

# Office of County Counsel

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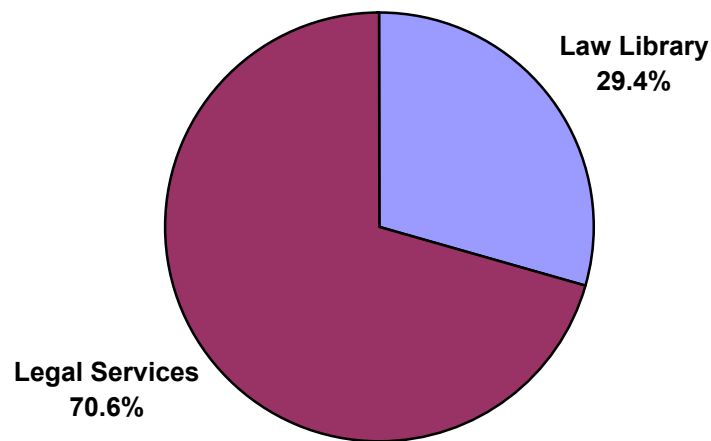
## Department Purpose

The purpose of the Lane County Office of Legal Counsel is to provide cost effective legal services for Lane County government in order to meet the County's legal requirements; and to provide law library services for attorneys and the public in order to ensure open access to the law.

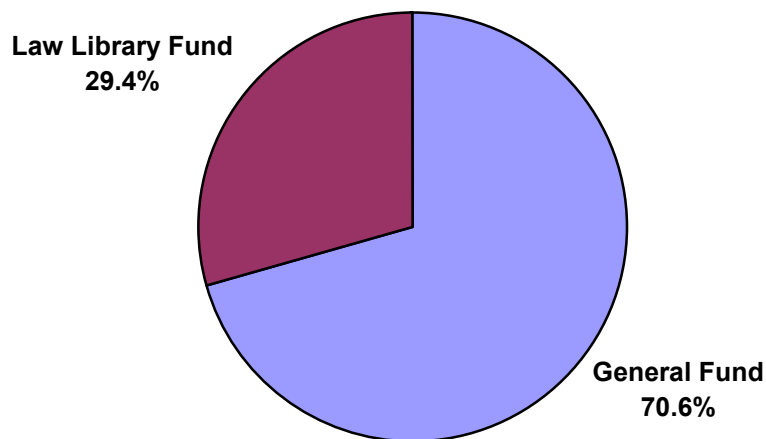
## Total Expenditures

\$1,649,365

### FY 09-10 Expenditures by Division



### FY 09-10 Budget by Fund



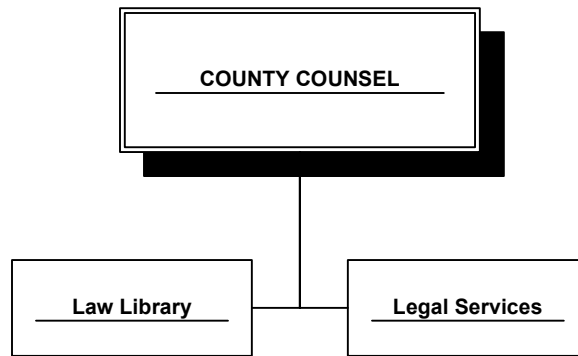
Liane Richardson  
County Counsel  
682-4442

# County Counsel

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## **Department Overview**

The County Counsel department provides effective, efficient legal services to the Lane County Board of Commissioners, County officials, and departments, and public services through the Legal Services and Law Library programs. The Legal Services program is responsible for handling litigation matters on behalf of the County and providing support of the day-to-day internal government affairs through legal advice to the Board, County officials and employees, opinions, review of ordinances, contracts and other legal documents. In addition, the Legal Services program investigates and recommends settlement when reasonable on general liability claims filed against the County, and pursues financial recovery for damages incurred by the County. The Law Library program provides access to legal reference materials, as well as assistance to attorneys, litigants and the public in using legal resources and research tools that are available. It is supported by civil litigation filing fees.



## **Department Goals & Objectives**

The two programs of County Counsel, the Law Library and Legal Services, have very different missions and clients, and thus different and generally unrelated goals and objectives. The Law Library will continue to focus on improving availability and access to its services, and in doing so, will contribute to the implementation of the County's strategy of promoting electronic access to public services.

