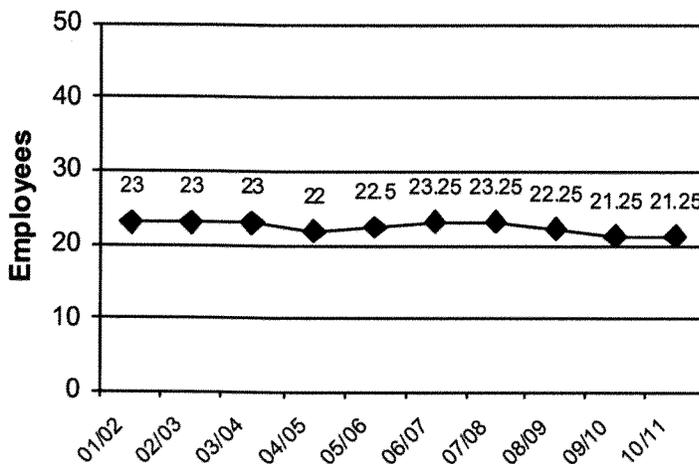


MISSION STATEMENT

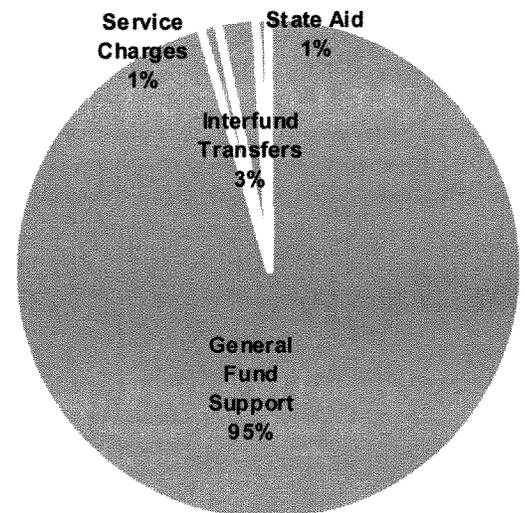
To provide accurate and reliable legal services to County departments, boards, agencies, and special districts in a manner which is cost effective and promotes excellence in delivery of government services to the public.

<u>Financial Summary</u>	2008-09 <u>Actual</u>	2009-10 <u>Actual</u>	2010-11 <u>Requested</u>	2010-11 <u>Recommended</u>	2010-11 <u>Adopted</u>
Intergovernmental Revenue	\$ 1,620	\$ 448	\$ 2,356	\$ 3,032	\$ 3,032
Charges for Current Services	76,901	63,725	36,800	36,800	36,800
Other Revenues	211	270,553	0	0	0
Interfund	130,060	145,600	98,000	98,000	98,000
**Total Revenue	\$ 208,792	\$ 480,326	\$ 137,156	\$ 137,832	\$ 137,832
Salary and Benefits	3,195,576	3,178,605	3,394,204	3,292,341	3,292,341
Services and Supplies	298,762	523,618	265,578	242,378	242,378
**Gross Expenditures	\$ 3,494,338	\$ 3,702,223	\$ 3,659,782	\$ 3,534,719	\$ 3,534,719
Less Intrafund Transfers	0	15,120	0	0	0
**Net Expenditures	\$ 3,494,338	\$ 3,687,103	\$ 3,659,782	\$ 3,534,719	\$ 3,534,719
General Fund Support (G.F.S.)	<u>\$ 3,285,546</u>	<u>\$ 3,206,777</u>	<u>\$ 3,522,626</u>	<u>\$ 3,396,887</u>	<u>\$ 3,396,887</u>

