

COUNTY COUNSEL'S OFFICE

PERFORMANCE REPORT

I. DEPARTMENT MANDATES

The County Counsel's Office serves as civil legal advisor to the Board of Supervisors, the County Administrator, County elected officials, County departments, boards and commissions, and various other public agencies in the County. The duties of the Office include litigating civil and administrative cases, and providing a wide range of other legal services to the Board of Supervisors, County departments, Board-governed special districts, authorities and agencies, the Contra Costa Local Agency Formation Commission (LAFCO), and the civil Grand Jury. The County Counsel's Office is designated by the Board of Supervisors to represent the Public Guardian/ Public Conservator in conservatorship proceedings involving persons disabled by mental illness and dementia; provides legal services to the County's Assisted Outpatient Treatment program (Laura's Law); and represents the Children and Family Services Bureau in juvenile dependency matters.

By fee contract, the County Counsel's Office provides legal services to the County Superintendent of Schools, the County Board of Education, the Contra Costa County Schools Insurance Group, the Children and Family Services Commission (First Five), Contra Costa Resource Conservation District, and Delta Diablo, a sanitation district.

II. MAJOR PROGRAM DESCRIPTIONS (as of January 1, 2017)

A. GENERAL COUNTY GOVERNMENT GENERAL LAW DIVISION

This program area includes all legal services to County departments, officers and boards, and outside public clients, other than those services provided by the Juvenile Dependency/Conservatorship Division and the Tort and Civil Rights Litigation Division, described below. Legal

services provided by the General Law Division include advisory services, transactional services such as reviewing and preparing contracts, and general government advice and representation including land use, finance, election law, property taxation, public works, construction and transportation, real property and conflict of interest. In this way, the County Counsel's Office helps the County provide cost-effective and liability-conscious services that benefit this County's residents. The General Law Division also handles two types of litigation – administrative cases and all civil court cases, except cases where monetary damages are sought against the County. Civil cases litigated by the General Law Division include CEQA and land use cases, petitions for writs of mandate, tax refund actions, Public Administrator probate actions, eminent domain actions, and unlawful detainer cases. Administrative cases litigated by the General Law Division include employee disciplinary appeals, labor contract disputes, wrongful discrimination and sexual harassment claims, Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC), and Department of Labor Standards Enforcement (DLSE) complaints, and unfair labor practice charges. The representative clients and services are described below:

1. **Core County Departments.** The core County departments are the Board of Supervisors, County Administrator, Human Resources, Assessor, Auditor-Controller, Treasurer-Tax Collector, County Clerk-Recorder and the Merit Board.
2. **Health, Sanitation and Community Protection.** This category encompasses the Health Services Department, including its public health, environmental health and hazardous materials divisions, the hospital and clinics, the Contra Costa County Health Plan, and behavioral health services. This category also covers legal services to County departments, programs and agencies that protect the general public and work to preserve the environment

and enhance quality of life. Representative departments include Public Works, Flood Control, the Department of Conservation and Development, the Contra Costa County Fire Protection District, Animal Services, and Agriculture.

3. **Public Protection.** This category involves legal services to the County=s justice system, including the Sheriff, Public Defender, District Attorney, and the Probation Department.
4. **Social Services and Probate.** Legal services to the Employment and Human Services Department (administrative advice, personnel matters, general assistance, IHSS Public Authority, Community Services Division, etc.) and services to Child Support Services, Veterans Services, the Public Guardian and the Public Administrator, are included in this category.
5. **Miscellaneous County and Outside Clients.** This category includes legal services to various agencies governed by the Board of Supervisors (Libraries, Housing Authority, CATV, etc.) and to other public clients (LAFCO, Grand Jury, County Office of Education, Contra Costa County Schools Insurance Group, Delta Diablo, State Route 4 Bypass Authority, and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA)).

BUDGET: \$6,953,809
FTE 24

B. JUVENILE DEPENDENCY/CONSERVATORSHIP DIVISION

The Juvenile Dependency/Conservatorship Division provides legal services to the Children and Family Services Bureau of the Employment and Human Services Department regarding juvenile dependency matters. The County Counsel's Office is designated by the Board of Supervisors to represent the Public Guardian/Public Conservator in conservatorship proceedings involving

persons disabled by mental illness, and dementia, This Division also provides legal services to the County's Assisted Outpatient Treatment program (Laura's Law).