The Legal Services program delivers services in the priority order set by the Board (LM 3.064(7)): first, litigation; second, advice to the Board and elected officials; then advice to the County Administrator; and lastly, advice to the departments. In addition to the daily delivery of services according to these priorities, during FY 09-10, Legal Services will assist with the County's goal of decreasing the structural deficit, exploring opportunities in carbon sequestration and other related matters, and advise and assist with cost-saving or revenue enhancing efforts. Given the significant reductions in the organization last fiscal year and most likely again this fiscal year, Legal Services will also provide the necessary legal advice and assistance to the departments affected with implementation of the resulting downsizing and restructuring.

Lastly, Legal Services will assist the Board and departments in implementation of any new Goals adopted by the Board.

## **Key Accomplishments in FY 08-09**

- Land use work in the areas of Metro Plan Amendment coordination, population forecasting, I-5 bridge replacement, Regional Transportation planning and boundary commission transition issues as well as special district issues.
- On-going significant work on Motorola seven-county interoperability contract.

## County Counsel

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- Significant work on AFSCME contract negotiations, mediation, and preparation for potential strike.
- Transitioned in new County Counsel and recently hired new litigator.
- Participated in state agency work group to obtain favorable changes in state Financial Assistance Agreements, including proposing and obtaining limits on DHS's ability to withhold monthly financial allotments to counties.
- Finalized Identity Theft APM and work with Departments to ensure compliance with new state law.
- Worked with various departments to develop a comprehensive plan for E-Commerce.
- Completed legal work for documents/Board approvals for the CMGC construction model and EIFS repairs at Charnelton Building, and resolved contract and pay disputes with the EIFS contractor.
- Assistance with transition of Lane Events Center and Fair Board, including re-writing MOU's, training employees on contract law, Lane Manual, and Lane Code changes.
- Worked on the sale of property to the Port of Siuslaw, and sale of LTD property on River Road, both which involved complex additional matters beyond the simple sale of the property.
- Condemnation work for Public Works and Foreclosure work for Assessment and Taxation.
- Settled numerous pending cases, including several employee civil rights cases, DEQ matters, tort claims, and citizen civil rights claims.
- Spoke at the National Brownsfield's Conference regarding SeQuential Biofuels.
- Worked with staff to develop new uses for Title III funding.
- Worked closely with HR staff and department heads to efficiently resolve several employee discipline matters.
- Restructured attorney assignments to departments and began a process to cross-train attorneys and other staff in order to provide backup.
- Developed and presented a county-wide training on contracting.
- Work on the Junction City prison/hospital project.
- Rural Comp plan amendment litigation.
- Worked on small city planning: Cottage Grove TSP; Florence; Coburg IAMO.
- Work on Alsea Watershed recognition
- Dismissal of several cases with significant requested damage awards.
- Participation with a state-wide network of law librarians to work on a central means of purchasing on-line research tools in order to save money and allow smaller counties to provide these needed services to their citizens.
- The Law Library has increased its outreach activities, by increasing contacts and information about the law library, distributed to public librarians in community libraries, to Lane County Circuit Court staff, and to professional groups who utilize the law library.
- The Law Library arranged with the local bar association for additional funding that helped provide continuing education program materials for its members. In addition, the Law Librarian provided an annual training program for members of the public and the local bar on using internet resources for legal research.

### **Changes, Challenges & Opportunities in FY 09-10**

The primary challenge facing the department continues to be meeting the legal needs of the organization in terms of managing the litigation-related matters, while at the same time providing sound, timely and appropriate advice to the Board and departments delivering services to the citizens. The demands of litigation, coupled with the commitment of a significant amount of the remaining legal resources towards the County's goals, leave little resource available for departments. This has put departments in the position of needing to proceed with their projects without legal advice, the result of which may put the organization at a greater risk. The Board generally has preferred to have an informed analysis before putting County resources at risk.