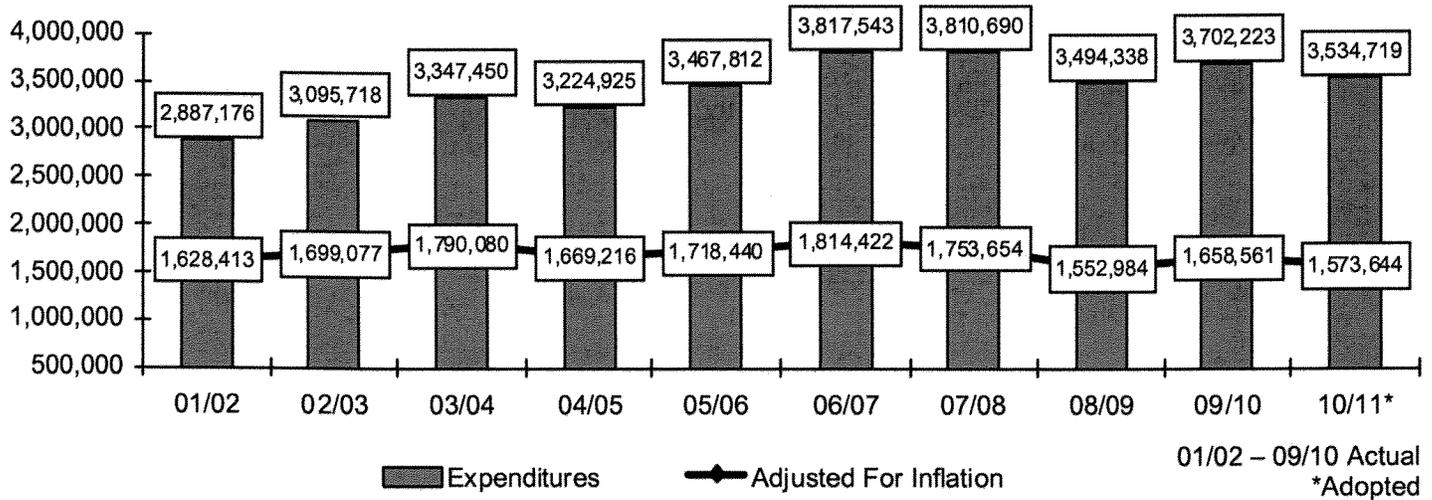
**Number of Employees
(Full Time Equivalent)**



Source of Funds



10 Year Expenditures Adjusted For Inflation



SERVICE PROGRAMS

Litigation

Defend the County and special districts and provide litigation services in complex lawsuits including tax, personnel, contract, and land use matters to minimize liability and maximize County recovery. Represent the County and protect the interests of the client in cases that address the special needs of fragile populations in the community (children referred to Child Welfare Services, residents receiving mental health care and individuals requiring conservatorship), as well as estates without probate representation.

Total Expenditures: \$1,413,888 Total Staffing (FTE): 8.50

Legal Advice

Provide representation and legal advice to the Board of Supervisors, approximately 70 County boards, commissions, departments, agencies, or divisions (including 3 joint powers agencies to which the County belongs), and to the managers of approximately 20 Board governed special districts, as well as certain legal services to approximately 15 non-Board governed special districts. Conduct legal research; draft, review, and approve agreements, contracts, and projects; and advise County officers regarding their legal responsibilities under federal and state law. Protect the County and its officers from liability and enable the Board of Supervisors to carry out its programs and policies within the limits of the law.

Total Expenditures: \$2,120,831 Total Staffing (FTE): 12.75

DEPARTMENT COMMENTS

FY 2009-2010 Key Accomplishments

Internal Business Improvements: The Department has continued to automate processes where possible, such as by use of the County's document management system. We also participate with the County Counsels' Association and California State Association of Counties (CSAC)-Excess Insurance Authority (EIA) in sharing our common legal resources through state-of-the-art websites, secure e-mail transmissions, brief banks and electronic opinion libraries. County Counsel continues to participate with the County Counsels' Association in improving these electronic resources. Given the availability of electronic research resources, and budgetary limitations, we are scaling back on the number of hardcover publications and periodicals that we are maintaining (periodic updating is necessary to make the publications reliable, and it is a significant expense). We are continuing to interact with individual Department Heads to identify opportunities to provide improved service to our clients.

Finance: Through preventative and proactive legal advice, our office strives to save County resources. Also, through effective litigation representation, we not only endeavor to defend County decisions, but also to preserve County assets. The department's budget is monitored throughout the fiscal year to stay within expenditure limits. For the 2009-10 fiscal year, the department's expenditures will be substantially below the budgeted amount due to unplanned salary savings, which resulted from (i) unplanned temporary leaves taken by an employee, (ii) a mid-year retirement, and (iii) an attorney position kept vacant to assist with the budget crisis.

