2016-2018 BUDGET WORKSHOP

County Counsel

Michael Ghizzoni
County Counsel

Legal Services
Overarching Business Trends

• More legal advice for major projects, all at the same time:
  ▲ $ 96 million Northern Branch Jail;
  ▲ $125 million Tajiguas Project; &
  ▲ Multiple “water” and “land use” issues

• Plus, more high-value litigation, also all at the same time:
  ▲ United Launch Alliance appeals; &
  ▲ Chumash fee-to-trust appeals

• Means unsustainable 6-day workweeks for many attorneys
Summary

- Operating $ 7,548,280
- General Fund $ 3,375,500
- FTE’s 37.5: 1 less attorney than 2015
- Use of One Time for Ongoing Ops $0
- Service Level Reductions $ 257,415
- Expansion Requests $ 439,523
FY 16-17 Use of Operating Funds

Legal Services,
$7,548,280,
100%
Staffing Summary

- # 38.5 FY 15-16 Adopted
- # 37.5 FY 16-17 Recommended; FY 17-18 Proposed
GFC 5 Year Summary

Millions

$0.00 $0.50 $1.00 $1.50 $2.00 $2.50 $3.00 $3.50 $4.00

12-13 13-14 14-15 15-16 16-17

$2.27 $2.43 $2.81 $3.28 $3.38

GFC Funding
FY 2015-16 Anticipated Accomplishments

- May 2015 Refugio Oil Spill:
  ▲ Protected County’s land use permitting controls; &
  ▲ Recovered 100% of $1.7 million claimed to date
- United Launch Alliance: Enforcing $3.56 billion property tax dispute
- Northern Branch Jail & Tajiguas projects: Continued progress
- Chumash: Fee-to-trust appeals, plus Board’s ad hoc subcommittee
- May 2014 Isla Vista shooting cases: all four dismissed
- Public Guardian: protected discretion for conservator placement
- Court of Appeal of California: Prevailed in 10 of 11 cases
- Resolved 8 Workers’ Comp “tail claims:” Freed up $1.7 million of reserves
FY 2016-18 Objectives

• Legal support for concurrent, major construction projects:
  ▲ $96 million Northern Branch Jail Project; &
  ▲ $125 million Tajiguas Resource Recovery Project

• Enforce $3.56 billion tax valuation dispute against U.L.A.

• Advise on “water” issues, including Sustainable Groundwater Management Act actions which have deadlines approaching:
  ▲ 6 / 2017: Groundwater Sustainability Agency decisions; &
  ▲ 1 / 2020: first Groundwater Sustainability Plan
FY 2016-18 Objectives

- Defend against 4 civil rights and tort cases already set for trial
- Resolve 17 remaining Workers’ Compensation “tail claims”
- Prevail in other litigation: 1) Zoom Properties; 2) Mosby; 3) fee-to-trust appeals; & 4) recover $8.2 million of disallowed Medi-Cal costs
- Refugio Oil Spill:
  ▲ Support Natural Resource Damage Assessment process;
  ▲ Work closely with PHMSA, for good information; &
  ▲ Prepare to litigate against Plains for any unpaid damages;
- Advise on significant “land use” projects
## Performance Measures

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<tbody>
<tr>
<td>Legal Services Program</td>
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<td>The percentage of litigated cases which resolve at 85% or less than the amount reserved by Risk: Target = 90%</td>
<td>95% 18/19</td>
<td>86% 6/7</td>
<td>96% 22/23</td>
<td>91% 21/23</td>
<td>91% 21/23</td>
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<td>The percentage of litigated cases resolved without payment to plaintiff: Target = 60%</td>
<td>70% 14/20</td>
<td>68% 13/19</td>
<td>61% 14/23</td>
<td>65% 11/17</td>
<td>65% 11/17</td>
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<td>Percent of departmental Employee Performance Reviews (EPRs) completed by the due date</td>
<td>N/A</td>
<td>N/A</td>
<td>84% 31/37</td>
<td>100% 37/37</td>
<td>100% 37/37</td>
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FY 16-17 Efficiencies

- **Contract Improvement Workgroup:** Continue work to improve efficiency & enforceability of the County’s contracting process

- **Personnel Actions:** Litigation avoidance
  - Preventative training for Department Heads; &
  - Advice in person to Departments considering terminations

- **Litigated Workers’ Comp “tail claims:”** Economically resolve 17 remaining cases:
  - Will end County’s future liability for these cases;
  - Will reduce County’s Workers’ Comp premiums
## FY 16-17 Service Level Reductions

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<tr>
<th>Program – Description of Reduction</th>
<th>FTEs</th>
<th>$ Amount</th>
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<tr>
<td>1. Legal Services: Unfunding Senior Deputy County Counsel, vacant since January 31, 2016, to meet budget target</td>
<td>(1.0)</td>
<td>$257,400</td>
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Key Challenges & Emerging Issues

- Challenge #1: Growing volume of simultaneous, high-value items
- Challenge #2: Meeting demands only via unsustainable overtime
  ▲ 1/3 of our attorneys regularly work 6-day workweeks
- Emerging Issue #1: Workforce planning in a “2% at 57” system:
  ▲ 1/3 of our current employees ≥ 57 years old
  ▲ Orderly knowledge transfer is essential, but takes time
Budget Enhancement Requests

• **Priority #1:** Restore 1.0 FTE Senior Deputy County Counsel
  ▲ General Fund ongoing funding source: $257,415
  ▲ Avoid cuts of legal support to General Fund departments
  ▲ Reduce unsustainable “overtime exempt” attorney overtime

• **Priority #2:** Add 1.0 FTE Deputy County Counsel III
  ▲ General Fund ongoing funding source: $154,108
  ▲ Improve ability to simultaneously litigate multiple GF cases
  ▲ Reduce unsustainable “overtime exempt” attorney overtime

• **Priority #3:** Add $28,000 of General Fund for “flex promotions”
Summary

• Not staffed for growing volume of simultaneous high-value items

• Using unsustainable overtime will not defy the “Iron Triangle:”

• “An ounce of prevention is worth a pound of cure.”

Benjamin Franklin