

Office of County Counsel

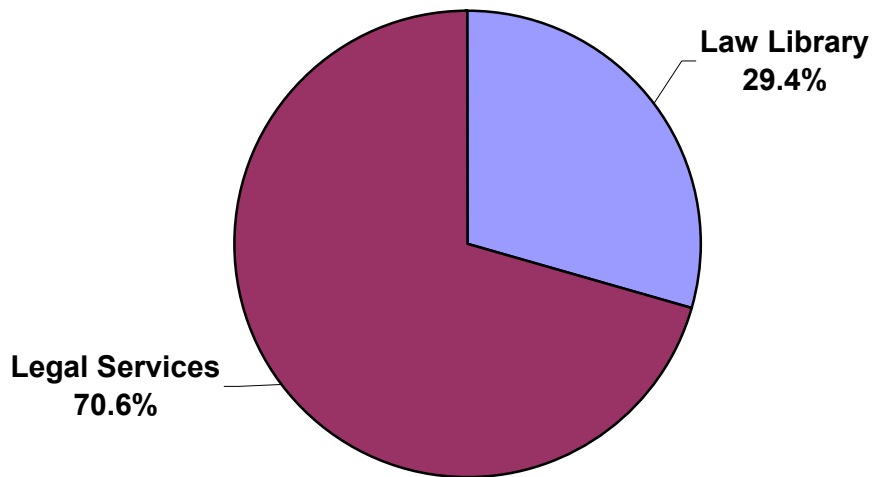
Department Purpose

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.

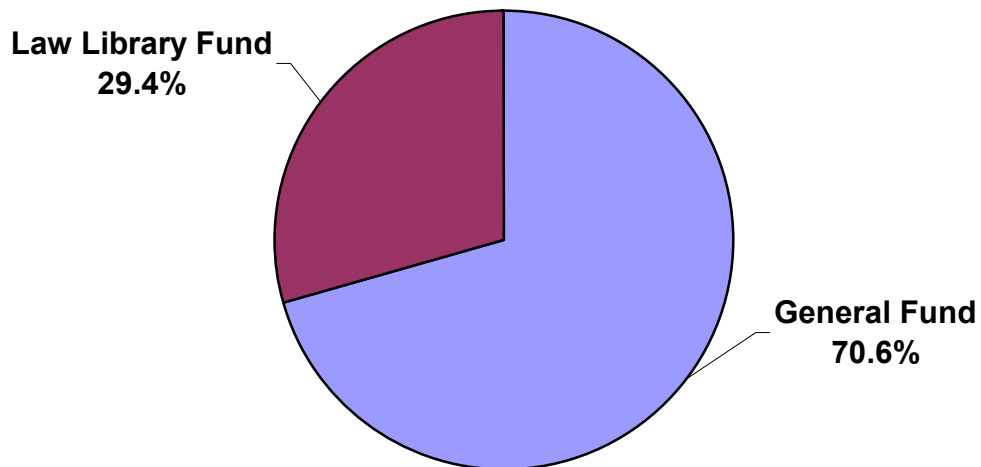
Total Expenditures

\$1,637,977

FY 09-10 Expenditures by Division



FY 09-10 Budget by Fund

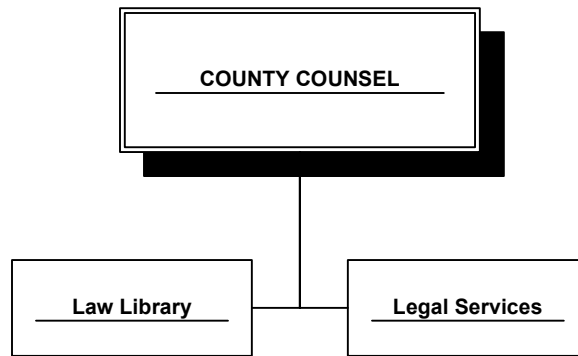


Liane Richardson
County Counsel
682-4442

County Counsel

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.
- Significant work on AFSCME contract negotiations, mediation, and preparation for potential strike.

County Counsel

- 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 worked 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.
- Assisted 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.
- Worked on the Junction City prison/hospital project.
- Rural Comp plan amendment litigation.
- Worked on small city planning: Cottage Grove TSP; Florence; Coburg IAMO.
- Worked 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 resources 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.

County Counsel

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 direction 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 Five 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 eleven months, and the new litigator has been in place for six months, the office is again evaluating the service delivery and determining if there are additional changes that should occur.