Customer Service: During FY 2009-10 we have obtained favorable judgments or settlements in numerous cases, including the following: *Mainous v. County* (employment dispute), *Limon v. County* (construction incident), *Friends of Oceano Dunes v. County* (land use), *Warren v. County* (former landfill), *North County Watch v. County* (Brown Act allegation), *Almond Heights v. County* (certificates of compliance) and *Wilcox v. County* (employment dispute). It is projected that the Child Welfare unit will have processed more than 700 dependency petitions, trials and mediations during FY 2009-10.

Significant transactional work accomplished for our clients included the following projects: legal advice regarding financing, design, acquisition of property and right-of-way, and construction of the Nacimiento Water Project, and the Los Osos Wastewater project; and legal advice regarding major General Plan amendment projects, multiple court facilities transfers, acquisition of Pirates Cove, and negotiations regarding Oceano Dunes.

In addition to these major items of work, we have continued to participate in all meetings and activities of the Board of Supervisors, the Planning Commission, the Civil Service Commission, the Assessment Appeals Board, and numerous other boards and commissions of the County, reviewing all items on their meeting agendas in advance to ensure that the items comply with all legal requirements, and assisting the members of all of these boards and commissions in the consideration of these items.

Finally, on an ongoing basis, we provide legal advice to all County departments and a few outside agencies (San Luis Obispo Council of Government (SLOCOG) and San Luis Obispo Regional Transit Authority (SLORTA) on the wide range of issues they face, including interpretation of legal mandates, review of proposed contracts and other legal documents, analysis of the legal aspects of complex transactions and situations, and development of legally defensible approaches to the resolution of complex problems.

Learning and Growth: In order to maintain their licenses to practice law and to be fully informed on the state of the law, our attorneys participated in mandatory continuing legal education. Much of this training was done through our California County Counsels' Association, which sponsors low-cost section conferences in a number of areas of our legal practice.

Major Focus for FY 2010-2011

Internal Business Improvements: The Department continues to be fully committed to Integrated Document Management (IDM) 2.0, the County's newest document management system. County Counsel continues to participate with the County Counsels' Association in improving the electronic resources mentioned previously. We will continue our meetings with individual Department Heads to identify opportunities to provide improved service to our clients.

Finance: To the extent feasible, with respect to matters outside of the Risk Management Program, County Counsel seeks to reduce the use of outside counsel (which is generally more expensive than County Counsel) and to handle such matters in-house in order to preserve County assets. We will continue the effort to scale back on the number of hardcover publications and periodicals that we are maintaining (periodic updating is necessary to make the publications reliable, and it is a significant expense).

Customer Service: Our focus for the upcoming fiscal year is to assess the effects of the budget cuts and staff reductions and adjust assignments to successfully meet the effects of those reductions on the continuing demands for County Counsel services, including the following anticipated major projects, among many others:

1. Los Osos Wastewater Project – plan, finance, and construct a major waste water system.
2. Nacimiento Water Project – completion of construction of a major water project.
3. Child Welfare Services – protection of abused and neglected children.

- 4. Conservation and Open Space Element Update.
- 5. Land Use and Circulation Element Rural Area Update.
- 6. Shandon Area Plan Update.
- 7. Labor Relations.

Learning and Growth: In order to maintain their licenses to practice law and to be fully informed on the state of the law, our attorneys must participate in continuing legal education and we will continue to utilize the lower cost conferences offered through our California County Counsels' Association, to the maximum extent possible.

COUNTY ADMINISTRATOR'S COMMENTS AND RECOMMENDATIONS

The FY 2010-11 General Fund support budget for County Counsel is recommended to decrease by 5% or \$181,125 from budgeted FY 2009-10 levels. Revenues are recommended to decrease by 10% or \$16,324 over FY 2009-10 primarily due to a projected reduction in hours billed to the San Luis Obispo Council of Governments (SLOCOG), the San Luis Obispo Regional Transit Authority (SLORTA) and Public Works – Nacimiento Project. Overall expenditures are recommended to decrease by \$197,449 or 5% compared to FY 2009-11 adopted amounts due, in part, to a 4% (\$171,364) reduction in salary and benefits accounts. Various factors contributed to this decrease including hiring at lower levels such as funding a Deputy County Counsel IV at the III level, internal promotions which leave lower level positions vacant and reducing a vacant Administrative Assistant/Legal Clerk Confidential position to non-confidential status. As a result of these reductions, it is anticipated that there will be delays in work turn-around time to departments as well as outside agencies. Service and supply accounts are recommended to decrease by 9% or \$26,085 over FY 2009-10 adopted levels. The majority of these latter reductions are needed to achieve the General Fund reduction noted above and services level impacts should be minimal as a result.