BUDGET: \$3,265,550
FTE: 17

C. TORT AND CIVIL RIGHTS LITIGATION DIVISION

The Tort and Civil Rights Litigation Division defends claims and lawsuits where monetary damages are sought against the County, and its officers, and employees. The Division defends cases involving allegations of personal injury, property damage, and medical malpractice, as well as cases concerning employment conditions and civil rights.

BUDGET: \$2,173,841
FTE: 10

D. DEPARTMENT DATA

BUDGET: \$12,393,200
FTE: 51

CLASS	ALLOCATED POSITIONS (as of 12-31-17)
Deputy County Counsel	29
Clerical	16
Management	6

EMPLOYEE PROFILE:

	Male	Female	Total	Percent
Caucasian	14	19	33	66%
Hispanic/Latino	0	1	1	2%
African/American	1	8	9	18%
Pacific Is/Asian	2	5	7	14%
Native American	0	0	0	0%
Not Classified	0	0	0	0%
*Vacant	N/A	N/A	1	1%
Total	17	33	51	100%
Percent	34%	66%		

*Not included in percent total

III. DEPARTMENT ACCOMPLISHMENTS

A. PERSONAL INJURY AND CIVIL RIGHTS LITIGATION

The County Counsel's Office aggressively defends cases through dispositive motions, trial and appeal. The Tort and Civil Rights Litigation Division's practice of early, focused efforts to evaluate and oppose lawsuits filed against the County promotes prompt resolution of many cases and saves the County significant legal costs.

As the chart in Section V. of this report (Performance Indicators) shows, in calendar year 2017, this Office was able to resolve 60% of assigned cases without any monetary payment. Sixty-nine percent of assigned cases were resolved for under \$10,000 and 88% resolved for under \$50,000.

B. JUVENILE DEPENDENCY/CONSERVATORSHIP SERVICES

The Juvenile Dependency/Conservatorship Division represents the Children and Family Services Bureau of the Employment and Human Services Department (EHSD) in all juvenile court dependency proceedings, from the initial petition seeking to protect a child through family reunification or permanency planning and any subsequent appeal. This Division also represents the Public Guardian/Public Conservator Division of the Health Services Department in conservatorship matters, and other proceedings involving members of the County's adult population who require these County services. In addition, the Division represents the Behavioral Health Services Division of the Health Services Department in Assisted Outpatient Treatment (Laura's Law) matters. On average, the attorneys in this Division appear on over 600 cases each month in different courtrooms. In calendar year 2017, the Juvenile Dependency/Conservatorship Division opened 458 new juvenile dependency cases,

filed 362 LPS/Probate petitions, and nine (9) petitions for Assisted Outpatient Treatment (Laura's Law) services. Juvenile dependency cases continue to be complex and challenging. Attorneys spend considerable time working with the Children and Family Services Bureau assisting staff in preparing court cases to aid in the mission of protecting children and to assure compliance with State and Federal law. This past year, the Division handled 1634 contested juvenile dependency matters, and 84 juvenile dependency appeals. This Division continues to conduct periodic training for the Children and Family Services Bureau and the Health Services Conservatorship Division on various topics, including how to write legally valid dependency petitions and how to navigate emerging areas of law. The attorneys in this Division also provide weekly, on-site office hours for the Children and Family Services Bureau staff in Antioch, Pleasant Hill, and Richmond.

C. SIGNIFICANT COUNTY PROJECTS AND LITIGATION

- 1. Public Safety Projects.** The County Counsel's Office has worked collaboratively with the County Probation Officer, Sheriff, and County Administrator as well as the Board of Supervisors' Public Protection Committee to preemptively address major issues facing the criminal justice community. This Office provided legal advice and analysis to guide the revision of immigration policies in compliance with California Law (SB 54) and federal law requiring information sharing with federal immigration authorities. This Office also worked with these clients on the repeal of the juvenile cost of care fee and the electronic monitoring fee and the refund of overpayments of the cost of care fee and prepared documents to implement these changes. In addition, we continue to work with the Sheriff and the County's Health Services Department as they look for new ways to address the ongoing challenge of providing mental health services to incarcerated individuals.