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A second challenge and opportunity arose from the retirement of County Counsel after more than 30 years of service in the department, as well as similar retirements throughout the organization. The loss of “institutional memory” from these retirements has been difficult at times. This loss is balanced with the opportunity for new approaches and ideas, which has been helpful given the new directions the Board has been exploring the past few months. However, employee turnover and reassignment of employees as a result of budget reductions presents an ongoing challenge for our department and for the organization with employees providing services in areas that may be new to them. This increases the need for training and guidance at a time when the ability to do so by either their “home” department or County Counsel is stretched thin. The risk for mistakes is also increased when one is new to a job. The challenge for County Counsel is to help the departments identify where the risks are significant, and assist the development and implementation of strategies to mitigate the risks. A similar challenge is developing out of the impact of the stress and management of the budget reductions, which cause increased and highly complex employment issues. Management of these issues early on can reduce the likelihood of litigation, but frequently takes a large amount of Legal and Human Resources time and attention.

A third challenge for the department exists with the prior budget reductions and potential of future budget reductions, as the Board, County Administrator, and departments seek legal advice on how to manage and resolve service delivery, contract and employment issues arising with a dramatically reduced workforce, particularly in the areas of public safety and public health. Long term, there will also be the challenge of addressing any audit findings in the face of the absence of large numbers of the knowledgeable staff who were involved with the actual service delivery.

The fourth challenge for the department is to meet the objectives in the Law Library’s 5-year Strategic Plan (2006-2011), which has an overall goal of increasing the use of its services within available resources. Frequent changes by the State Legislature to court fee levels, the Law Library’s principal source of funding, and variations due to the economy, make it difficult to predict annual income levels, and thus to sustain the efforts towards the Plan objectives. Recently the Law Library has seen another reduction in the amount of funds it has been receiving, and there is currently a measure before the Legislature that would reduce its funding by half.

There are not any significant organizational or service delivery changes planned for County Counsel in FY 09-10, although now that the new County Counsel has been in place for approximately seven months, and the new litigator has been in place for two months, the office is again evaluating the service delivery and determining if there are additional changes that should occur.

### **Performance Measures**

# files opened: The decrease in number of files opened indicates fewer claims were made against the County. An added emphasis on resolving cases at the time of receipt of the tort claim notice has been instituted, and while this work takes significant time on the behalf of litigation staff, it hopefully will result in fewer dollars paid out overall on claims.

% of claims resolved prior to trial: The percent of claims resolved before trial measures how effectively disputes are resolved, either through settlement or through legal arguments that result in a court dismissal. These measures do not cover BOLI and EEOC claims or grievances and unlawful labor practice arbitrations, all of which have increased during FY 08-09.

# of contracts and agenda items approved: These are indicators of the general counsel advice provided to the Board and County Administrator, based on work performed by departments. Typically many state contracts work on a biennial basis, which causes the measure to be lower every other year. The reduction in items reviewed may reflect the fact that the County now has a significantly reduced workforce that brought fewer agenda items to the Board. In FY 08-09, there will probably be an additional reduction in

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agenda items reviewed as many more items are being presented for the first time at a Board meeting, rather than through the normal process of agenda item review. That makes it much more difficult to track when attorneys review proposed agenda items. Another item that is difficult to account for is the number of department and Board requests for information and work that do not culminate in either an agenda item or contract.

# patron visits: Patron visits include both patrons actually entering the facility and those who visit the Library's web page, as well as telephone and e-mail reference requests. Anticipated budgets reductions may force a cut in the number of hours the library is staffed, therefore a decrease in patron visits is anticipated in FY 09-10.

Cost per patron visit: This measure reflects the cost of providing assistance and support to individual library patrons on a per visit basis. Additional part-time assistance in FY 08-09 has helped to meet increased service demands. The increased target reflects this addition of extra help staffing.