BOARD ADOPTED CHANGES

None

GOALS AND PERFORMANCE MEASURES

Department Goal: Provide exemplary litigation services, defending decisions and advocating positions of our clients to assist those clients in achieving their objectives.							
Communitywide Result Link: A prosperous and well-governed community.							
1. Performance Measure: Cases litigated where we achieve a positive outcome determined as follows below.							
05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target	
50 Resolved 164 Pending	59 Resolved 139 Pending	21 Resolved 161 Pending	44 Resolved 148 Pending	50 Resolved 150 Pending	49 Resolved 162 Pending	75 Resolved 150 Pending	
What: Defend Board of Supervisors legislative and executive decisions. Uphold County officers' decisions. Protect County assets.							
Why: To implement governmental decisions and protect County proprietary interests.							
How are we doing? As of the end of the FY 2009-10, 49 litigation files have been closed. We are currently managing or overseeing 162 lawsuits and administrative proceedings. Approximately 25 of these lawsuits relate to property issues regarding the Nacimiento Water Project. These figures do not include conservatorships, juvenile cases or mental health petitions. A complete listing of significant litigation cases is available in the County Counsel's Office.							
Department Goal: Represent the County and advocate to protect the interests of the client in cases which address the special needs of fragile populations in the community (children referred to Child Welfare Services, residents receiving mental health care and individuals requiring financial conservatorship), as well as estates without probate representation. No comparable county data is available.							
Communitywide Result Link: A safe and well-governed community.							

2. Performance Measure: Proceedings in which legal advice is provided to Child Welfare Services (CWS) and advocate representation is provided in court to assure that the law is followed while attempting to achieve results that are in the best interest of the child.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
497	574	459	629	500	700	600

What: A large number of proceedings are handled annually by CWS to protect the children of our community. County Counsel provides legal representation in all court appearances for CWS matters.

Why: If strong legal representation is provided to CWS in these matters, then CWS will be successful in protecting the abused and neglected children of our community.

How are we doing? County Counsel represents CWS by providing legal advice that enables the Department of Social Services to serve the children of the community, training social workers, meeting legal deadlines, making court appearances on behalf of the Department and complying with the law, which will lower the occasion of cases overturned on appeal. In FY 2009-10, proceedings that related to Child Welfare Services matters, including petitions filed, contested hearings, mediations and trials that result from those cases were higher than the adopted figure. These figures are a direct result of the number of petitions being filed and the mediations and trials that follow. No comparable county data is available. In addition to the proceedings we have tracked and reported on in prior years, the number of writs and appeals are much higher than last year. The legally required responses to these documents are quite time consuming.

3. Performance Measure: Cases involving people who are unable to care for themselves in which County Counsel represents the County to assure that the law is followed while attempting to achieve results that are in the best interest of the individual as determined by the Public Guardian, Public Administrator or Department of Behavioral Health.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
262	190	158	162	180	143	150

What: The Public Guardian is appointed as Conservator on an ongoing basis for individuals where it has been determined by the Court that they cannot care for themselves. The Department of Behavioral Health assists individuals in urgent short-term mental health situations such as Habeas Corpus matters, where it comes to the authorities' attention that the individual needs immediate assistance and are detained (for not more than 72 hours) until a judge makes the determination as to whether or not they are able to care for themselves. The Public Administrator is appointed by the Court to assist in the disposition of the estate of a decedent where no executor is available. County Counsel is involved in these matters in order to assure that the law is complied with while protecting the rights of those members of our community who are unable to make their own decisions or care for themselves. County Counsel provides legal representation in all court appearances for these matters.

Why: If good legal representation is provided in these matters, the Public Guardian and Public Administrator will be successful in assuring the care of those in the community who are unable to care for themselves and the Department of Behavioral Health will be more likely to improve the mental stability of its patients.