2. **West Contra Costa Health Care District.** The West Contra Costa Healthcare District initiated a Chapter 9 bankruptcy on October 20, 2016. Included in the debt that the District sought to discharge was \$20 million owed to the County. This Office worked with the Court and the District's bankruptcy counsel to preserve over \$19 million of County revenues. At the direction of the Board of Supervisors, we also drafted legislation, currently moving through the Legislature, to allow the Board of Supervisors to appoint the District governing board. This legislation is intended to reduce the District's operating costs and preserve and maximize the use of District revenues for health care in West Contra Costa County.
3. **Recreational Cannabis.** The legalization of recreational cannabis impacts many areas of government, including local land use, health, and law enforcement. Throughout 2017, County Counsel attorneys participated in a multi-departmental task force to study the impacts of legalization and recommend options for regulating commercial marijuana activities. This Office drafted two regulatory ordinances, adopted by the Board in 2017, and will continue collaborating with affected County departments to develop a comprehensive commercial cannabis regulatory proposal to present to the Board in 2018.
4. **Oak Park Library.** The Pleasant Hill Library is being relocated from its current location at 1750 Oak Park Blvd. in Pleasant Hill. The County owns the five-acre library site and the adjacent property at 1700 Oak Park Blvd. A portion of this County-owned land is being considered by the City of Pleasant Hill for the construction of a new Pleasant Hill Library. Another portion has been optioned by the Pleasant Hill Recreation and Park District for recreation and park purposes. Once the County has obtained appropriate entitlements from the City, the current plan is to market the remaining County-owned land for sale to a home builder. In 2017, this Office

negotiated the settlement of a lawsuit that was impeding these plans. We continue to provide ongoing strategic, advisory and technical legal services to facilitate this significant, central County development.

5. **Solar Power.** Public and private use of solar power is on the rise and this Office has been working with several departments on issues associated with this technology. In 2017, this Office drafted an ordinance authorizing the county to become a member agency of the Marin Energy Authority, a joint powers agency that is a community-wide electricity buyers' program. At the Board's direction, we also prepared an ordinance to allow commercial solar energy generation facilities in commercial and industrial zoning districts. In addition, we collaborated with the Department of Conservation and Development to negotiate and draft agreements between the County and PACE (Property Assessed Clean Energy) providers, who make loans to property owners to finance permanent, energy efficiency improvements on their property. And finally, we prepared agreements for energy system upgrades at various Fire Protection District stations.

6. **Water Supply.** In 2017, this Office collaborated with the Department of Conservation and Development to address local and statewide water supply issues. We advised the department on legal matters related to the County's decision to become a groundwater sustainability agency for portions of a groundwater basin in East Contra Costa County, and we negotiated an agreement with other public agencies to coordinate groundwater management activities in the basin. This Office also represented the County and the County Water Agency in a State Water Resources Control Board administrative proceeding related to California WaterFix, the proposed water conveyance tunnel project through the Delta. The proceedings will continue in 2018, as will ongoing litigation involving the WaterFix project.

7. **Proposal to Split Mt. Diablo Unified School District and Create New Northgate Unified.** Under contract, the County Counsel's Office serves as counsel for the County Superintendent of Schools and County Board of Education, including in its capacity as the County Committee on School District Organization. A citizen's petition signed by thousands of residents of the Mt. Diablo Unified School District (MDUSD) sought to sever the Northgate area from the MDUSD and create a new school district for that area. The petition was strongly contested by the MDUSD with a particular concern about the impact such a change would have for low-income, minority, and special education students. This Office advised the County Superintendent and County Committee on all aspects of the petition process and served as counsel at multiple public hearings. The County Committee ultimately decided not to approve the petition and the matter is now on appeal before the State Board of Education.

D. BUSINESS TRANSACTIONS AND CONTRACTS

The General Law Division reviews approximately 1600 contracts per year. Attorneys in this Division analyze and assist in drafting contracts for services, real estate acquisitions, leases, joint exercise of powers agreements, construction documents, and similar matters, to ensure that County contracts are legally enforceable and that contracting departments are aware of potential liability concerns.

1. **New County Administration Building.** The planned new County Administration Building, which will replace the outdated County headquarters, is one of the biggest County construction projects in many years. In 2017, this Office reviewed documents and provided legal services to the County Administrator's Office and Public Works

Department to facilitate the development and administration of a design-build contract for this new County facility project. In 2018, we will continue to work with staff on this complex, high-priority project.