Performance Measures

The first two measures reflect activity in the litigation arena. 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 hopefully is one of the reasons for the decrease in the number of actual claims filed. This work takes significant time on the behalf of litigation staff, but hopefully will result in fewer dollars paid out overall on claims. 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. The added emphasis on resolving cases prior to filing may have caused part of the decrease in the amount of claims resolved prior to trial, as many of the cases where an agreement could be reached were resolved in that way prior to reaching the stage where they were considered “claims” for purposes of the second measure. These measures do not cover BOLI and EEOC claims or grievances and unlawful labor practice arbitrations, all of which increased in number this past fiscal year.

The numbers of contracts and agenda items approved 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.

County Counsel

There will probably be a reduction in agenda items reviewed this current year, because 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 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.

The Library also assesses the usefulness of databases provided (and their cost) by comparing contract costs with the number of times these databases are being used. Tracking usage compared to costs enables the Law Library to evaluate reasonable cost-effective options for renewal or replacement. The overall aim is to train and provide for additional users, thereby keeping the per use costs at or below inflation. FY 08-09 actual costs were above target, due to purchase of additional databases and decrease use due to unavoidable learning curves. The target for FY 08-09 reflects assists and tutorials, but a limited number of purchases.

Finally, the personnel cost per patron visit ("FTE \$ per patron visit") measures the cost of providing assistance and support to individual library patrons on a per visit basis. Additional part-time assistance budgeted in FY 08-09 has helped to meet increased service demands. The goal is to keep these costs as low as possible.

DEPARTMENT PERFORMANCE MEASURES						
Performance Measures	2006-07 Actual	2007-08 Actual	2008-09 Actual	2008-09 Target	Comment	2009-10 Target
# of files opened	472	175	128	180		125
% of claims resolved prior to trial	88%	92%	68%	90%		75%
# of reviews of contracts	n/a	961	638	900	08-09 Actual reflects only approved contracts, not rejected	900
# of agenda items approved	337	311	298	275		275
# of patron visits	11,605	12,016	10,598	12,400		10,000
Cost per patron visit	\$6.59	\$6.24	\$7.87	\$7.00		\$7.00

County Counsel

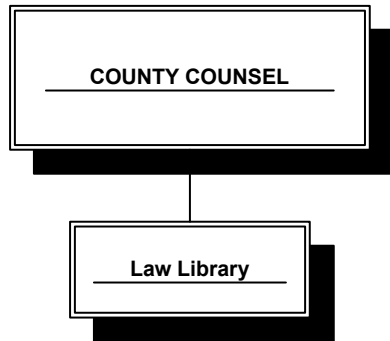
DEPARTMENT FINANCIAL SUMMARY						
	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Curr Bgt	FY 09-10 Adopted	\$ Chng Fr Curr	% Chng Fr Curr
RESOURCES:						
Property and Rentals	10,889	9,346	9,500	7,000	(2,500)	-26.32%
State Revenues	333,737	350,137	325,000	320,000	(5,000)	-1.54%
Local Revenues	6,234	857	2,000	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%
Total Revenue	1,143,745	1,331,436	1,330,769	1,395,533	64,764	4.87%
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%
TOTAL RESOURCES	1,295,329	1,528,982	1,559,635	1,542,914	(16,721)	-1.07%
EXPENDITURES:						
Personnel Services	991,058	1,143,420	1,211,364	1,254,965	43,601	3.60%
Materials and Services	208,546	239,392	266,671	299,905	33,234	12.46%
Capital Expenses	0	0	0	80,000	80,000	100.00%
Total Resrvs & Conting.	0	0	190,172	3,107	(187,065)	-98.37%
TOTAL EXPENDITURES	1,199,605	1,382,813	1,668,207	1,637,977	(30,230)	-1.81%
Total FTE	9.50	10.00	10.00	10.00	0.00	0.00%
EXPENDITURES BY FUND						
General Fund	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%
Law Library Fund	303,250	333,642	562,116	475,531	(86,585)	-15.40%
TOTAL FUNDS	1,199,605	1,382,813	1,668,207	1,637,977	(30,230)	-1.81%

DEPARTMENT POSITION LISTING	
Law Library	
1.00 Office Assistant, Sr	
1.00 Program Supervisor	
2.00 Division FTE Total	
Legal Services	
1.00 Assistant County Counsel 2	
1.00 Assistant County Counsel 3	
3.00 Assistant County Counsel 4	
1.00 Co Counsel Legal Secretary	
1.00 Co Counsel Paralegal	
1.00 County Counsel	
8.00 Division FTE Total	
10.00 Department FTE Total	

County Counsel: Law Library

Division Purpose Statement

The purpose of the Lane County Law Library is to provide legal research materials and reference assistance to attorneys, litigants, and the public consistent with resources and statutory requirements in order to ensure open access to the law.