How are we doing? During FY 2009-10, there were 27 Habeas Corpus matters handled by County Counsel. There are 107 ongoing/active conservatorship cases, as well as nine estate matters from the Public Administrator. The number of conservatorship cases holds fairly steady, though their complexity continues to be at an elevated level, resulting in many more hours of preparation and increased court appearances than in years past. No comparable county data is available.

Department Goal: Provide accurate, timely, and reliable document review and legal advice for County boards, commissions, departments, and agencies in order to help these clients achieve their objectives without unnecessary litigation or loss.

Communitywide Result Link: A prosperous and well-governed community.

4. Performance Measure: Percentage of clients who report advice provided by attorneys was clear, relevant and timely.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
99%	99%	95%	95%	99%	95%	99%

What: Based on interviews with County Department representatives during the yearly attorney evaluation process as well as frequent contact with managers and staff of client departments.

Why: Each of our clients operates under a highly technical set of governing laws and regulations. By helping them understand and meet their legal obligations, we help them serve the community, State and nation.

How are we doing? These figures are based on comments from clients during the fiscal year indicating that the advice given them was clear, relevant and timely. Beginning with FY 2007-08, Actual Results are calculated by comparing the number of clients the department represents (106) with the comments received. Earlier years were compared to the number of requests for legal advice received. The department feels that this more accurately reflects the results of the performance measure and will continue to use this process to calculate the figures. These results have remained fairly steady. No comparable county data is available.

5. Performance Measure: Percentage of projects in which the response to requests for legal advice or contract review are completed within five working days.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
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96% 98% 97% 96% 97% 98% 98%

What: Review a variety of legal documents, conduct research, and render opinions as requested, within a time period as determined by an initial review of each particular document. It is our intent to be in contact with the requestor or respond to each written request for legal advice within five working days.

Why: To assist our clients in achieving their objectives as expeditiously as possible.

How are we doing? During FY 2009-10 there were 3,276 requests for legal advice submitted by various departments. Some of the requests for legal advice require considerable time to complete due to their complexity or necessary research. A complete listing of major projects currently being handled is available in the County Counsel's Office. These results have remained fairly steady. No comparable county data is available.

6. Performance Measure: Percentage of contracted projects and Board of Supervisors agenda items completed without litigation.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
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99% 99% 99% 99% 99% 99% 99%

What: All contracts and agreements are reviewed and approved prior to being presented at the Board of Supervisors meetings. These contracts and agreements pertain to a variety of issues, including capital projects, services, land use, etc. This office provides continuous legal advice while the contract is being administered, as well. All land use planning issues before the Board are reviewed by this office and advice is provided on all such items.

Why: Providing good legal advice in the review and administration of contracts tends to inversely correlate with the number of lawsuits filed challenging the approval or administration of those contracts. Approval and administration of the contracts without litigation helps our clients to achieve objectives and creates a significant savings for the County.

How are we doing? In FY 2009-10 there were six lawsuits filed that involve the County and were a result of contracted projects and/or Board of Supervisors agenda items. The Board considered approximately 900 agenda items and/or contracted projects during this fiscal year, all of which are reviewed by County Counsel. These results have remained fairly steady. No comparable county data is available.

Department Goal: Provide effective legal representation to County boards, commissions, departments, and agencies in a cost-effective manner.

Communitywide Result Link: A prosperous and well-governed community.

7. Performance Measure: County Counsel expenses as a percentage of the County Budget.

05-06 Actual Results	06-07 Actual Results	07-08 Actual Results	08-09 Actual Results	09-10 Adopted	09-10 Actual Results	10-11 Target
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.83% .78% .78% .66% .78% .69% .76%

What: This measure shows the relationship of County Counsel expenses to the County's budget by dividing the County Counsel net County cost by the County's total budget.

Why: County Counsel strives to keep costs as low as possible, while providing effective legal advice and representation to its clients.

How are we doing? County Counsel's day-to-day operating budget continues to stay fairly consistent with prior years. Expenditures are monitored closely throughout the year. County Counsel generally requires an adjustment in the salaries and benefits accounts at year-end to cover prevailing wage increases for the year. Because the department has had a vacant attorney position as well as clerical leaves of absence and a retirement during the fiscal year, no budget adjust was required in FY 2009-10.