<b>DEPARTMENT PERFORMANCE MEASURES</b>						
<b>Performance Measures</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Actual</b>	<b>2007-08 Target</b>	<b>Comment</b>	<b>2008-09 Target</b>
# of files opened	221	472	175	220	Better than Target	180
% of claims resolved prior to trial	89%	88%	92%	90%	Above Target	90%
# of reviews of contracts	n/a	n/a	961	900	Above Target	900
# of agenda items approved	406	337	311	340	Below Target	275
# of patron visits	10,672	11,605	12,016	12,200	On Target	12,400
Cost per patron visit	\$6.74	\$6.59	\$6.24	\$8.00	Better than Target	\$7.00

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<b>DEPARTMENT FINANCIAL SUMMARY</b>						
	<b>FY 06-07</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>\$ Chng</b>	<b>% Chng</b>
	<b>Actual</b>	<b>Actual</b>	<b>Curr Bgt</b>	<b>Proposed</b>	<b>Fr Curr</b>	<b>Fr Curr</b>
<b>RESOURCES:</b>						
Property and Rentals	10,889	9,346	9,500	7,000	(2,500)	-26.32%
State Revenues	333,737	350,137	325,000	320,000	(5,000)	-1.54%
Local Revenues	6,234	857	2,000	100	(1,900)	-95.00%
Fees and Charges	15,809	10,584	11,250	6,750	(4,500)	-40.00%
Administrative Charges	770,369	951,399	980,019	1,058,183	78,164	7.98%
Interest Earnings	6,707	9,113	3,000	3,500	500	16.67%
<b>Total Revenue</b>	<b>1,143,745</b>	<b>1,331,436</b>	<b>1,330,769</b>	<b>1,395,533</b>	<b>64,764</b>	<b>4.87%</b>
Resource Carryover	151,584	197,547	227,381	147,381	(80,000)	-35.18%
Fund Transfers In	0	0	1,485	0	(1,485)	-100.00%
<b>TOTAL RESOURCES</b>	<b>1,295,329</b>	<b>1,528,982</b>	<b>1,559,635</b>	<b>1,542,914</b>	<b>(16,721)</b>	<b>-1.07%</b>
<b>EXPENDITURES:</b>						
Personnel Services	991,058	1,143,420	1,195,436	1,268,053	72,617	6.07%
Materials and Services	208,546	239,392	263,945	301,098	37,153	14.08%
Capital Expenses	0	0	0	80,000	80,000	100.00%
Total Resrvs & Conting.	0	0	194,249	214	(194,035)	-99.89%
<b>TOTAL EXPENDITURES</b>	<b>1,199,605</b>	<b>1,382,813</b>	<b>1,653,630</b>	<b>1,649,365</b>	<b>(4,265)</b>	<b>-0.26%</b>
<b>Total FTE</b>	<b>9.50</b>	<b>10.00</b>	<b>10.00</b>	<b>10.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>EXPENDITURES BY FUND</b>						
General Fund	896,355	1,049,171	1,091,514	1,173,834	82,320	7.54%
Law Library Fund	303,250	333,642	562,116	475,531	(86,585)	-15.40%
<b>TOTAL FUNDS</b>	<b>1,199,605</b>	<b>1,382,813</b>	<b>1,653,630</b>	<b>1,649,365</b>	<b>(4,265)</b>	<b>-0.26%</b>

<b>DEPARTMENT FINANCIAL SUMMARY BY PROGRAM</b>						
	<b>FY 06-07</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>\$ Chng</b>	<b>% Chng</b>
	<b>Actual</b>	<b>Actual</b>	<b>Curr Bgt</b>	<b>Proposed</b>	<b>Fr Curr</b>	<b>Fr Curr</b>
Law Library	303,250	333,642	562,116	475,531	(86,585)	-15.40%
Legal Services	896,355	1,049,171	1,091,514	1,173,834	82,320	7.54%
<b>TOTAL EXPENDITURES</b>	<b>1,199,605</b>	<b>1,382,812</b>	<b>1,653,630</b>	<b>1,649,365</b>	<b>(4,265)</b>	<b>-0.26%</b>