2. **Emergency Road Repairs.** The severe 2017 winter storms damaged important County roads. This Office worked with the Public Works Department to prepare agreements to allow the temporary public use of private roads in East Contra Costa County after a portion of Morgan Territory Road became impassable by a landslide. This Office also advised Public Works staff on emergency contracting procedures for repairs to Morgan Territory Road and Alhambra Valley Road.
3. **New San Pablo Fire Station.** In 2017, this Office negotiated and prepared a funding and construction agreement between the Fire Protection District and the City of San Pablo for a new Station 70 in San Pablo. The new station will replace the cramped existing fire station at a different location.
4. **Saranap Village.** The Saranap Village development will be a mixed-use development west of Walnut Creek. This Office worked with the Department of Conservation and Development to prepare and negotiate documents necessary for approval of the project, including a rezoning ordinance, a development agreement and ordinance, and an indemnification agreement. The Board approved the development in August 2017.
5. **Affordable Housing.** County Counsel attorneys worked on legal agreements necessary for several affordable housing projects, including the Woods Grove Apartments in Pittsburg, the Heritage Point project in North Richmond, the Carena Apartments in Bay Point and Concord, the Church Lane Apartments in San Pablo, and the Idaho Apartments in El Cerrito.

E. SELECTED ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS

During the past year, the County Counsel's Office worked with various departments to develop and prepare several significant County and Fire District ordinances that were adopted by the Board of Supervisors:

Emergency Ambulance Services. This Fire District ordinance establishes fees for providing emergency ambulance services. The Board adopted the ordinance on April 18, 2017.

Animal Noise Ordinance. This ordinance authorizes administrative penalties for noisy animals and limits the number of roosters on private property. The Board of Supervisors adopted the ordinance on June 6, 2017.

Community Choice Aggregation. This ordinance implements a community-wide electricity buyers' program by authorizing the County to become a member agency of the Marin Energy Authority, a joint powers authority. The Board adopted the ordinance on June 6, 2017.

Tobacco Products and Sales. These ordinances establish restrictions on the retail sales of emerging tobacco products such as electronic smoking devices, regulate the sale of flavored tobacco products, prohibit tobacco retailing in pharmacies, and regulate the location of tobacco retailing businesses. The Board adopted the ordinances on July 11, 2017.

Cardrooms. This ordinance provides for a time period within which a cardroom licensee must provide notice to the County of any changes to its cardroom license. The Board adopted the ordinance on August 8, 2017.

Saranap Village. These ordinances approved a development agreement and a rezoning for the Saranap Village Development, a mixed-use development in the Saranap area. The Board adopted the ordinances on August 15, 2017.

Area of Benefit Fees. This ordinance establishes fees for transportation improvements needed to mitigate impacts of new development in the North Richmond Area of Benefit in the County. The Board adopted the ordinance on September 19, 2017.

Farmworker, Transitional, and Supportive Housing. This ordinance specifies zoning districts where farmworker housing, transitional housing, and supportive housing may be located. The Board adopted the ordinance on September 19, 2017.

Repeal of Fee for Electronic Surveillance of Minors. This ordinance repealed the fee for the electronic surveillance of minors who are under Probation Department supervision. The Board adopted the ordinance on September 26, 2017.

Accessory Dwelling Units. These ordinances establish procedures for reviewing and approving the development of accessory dwelling units, and establish separate review and approval procedures for units in Kensington. The Board adopted the ordinances on May 23, 2017, and October 17, 2017.

Cannabis. These ordinances prohibit commercial cannabis activities and authorize the personal indoor cultivation of up to six cannabis plants. The Board adopted an interim ordinance on January 17, 2017, and a zoning ordinance on October 24, 2017.

Social Security Number Truncation Fee. This ordinance establishes a fee to pay for redacting the first five digits of social security numbers from documents recorded with the County. The Board adopted the ordinance on November 14, 2017.

Solid Waste. This ordinance establishes permit requirements for the collection and transportation of solid waste in the unincorporated area of the County. The Board adopted the ordinance on December 5, 2017.

Solar Energy. This ordinance authorizes commercial solar energy generation facilities to be located in commercial and industrial zoning districts. The Board adopted the ordinance on December 19, 2017.

F. LABOR RELATIONS

Over the past several years, the County Counsel's Office has been extensively involved in assisting the Human Resources Department and the County Administrator's Office with labor relations matters. This includes providing advice on compliance with collective bargaining laws and procedures, including imposition of contract terms, unit modification and decertification, and fact-finding procedures; representing the County before the Public Employee Relations Board; reviewing MOU language for legality and clarity; and providing legal advice on the Federal Affordable Care Act, the State Public Employee Pension Reform Act (PEPRA) and the associated litigation, and other pension, retiree health, salary and benefit matters. In 2017, 59 new Merit Board, grievances, arbitration and EEOC/DFEH matters were added to the County Counsel caseload.