Division Locator

County Counsel
Law Library ◀
Legal Services

County Counsel: Law Library

DIVISION FINANCIAL SUMMARY						
	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Curr Bgt	FY 09-10 Adopted	\$ Chng Fr Curr	% Chng Fr Curr
Property and Rentals	3,979	2,946	3,500	3,000	(500)	-14.29%
State Revenues	333,737	350,137	325,000	320,000	(5,000)	-1.54%
Local Revenues	1,000	0	0	0	0	0.00%
Fees and Charges	3,789	1,281	1,750	1,650	(100)	-5.71%
Interest Earnings	6,707	9,113	3,000	3,500	500	16.67%
Total Revenue	349,212	363,477	333,250	328,150	(5,100)	-1.53%
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%
TOTAL RESOURCES	500,797	561,023	562,116	475,531	(86,585)	-15.40%
EXPENDITURES:						
Personnel Services	155,796	161,619	181,941	187,292	5,351	2.94%
Materials and Services	147,454	172,022	190,003	205,132	15,129	7.96%
Capital Expenses	0	0	0	80,000	80,000	100.00%
Total Resrvs & Conting.	0	0	190,172	3,107	(187,065)	-98.37%
TOTAL EXPENDITURES	303,250	333,642	562,116	475,531	(86,585)	-15.40%
Total FTE	2.00	2.00	2.00	2.00	0.00	0.00%
EXPENDITURES BY FUND						
Law Library Fund	303,250	333,642	562,116	475,531	(86,585)	-15.40%
TOTAL FUNDS	303,250	333,642	562,116	475,531	(86,585)	-15.40%

DIVISION FINANCIAL SUMMARY BY PROGRAM						
	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Curr Bgt	FY 09-10 Adopted	\$ Chng Fr Curr	% Chng Fr Curr
PROGRAMS						
Law Library	303,250	333,642	562,116	475,531	(86,585)	-15.40%
TOTAL EXPENDITURES	303,250	333,642	562,116	475,531	(86,585)	-15.40%

County Counsel: Law Library

Division Overview

This division administers the Law Library in accordance with Oregon statutes. The Law Library provides legal reference materials and assistance to patrons (attorneys, litigants, and public). This Library is self-supporting from monies collected by the Lane County courts as part of civil litigation filing fees; it receives no County general funds. The filing fees may only be used in support of Law Library operations. The Library's continuing goals are to maintain and update the law collection, assist patrons in using the library resources, and enhance its services by utilizing technology and forging links with other organizations providing legal information.

Division Objectives for FY 09-10

- Continue visits to community libraries within Lane County, making presentations to library staff on the Law Library's services and resources.
- Redesign Library's web pages, providing additional research links and information for remote users.
- Continue providing legal research training programs or online tutorials.
- Investigate and, if appropriate, implement use of training/tutorial software applications to assist users in developing their legal research and investigatory skills.
- Investigate feasibility of providing an unstaffed information kiosk in Florence or Oakridge but with adequate support from community partners to enhance its utility to that community.
- Redesign user spaces in facility, and oversee second year of a three year plan for upgrading the Law Library's physical environment.

Key Accomplishments in FY 08-09

- Celebrated the 60th Anniversary of the Law Library, including a reception recognizing the accomplishments of past staff, volunteers, and members of the Lane County Bar Association, a vital partner with the Law Library. Developed permanent display reflecting the Library's history.
- Negotiated contracts for three new electronic research services, and renegotiated additional multi-year contract for public access to Westlaw at fixed annual rates through 2010.
- Reconfigured the Library's staff and storage areas, and relocated the computer research/training room. Redesigned the front area to enhance traffic flow and usefulness for patrons.
- Replaced outdated equipment for using the microform collection.

Changes, Challenges & Opportunities for FY 09-10

Costs for maintaining the Law Library's collection through print and technology are increasing at annual rates (9-10%/year) that exceed general inflation.

The Law Library's collection development plan provides strategies for rebuilding parts of the Library's depleted print collection. The challenge is to balance print and online resources, (particularly since some databases are not available with long-term fixed rate contracts), and at the same time stay within available revenues. Expansion of existing technology to meet the growing needs of patrons and staff is a component of the Law Library's Five Year Strategic Plan. The opportunity of wireless technology brings a need to refine user policies and to assure their needs are understood and met through assessment and measurement of use. In addition, the Library will continue to develop instructional tools for instructing patrons in the use of available technologies to avail themselves of the Law Library's services.

