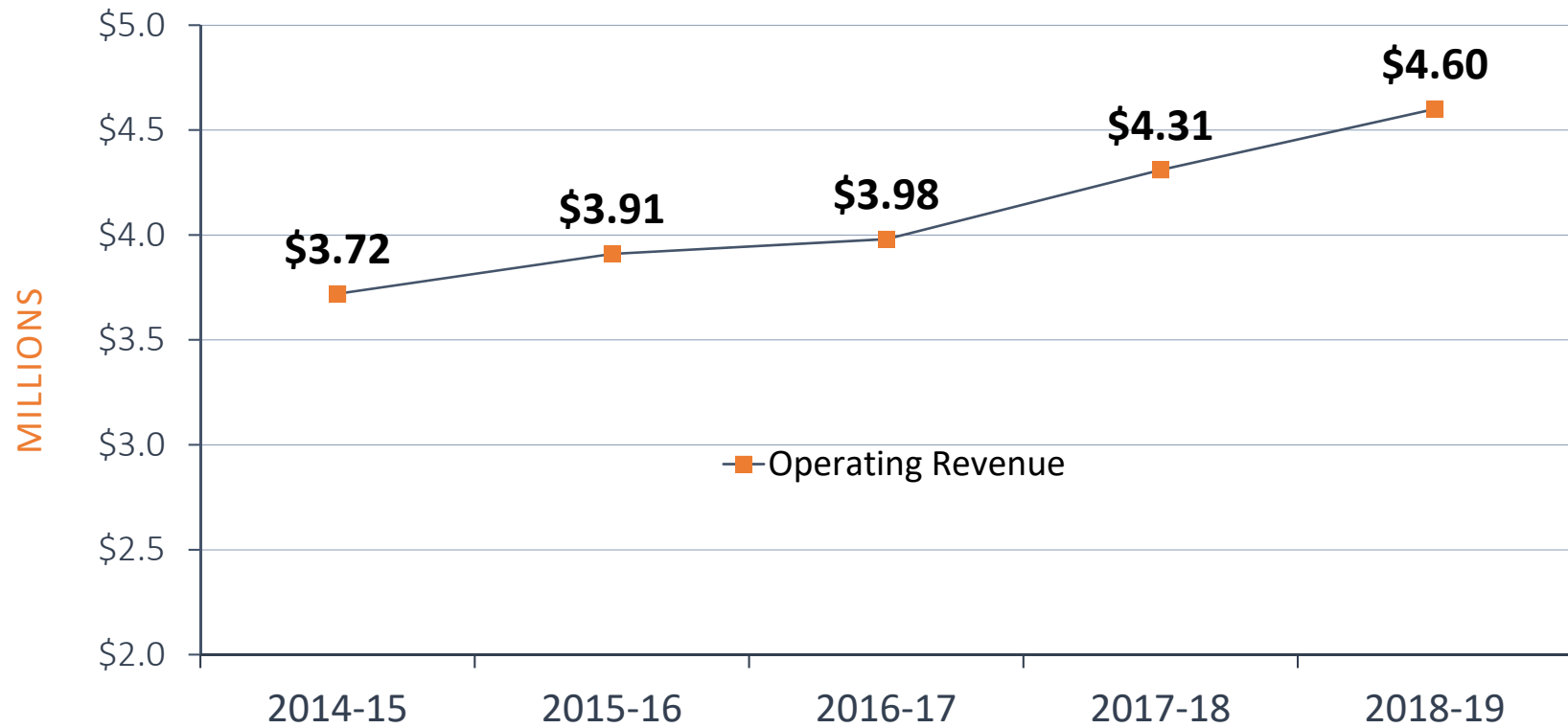
Legal Services;
\$8,887,500; 100%



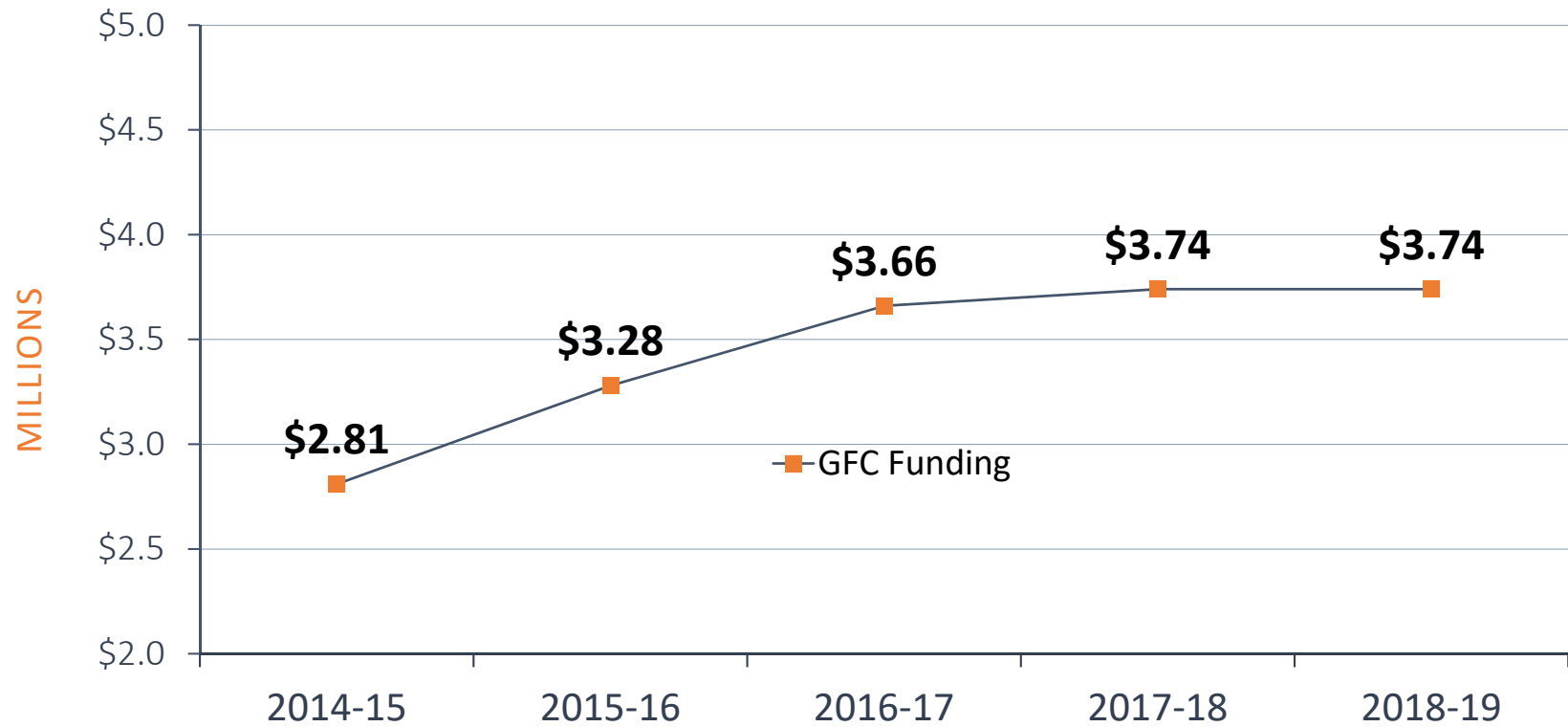
STAFFING SUMMARY



OPERATING REVENUE | 5-YEAR SUMMARY



GFC | 5-YEAR SUMMARY



FY 2017-18 ANTICIPATED ACCOMPLISHMENTS

- Prevailed in litigation against United Launch Alliance that protected \$2.53 billion of property tax valuation; one-time share for General Fund and County Fire totals about \$6.3 million
- Created the “Urgency Ordinance” that allowed “direct federal assistance” to clear clogged streams below the Thomas Fire
- Provided extensive legal support to the “Camp 4” agreement, and then quickly overcame *ex parte* litigation challenges



FY 2017-18 ANTICIPATED ACCOMPLISHMENTS

- Completed multiple other major “land use” projects, including: 1) cannabis regulation and taxation; 2) Guadalupe Dunes lease termination, through which the County received \$3 million for acquiring about 57 acres of mitigation property; 3) approvals and contracts for Revised Tajiguas Resource Recovery Project; and 4) compelled Venoco, through bankruptcy litigation, to remove 71,400 gallons of crude oil that was stranded in New Line 96
- Resolved 24 civil rights and tort liability cases for a total payout of less than \$430,000, including 16 with no County payout at all; the “published” *Shafer* case is precedent for “qualified immunity”