G. TRAINING

In support of the County's continuing efforts to avoid claims of discrimination, reduce litigation exposure, and educate staff, the County Counsel's Office provides

advice and instruction to clients on a variety of topics including conflicts of interest, the Brown Act, the Public Records Act, and other substantive legal issues affecting our various client departments. With the Risk Manager, attorneys from the General Law and Tort and Civil Rights Litigation Divisions also provided sexual harassment prevention training to department heads and supervisory employees. Below is a chart showing training presented in 2017.

Training Presented in 2017

DATE	FOR	SUBJECT
January 2017	Countywide	Sexual Harassment Prevention Training
January 2017	Children and Families Services	New Social Worker- Petition Writing
January 2017	Children and Families Services	New Social Worker – Testifying/Court
February 2017	Countywide	Summit on the 5150 Process
February 2017	Children & Family Commission	Conflict of Interest
March 2017	Countywide	Sexual Harassment Prevention Training
March 2017	Department Heads	Sexual Harassment Prevention Training
March 2017	Housing Authority	Reasonable Accommodations
May 2017	Children and Family Services	Statutory Updates Training
May 2017	County Counsel's Office	Negotiation Strategies
June 2017	County Counsel's Office	Managing Conflict
June 2017	Grand Jury	How to Comply with the Brown Act
June 2017	Grand Jury	Role and Responsibilities of Grand Jury
July 2017	Children and Family Services	New Social Worker - Petition Writing
September 2017	Children and Family Services	New Social Worker – Testifying/Court
November 2017	Children and Family Services	New Social Worker- Petition Writing
December 2017	Children and Family Services	New Social Worker – Testifying/Court

In Spring of 2016, this Office applied for State Bar of California Single Activity Provider status and has provided three of the four trainings required for Multiple Activity Provider Status eligibility. A fourth training is planned for May 2018. The trainings met the standards for approval in the MCLE Provider Rules and gave this Office the ability to offer California MCLE credit for mandated continuing legal education trainings.

H. SERVICE HOURS

For calendar year 2017, the total revenues received and expended by the County Counsel=s Office were \$9,075,067. This Office provided 101,109 hours of service, which includes thousands of hours of uncompensated overtime worked by County Counsel attorneys. If all of these hours could have been billed out, they would have generated \$12,713,803 in revenue. The difference of \$3,638,736, represents a considerable value to the County, and is, in our view, a significant accomplishment.

I. RELOCATION OF JUVENILE COURTS

In August 2017, the Superior Court moved all functions of the juvenile court, filings and court appearances to the courthouse located at 640 Ygnacio Valley Road, Walnut Creek. This has necessitated that the attorneys in the Juvenile Division be away from our Martinez office for much of the day to attend court hearings. In addition, the clerical staff now must commute to Walnut Creek to process juvenile court filings. To accommodate this change, and maximize productivity, the Office established a satellite desk at a County-owned building located adjacent to the Walnut Creek courthouse, giving deputies a work station to use between court appearances. In addition to the satellite desk, this Office is exploring use of laptops or tablets for attorney staff who need a mobile office.

IV. DEPARTMENT CHALLENGES

A. INTERNAL TO DEPARTMENT

1. **Space Needs Limit the Ability to Provide Services.** A challenge that this Office continues to face is providing adequate space for its staff to fully and efficiently address the legal needs of the County and its other public clients. The lack of adequate space for staff (e.g., legal assistants, support functions, attorneys, etc.), limits our ability to meet some client demands for service. We have reached the limits of the space allocated to this department and our ability to add legal staff. The end result may be delays for some client departments and the need for others to handle more of their own, less complicated, legal matters.
2. **County Administration Building.** The aging County Administration Building, including broken elevators, problems with heating and air conditioning, periodic loss of hot water, damaged window shutters, window leaks, rodent infestation, and lack of County funding for building maintenance impacts all staff on a daily basis.
3. **Records Management.** The County Counsel's Office currently relies on separate, incompatible electronic calendaring, timekeeping/billing platforms. In addition, the Office's three divisions (Tort and Civil Rights Litigation, General Law, and Juvenile Dependency/Conservatorship) utilize separate litigation and assignment intake systems. A department goal is to modernize our records management system. By implementing and utilizing up-to-date records management technologies, we hope to streamline procedures and reduce storage costs by decreasing the amount of paper-based records the Office handles.
4. **Records Retention Policy.** It has been the practice of the County Counsel's Office to retain hard copies of many of the pleadings and other legal documents we generate