The increasing number of in-house and on-line patrons who require research assistance or training is an indication that additional specialized staff may be needed in the future to address these increased service demands, as well as to assist with maintaining the public information desk during business hours. The

County Counsel: Law Library

Law Library will use specialized staff within FY 09-10 to design and implement training software applications and develop web-based research tools.

The overall challenge will be to address all of the above projects within the funding limits dictated by the Law Library's revenue stream, which as mentioned earlier, is largely controlled by the Legislature and subject to frequent changes.

Performance Management

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. Enhancements to the Library's web page should continue to provide steady growth in the overall usage statistic. It should be noted that patron visits are counted manually; staff absences or low staffing during peak usage times can cause some patrons to not be counted.

The Library also assesses the usefulness of databases provided (and their cost) by comparing contract costs with the number of times these databases are being used. Tracking usage compared to costs enables the Law Library to evaluate reasonable cost-effective options for renewal or replacement. The overall aim is to train and provide for additional users, thereby keeping the per use costs at or below inflation. The cost for FY 08-09 reflected increases in online costs, as several contracts were renegotiated during the year. The number of database users has steadily increased since technology and contract issues were resolved; the targets for FY 09-10 have been established to reflect the anticipated increase in number of users along with the increased contract costs.

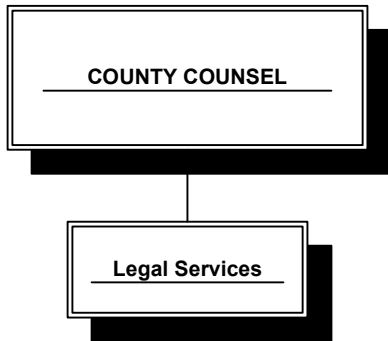
Finally, the personnel cost per patron visit ("FTE \$ per patron visit") measures the cost of providing assistance and support to individual library patrons on a per visit basis. In FY 07-08 these costs were far less than projected. The target for this measure was adjusted to take into account additional part-time assistance budgeted in FY 08-09 to meet increased service demands. The goal is to keep these costs as low as possible.

DIVISION PERFORMANCE MEASURES						
Performance Measures	2006-07 Actual	2007-08 Actual	2008-09 Actual	2008-09 Target	Comment	2009-10 Target
# of patron visits	11,605	12,108	10,598	12,400		10,000
Cost of database use, per user	\$26.01	\$33.75	\$68.79	\$33.00		\$50.00
FTE \$ per patron visit	\$6.59	\$5.16	\$7.87	\$7.00		\$7.00

County Counsel: Legal Services

Division Purpose Statement

To provide effective and efficient legal services to ensure compliance with legal requirements by providing advice to County officials and departments; and investigating, settling, and pursuing claims or litigation brought by or against Lane County.



Division Locator

County Counsel

Law Library

Legal Services ↙

County Counsel: Legal Services

DIVISION FINANCIAL SUMMARY						
	FY 06-07	FY 07-08	FY 08-09	FY 09-10	\$ Chng	% Chng
	Actual	Actual	Curr Bgt	Adopted	Fr Curr	Fr Curr
RESOURCES:						
Property and Rentals	6,910	6,400	6,000	4,000	(2,000)	-33.33%
Local Revenues	5,234	857	2,000	100	(1,900)	-95.00%
Fees and Charges	12,020	9,303	9,500	5,100	(4,400)	-46.32%
Administrative Charges	770,369	951,399	980,019	1,058,183	78,164	7.98%
Total Revenue	794,533	967,959	997,519	1,067,383	69,864	7.00%
Other Financing	0	0	0	0	0	0.00%
TOTAL RESOURCES	794,532	967,959	997,519	1,067,383	69,864	7.00%
EXPENDITURES:						
Personnel Services	835,262	981,801	1,029,423	1,067,673	38,250	3.72%
Materials and Services	61,092	67,370	76,668	94,773	18,105	23.61%
TOTAL EXPENDITURES	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%
Total FTE	7.50	8.00	8.00	8.00	0.00	0.00%
EXPENDITURES BY FUND						
General Fund	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%
TOTAL FUNDS	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%

DIVISION FINANCIAL SUMMARY BY PROGRAM						
	FY 06-07	FY 07-08	FY 08-09	FY 09-10	\$ Chng	% Chng
	Actual	Actual	Curr Bgt	Adopted	Fr Curr	Fr Curr
PROGRAMS						
Legal Services	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%
TOTAL EXPENDITURES	896,355	1,049,171	1,106,091	1,162,446	56,355	5.09%

County Counsel: Legal Services

Division Overview

The Legal Services division delivers services in the priority order set in Lane Manual 3.064(7):

- litigation.
- advice to the Board and elected officials.
- advice to the County Administrator.
- advice to the departments.