FY 2018-19 OBJECTIVES

- Provide timely legal support to the long-term disaster recovery, which now includes significant permitting and rebuilding issues
- Prevail in \$3.8 billion of property tax assessed value appeals; examples: United Launch Alliance; ERG Operating Company; and Exxon Corporation
- Support \$245 million of capital projects: Northern Branch Jail; Tajiguas Resource Recovery Project; and South Coast Recycling and Transfer Station's new stormwater diversion system



FY 2018-19 OBJECTIVES

- Defend against a class action lawsuit about the Main Jail’s “conditions of confinement,” and 46 other litigation cases
- Provide legal support for renewal of the Water Service Contract -- the “Cachuma Project” -- which otherwise expires in 2020
- Prevail in litigation against \$8.9 million of costs disallowed by State Medi-Cal audits



PERFORMANCE MEASURES

DESCRIPTION	2015-16 ACTUAL	2016-17 ACTUAL	2017-18 EST. ACTUAL	2018-19 RECOMMENDED
The percentage of litigated cases which resolve at 85% or less than the amount reserved by Risk: Target = 85%.	96% 22/23	85% 17/20	94% 30/32	94% 30/32
The percentage of litigated cases resolved without payment to plaintiff: Target = 60%.	68% 13/19	67% 20/30	73% 22/30	73% 22/30
The percentage of departmental Employee Performance Reviews (EPR's) completed by the due date.	84% 31/37	97% 36/37	88% 35/39	100% 39/39



RENEW '22 | FY 2018-19 IMPLEMENTATION

Proposals that are consistent with existing BOS policy or direction

- Automate responses to Public Records Act requests

Ideas that involve a change in BOS policy or direction

- Delegate \$50,000 of litigation settlement authority to County Counsel



RENEW '22 | FY 2018-19 IMPLEMENTATION

Delegate \$50,000 of Litigation Settlement Authority to County Counsel

- Board “directs and controls” litigation in which the County is a party. (Gov. Code § 25203.)
- But, Board may delegate its litigation settlement authority. (Gov. Code § 949.)

Pros

- Decrease the time presently spent taking small litigation cases to Closed Session; and
- Increase the County’s agility with litigation, especially with early Case Management Conferences, by de-linking initial litigation deadlines from the Board’s meeting schedule

Cons

- Reduced Board direction and control, but with safeguards and only in cases below \$50,000

Next Step

Prepare draft \$50,000 delegation resolution for Open Session, with delegation safeguards



FY 2018-19 SERVICE LEVEL REDUCTIONS

	PROGRAM – DESCRIPTION OF REDUCTION	POSITION IMPACT	AMOUNT (GFC)	AMOUNT (NON-GFC)
1	Legal Services: Legal Office Professional. This regular position became vacant on 3/12/18, through a retirement.	1.0 FTE	\$71,300	N/A
2	Legal Services: Senior Deputy County Counsel. This extra-help position is filled.	0.5 FTE	\$88,500	N/A
Total		1.5 FTE	\$159,800	N/A



RESTORATION / EXPANSION REQUESTS

	DESCRIPTION OF REQUEST	FTE(s)	AMOUNT (GFC)	AMOUNT (NON-GFC)
1	<u>Restore</u> Legal Office Professional I. Otherwise, more attorneys -- and more expensively -- will do more of their own document scanning, filing and form preparation. Request ongoing GFC.	1.0	\$71,300	N/A
2	<u>Restore</u> 0.5 FTE Deputy County Counsel and <u>expand</u> another 0.5 FTE into a 1.0 FTE Deputy County Counsel IV. Otherwise, it will worsen trade-offs that we already are making to provide legal support to long-term disaster recovery operations. Request ongoing GFC.	1.0	\$210,900	N/A
Total		2.0	\$282, 200	N/A



SUMMARY

- Effective legal support to the long-term disaster recovery needs more legal resources and/or broader “holds” on other projects.
- It increases risk to cut legal support to functions that actually do not “scale down” during budget cuts; & our weekend workload already is unsustainable.
- “An ounce of prevention is worth a pound of cure.” *B. Franklin.*