and receive on behalf of our clients, for a period of seven years after a file is closed. Courts are increasingly converting to electronic document management and we anticipate that the need to retain hard copies of certain documents will diminish over time. We also have been advised that we no longer will have the ability to store documents at the new County Administration building. To address these changing circumstances, we recently obtained authorization from the Board of Supervisors to reduce our record retention period to two years after a file is closed. Over the next two years we plan to review current practices, determine which documents may be destroyed, which should be kept in hard copy and for what period of time, and discard records that are no longer needed. This project is anticipated to involve significant staff resources.

5. **Recruitment and Retention.** Thirty percent of our attorney staff of 34 full-time employee positions has been employed with the County Counsel's Office for more than fifteen years. These experienced County lawyers are well-versed in the complexities of the law and the practices of this County, and have demonstrated interest in public service. It is important to ensure that the next generation of County attorneys will be equally proficient in this unique, public law practice. However, attracting and keeping qualified Deputy County Counsels has become a serious, ongoing challenge. In the past four years we lost one attorney to retirement and five to other employment (three went to other, higher paying counties, one left to work for the state, and one left to work in the private sector). We want to look for new ways to attract and keep County Counsel attorneys, such as seeking an increase in the Law School Loan Reimbursement Program and highlighting this in our recruitment efforts.

6. **Staff Development and Training.** In 2017, the attorneys in this Office spent 1546 hours in professional education and training. Keeping senior staff current with legal trends, while integrating new attorneys into the Office and training them, is an ongoing challenge.

B. INTERNAL TO COUNTY OPERATION

1. **Department Personnel Changes.** In 2012, a major pension reform law, the California Public Employees Pension Reform Act (PEPRA) drastically changed the rules related to pension benefits. In response to this new law, many management level employees left County service. This has resulted in a significant increase in the use of legal services to address issues and challenges that would previously have been referred to experienced staff members in other departments. Losing so many experienced employees over such a short period of time continues to have negative impacts.
2. **Preventative Legal Services.** This Office continues to look for ways to streamline our existing services and provide timely, preventative legal/administrative assistance to County departments, while maintaining the flexibility to address immediate legal problems and/or crises. We emphasize a strategic approach to problem-solving and try to identify creative approaches that will enable client departments to effectively meet new challenges and manage risk.
3. **Medical and Mental Health Issues.** An important challenge for both the criminal justice system and the health services system is to find ways to better support public health in our community while addressing the needs of individuals who become involved in the criminal justice system. According to the National Conference of State Legislatures¹, people who are experiencing a

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May 1, 2017 NCLS report on Mental Health Needs in the Criminal Justice System (<http://www.ncsl.org/research/civil-and-criminal-justice/mental-health-need-of-criminal-justice.aspx>)

mental health crisis are more likely to encounter police than get help, resulting in 64 percent of jail inmates nationwide having a mental health problem. In this County, the question of how best to address the medical and behavioral health needs of individuals involved in the criminal justice system is the subject of an ongoing collaboration among the County Administrators' Office, the Sheriff's Department, the Health Services Department, and the County Counsel's Office. This Office continues to devote significant resources to assisting with the development of proactive policies and innovative practices, establishing priorities, mediating issues, responding to community concerns, and other problem-solving and advisory assistance.

C. EXTERNAL TO COUNTY OPERATION

1. Evolving Immigration Issues.

In the past year, state and federal approaches to immigration and the criminal justice system have diverged sharply. This has created a significant level of uncertainty for the Sheriff's Office and Probation Department, which must navigate seemingly inconsistent state and federal requirements regarding undocumented persons. These issues impact federal grant funding, policy development, and community policing standards, among other things. The County Counsel's Office will continue to devote substantial effort to supporting all clients impacted by the quickly evolving state and federal legal requirements surrounding immigration issues.

- ### **2. Attempts to repeal the Affordable Care Act.**
- The national debate regarding the Affordable Care Act and related changes to the way health care is delivered and paid for will be an ongoing concern to the Health Services Department and the County as a whole. This Office will continue to provide advice and counsel on how best to navigate the changing legal landscape.