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<b>DEPARTMENT REVENUE SUMMARY</b>						
<b>REVENUE ACCOUNTS</b>	<b>FY 06-07 Actual</b>	<b>FY 07-08 Actual</b>	<b>FY 08-09 Curr Bgt</b>	<b>FY 09-10 Proposed</b>	<b>\$ Chng Fr Curr</b>	<b>% Chng Fr Curr</b>
Miscellaneous Sales	10,889	9,346	9,500	7,000	(2,500)	-26.32%
<b>PROPERTY AND RENTALS</b>	<b>10,889</b>	<b>9,346</b>	<b>9,500</b>	<b>7,000</b>	<b>(2,500)</b>	<b>-26.32%</b>
Court Fees	333,737	350,137	325,000	320,000	(5,000)	-1.54%
<b>OTHER STATE REVENUES</b>	<b>333,737</b>	<b>350,137</b>	<b>325,000</b>	<b>320,000</b>	<b>(5,000)</b>	<b>-1.54%</b>
Other Local	6,234	857	2,000	100	(1,900)	-95.00%
<b>LOCAL REVENUES</b>	<b>6,234</b>	<b>857</b>	<b>2,000</b>	<b>100</b>	<b>(1,900)</b>	<b>-95.00%</b>
Data Processing	428	312	250	350	100	40.00%
Miscellaneous Svc Charges	516	469	900	500	(400)	-44.44%
Refunds & Reimbursements	7,070	2,540	1,600	900	(700)	-43.75%
Legal Services	7,795	7,262	8,500	5,000	(3,500)	-41.18%
<b>FEES AND CHARGES</b>	<b>15,809</b>	<b>10,583</b>	<b>11,250</b>	<b>6,750</b>	<b>(4,500)</b>	<b>-40.00%</b>
County Administrative Charges	770,369	951,399	980,019	1,058,183	78,164	7.98%
<b>ADMINISTRATIVE CHARGES</b>	<b>770,369</b>	<b>951,399</b>	<b>980,019</b>	<b>1,058,183</b>	<b>78,164</b>	<b>7.98%</b>
Investment Earnings	6,707	9,113	3,000	3,500	500	16.67%
<b>INTEREST EARNINGS</b>	<b>6,707</b>	<b>9,113</b>	<b>3,000</b>	<b>3,500</b>	<b>500</b>	<b>16.67%</b>
Fund Balance	151,584	197,547	227,381	147,381	(80,000)	-35.18%
Transfer Fr Int Svc Fnds (600)	0	0	1,485	0	(1,485)	-100.00%
<b>FISCAL TRANSACTIONS</b>	<b>151,584</b>	<b>197,547</b>	<b>228,866</b>	<b>147,381</b>	<b>(81,485)</b>	<b>-35.60%</b>
<b>TOTAL RESOURCES</b>	<b>1,295,329</b>	<b>1,528,982</b>	<b>1,559,635</b>	<b>1,542,914</b>	<b>(16,721)</b>	<b>-1.07%</b>

## County Counsel

<b>DEPARTMENT EXPENSE SUMMARY</b>						
<b>EXPENDITURE ACCOUNTS</b>	<b>FY 06-07 Actual</b>	<b>FY 07-08 Actual</b>	<b>FY 08-09 Curr Bgt</b>	<b>FY 09-10 Proposed</b>	<b>\$ Chng Fr Curr</b>	<b>% Chng Fr Curr</b>
Permanent Operating Salaries	596,754	694,864	705,849	729,268	23,419	3.32%
Extra Help	20,216	5,644	23,004	24,004	1,000	4.35%
Reduction Unfunded Vac Liab	16,316	21,208	28,995	34,939	5,944	20.50%
Employee Benefits	315,278	0	0	0	0	0.00%
Risk Management Benefits	98	0	0	912	912	100.00%
Social Security Expense	0	45,217	45,394	47,719	2,325	5.12%
Medicare Insurance Expense	0	10,807	10,937	11,399	462	4.22%
Unemployment Insurance (State)	0	4,636	4,860	4,898	38	0.78%
Workers Comp	0	2,414	2,255	2,365	110	4.88%
Disability Insurance - Long-term	0	4,112	7,322	7,647	325	4.44%
PERS - OPSRP Employer rate	0	86,697	87,411	75,209	(12,202)	-13.96%
PERS Bond	42,397	43,788	38,375	57,316	18,941	49.36%
PERS - 6% Pickup	0	43,751	44,037	45,846	1,809	4.11%
Health Insurance	0	119,872	136,970	154,381	17,411	12.71%
Dental Insurance	0	11,358	12,500	13,726	1,226	9.81%
Vision Insurance	0	2,241	2,610	3,450	840	32.18%
EE Assistance Pgm - IBH	0	631	612	600	(12)	-1.96%
Life Insurance	0	2,254	1,920	1,920	0	0.00%
Flexible Spending	0	91	120	120	0	0.00%
Disability Insurance - Short Term	0	240	240	240	0	0.00%
Defer. Comp Employer Contrib.	0	7,021	7,050	15,954	8,904	126.30%
Retiree Medical	0	36,574	34,975	36,140	1,165	3.33%
<b>PERSONNEL SERVICES</b>	<b>991,058</b>	<b>1,143,420</b>	<b>1,195,436</b>	<b>1,268,053</b>	<b>72,617</b>	<b>6.07%</b>
Professional & Consulting	258	749	3,500	2,000	(1,500)	-42.86%
Court Related Personal Service	691	853	300	250	(50)	-16.67%
Data Processing Services	0	0	50	50	0	0.00%
Telephone Services	4,295	4,348	4,585	4,450	(135)	-2.94%
Purchased Insurance	1,892	3,250	3,267	3,540	273	8.36%
Maintenance of Equipment	334	75	400	300	(100)	-25.00%
Maintenance Agreements	1,321	1,006	1,500	2,000	500	33.33%
Operating Licenses & Permits	17,779	19,075	23,000	24,000	1,000	4.35%
Fleet Services Rentals	265	216	300	480	180	60.00%
Copier Charges	2,300	2,370	2,800	2,463	(337)	-12.04%
Mail Room Charges	975	768	1,350	1,200	(150)	-11.11%
Direct/Information Services	39,941	38,801	41,741	61,028	19,287	46.21%
County Overhead Charges	54,759	58,664	58,797	61,636	2,839	4.83%
PC Replacement Services	4,212	7,050	5,640	8,955	3,315	58.78%
Office Supplies & Expense	4,354	7,890	14,000	13,493	(507)	-3.62%
Membrshp/Professional Licenses	3,930	3,560	3,930	4,230	300	7.63%
Printing & Binding	3,519	4,171	3,900	3,804	(96)	-2.46%
Advertising & Publicity	1,623	273	1,200	1,298	98	8.17%
Microfilm Imaging Services	0	0	50	50	0	0.00%
Postage	66	64	100	100	0	0.00%

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<b>DEPARTMENT EXPENSE SUMMARY</b>						
<b>EXPENDITURE ACCOUNTS</b>	<b>FY 06-07</b>	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>\$ Chng</b>	<b>% Chng</b>
	<b>Actual</b>	<b>Actual</b>	<b>Curr Bgt</b>	<b>Proposed</b>	<b>Fr Curr</b>	<b>Fr Curr</b>
DP Supplies And Access	538	692	650	650	0	0.00%
DP Equipment	0	1,487	0	0	0	0.00%
Furniture, Equipment & Tools	0	5,770	7,500	9,427	1,927	25.69%
Library - Serials & Conts	52,935	62,778	68,000	75,674	7,674	11.29%
Special Supplies	4,701	8,138	8,000	8,000	0	0.00%
Stores Inventory	454	99	700	700	0	0.00%
Business Expense & Travel	1,999	617	1,167	1,352	185	15.85%
Outside Education & Travel	3,908	5,320	5,800	8,150	2,350	40.52%
County Training Classes	1,499	1,310	1,718	1,818	100	5.82%
<b>MATERIALS &amp; SERVICES</b>	<b>208,546</b>	<b>239,392</b>	<b>263,945</b>	<b>301,098</b>	<b>37,153</b>	<b>14.08%</b>
Improvements	0	0	0	80,000	80,000	100.00%
<b>CAPITAL PROJECTS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,000</b>	<b>80,000</b>	<b>100.00%</b>
Operational Contingency	0	0	17,242	0	(17,242)	-100.00%
Operational Reserves	0	0	177,007	214	(176,793)	-99.88%
<b>TOTAL RESERVES</b>	<b>0</b>	<b>0</b>	<b>194,249</b>	<b>214</b>	<b>(194,035)</b>	<b>-99.89%</b>
<b>TOTAL EXPENDITURES</b>	<b>1,199,605</b>	<b>1,382,812</b>	<b>1,653,630</b>	<b>1,649,365</b>	<b>(4,265)</b>	<b>-0.26%</b>

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