V. PERFORMANCE INDICATORS

A. TORT and CIVIL RIGHTS LITIGATION WORKLOAD REPORT

Files Opened

Litigation Division Files Opened	Year 2014	Year 2015	Year 2016	Year 2017
Civil Rights Cases	21	23	24	16
Employment Cases	2	3	3	1
Medical Malpractice Cases	7	6	4	9
Dangerous Condition Cases	7	11	14	15
Other Cases	12	13	13	4
Total Files Opened	49	56	58	45

Files Resolved/Closed

Litigation Division Files Resolved/Closed	Year 2014	Year 2015	Year 2016	Year 2017
Files Resolved for \$0	18	24	32	25
Files Resolved for under \$10k	2	5	6	4
Files Resolved between \$10k and \$50k	2	7	5	8
Files Resolved between \$51k and \$100k	2	3	3	2
Files Resolved for over \$100k	1	4	6	3
Total Files Resolved/Closed	25	43	52	42

B. GENERAL LAW WORKLOAD REPORT

General Law Division – Civil and Administrative Litigation	Year 2014	Year 2015	Year 2016	Year 2017
New Court Cases Opened	90	73	69	58
New Administrative Cases Opened	42	46	65	59

General Law Division Advisory Services	Year 2014	Year 2015	Year 2016	Year 2017
Standard Form Contracts Reviewed	1444	1524	1618	1614
Responses to Written Requests for Complex Transactional and Advisory Services	385	486	595	677

C. JUVENILE DEPENDENCY/TEMPORARY CONSERVATORSHIP WORKLOAD REPORT

JUVENILE DEPENDENCY/TEMPORARY CONSERVATORSHIP SERVICES	Year 2014	Year 2015	Year 2016	Year 2017
New Dependency Cases Opened	465	526	415	458
Contests	1318	1698	1857	1634
Briefs and Appeals	76	58	81	84
Conservatorship (LPS)/Probate Petitions Filed	238	275	317	362

D. LITIGATION PERFORMANCE MEASURES

1. Tort and Civil Rights Litigation Division, Assigned Cases.

- (a) Resolve 90% of cases with a remote chance of liability by dismissal or judgment within estimated cost-of-defense liability targets.

Outcome for 2017: 100% of cases resolved within this standard.

- (b) Resolve 90% of cases with a reasonable possibility of liability at a cost equal to or less than 75% of amount administratively reported at risk and within liability targets.

Outcome for 2017: 100% of cases resolved within this standard.

- (c) Resolve 90% of cases with a probability of liability at a cost equal to or less than the amount administratively reported at risk and within liability targets.

Outcome for 2017: 100% of cases resolved within this standard.

- (d) No liability in 80% of assigned civil rights cases.

Outcome for 2017: 100% of civil rights cases were resolved with no liability findings and no adverse verdicts or judgments against the County. Out of 21 civil rights cases, 12 (57%) were resolved without any payment to the Plaintiff. 67% were resolved for under \$10,000 and 90%

were resolved for under \$30,000.

2. **Civil and Administrative Litigation – General Law Division.**

- (a) Resolve with a favorable outcome at least 75% of civil cases litigated by the General Law Division.

Outcome for 2017: Of the 75 civil cases resolved by the General Law Division in 2017, 98% resulted in an outcome favorable to the client.

- (b) Resolve with a favorable outcome at least 80% of administrative cases litigated by the General Law Division.

Outcome for 2017: Of the 10 administrative labor and employment cases resolved by the General Law Division in 2017, 100% resulted in an outcome favorable to the client.

- (c) Uphold at least 75% of Department personnel decisions and actions in administrative proceedings (Merit Board, arbitration, PERB etc.).

Outcome for 2017: 98% of Department personnel decisions that were referred to hearing in administrative proceedings such as arbitration, Merit Board, etc., were upheld.

E. ADVISORY PERFORMANCE MEASURES

1. Respond to 90% of written requests for services requiring drafting or legal analysis within 30 days or negotiated time targets, including extensions.

Outcome for 2017: The General Law Division responded to 90% of written requests for services requiring drafting or legal analysis within 30 days or negotiated time targets, including extensions.

2. Respond to 90% of requests for approval as to form of County standard form contracts within seven working days after receipt of request.

Outcome for 2017: Responded to 99% of requests for approval as to form of County standard form contracts within seven working days after receipt of request.