The litigation component involves representing the County's interests before judicial and administrative bodies in actions, as diverse as personnel grievances, employment claims, land use matters, and personal injury and property damages, as well as enforcement of the County code or other laws. The staff also investigates, evaluates, and manages the general liability claims. The general counsel component provides support and advice to the Lane County Board of Commissioners, to other County elected officials, and to County staff. This includes researching and preparing opinions; drafting and reviewing ordinances, contracts, and other legal documents; and to the extent resources allow, providing proactive preventative advice to County departments. We also prepare proposed changes to the Lane Code and Lane Manual, and maintain, manage and publish the written and electronic copies of both publications. The Legal Services program is a component of the essential support services that reduce risks of loss, assure sound fiscal management and accountability, and directly support the Board of Commissioners and the public service departments. These are all aspects of allocating the County resources strategically.

Division Objectives for FY 09-10

Consistent with the priorities established by the Board:

- Appropriately defend the civil litigation in which the County, its officers or employees are named, and recommend settlements, financial or otherwise, where reasonable.
- Advise and assist with cost-savings or revenue efforts aimed at reducing the structural deficit.
- Advise and assist in the transition and replacement of long-term managerial employees.
- Advise and assist with coordinated population forecast, Regional Transportation Plan and other planning issues as directed by the Board.
- Advise and assist with remodeling and financing and contracting for the public health facility.
- Advise on matters coming before the Board in public meetings.
- Assist in the drafting of ordinances, orders, ballot measures and contracts.
- Assist with multi-contract project for interoperable radio communications system for the Sheriff's Office.
- Provide legal advice to the departments to guide them in providing services to the citizens, including in whatever restructuring may occur.

Key Accomplishments in FY 08-09

- Land use work in the areas of Metro Plan Amendment coordination, Florence periodic review, Regional Transportation planning and boundary commission transition issues.
- Evaluation and processing of Measure 37 claims under Measure 49.
- Significant work on LCPOA contract negotiations.
- On-going multi-county negotiations for changes in contract language with state agencies, and in particular, addressing in advance state audit methodology.
- Continued work on multi-contract project for interoperable radio communications system for Sheriff's Office with state agency, vendor, and seven counties.
- Assistance with transition for new key management positions in the organization.
- Assistance with evaluation of options and implications during the budget development.
- Guidance to departments through significant personnel issues arising in the course of budget reductions.

County Counsel: Legal Services

Changes, Challenges & Opportunities for FY 09-10

The primary challenge for this division continues to be meeting the organization's legal needs in terms of handling the litigation and at the same time, providing sound, timely and appropriate advice to the Board and departments in delivering services. The Board's priorities and requests frequently require significant legal resource. Any major restructuring, right-sizing, or modest revenue measures also present challenges for which the Board and the affected departments need reasonable legal advice in order to prevent incurring greater costs in the long run through avoidable mistakes.

The challenge of managing the increasing complexity and risk in the litigation arena also remains. We continue to see employment law claims, in part due to a lack of time and resources for supervisors, who are also trying to do more with less, to appropriately address developing employment situations. There are also a large number of potential claims that involve greater complexity, such as Medical Leave Act or other protective act claims, as well as increasingly creative attempts to assert discrimination, retaliation or "whistleblower" claims. In addition, the use of technology has brought increased and resource-intensive discovery issues which must be addressed in the litigation arena. These types of litigation and others with increasing complexity, such as environmental regulation, require significant legal resources.

Increased litigation generally results in less resource available for preventative law advice. As discussed in this section for the Department, the significant commitment of legal resources towards the County's goals, coupled with the litigation demands has left little time for advice to departments.

Performance Management

The first two measures reflect activity in the litigation arena. The significant decrease in the number of new files opened for FY 08-09 means fewer claims against the County than anticipated, which is good. As discussed earlier, the percent of claims resolved before trial measures how effectively we resolve disputes, either through settlement or through compelling legal arguments which result in a court dismissal.

The percent of claims resolved before trial is a measure of how effectively the Legal Services division is able to resolve disputes, either through settlement or through compelling legal arguments which result in a dismissal. This is a good indicator that where the County has caused damage, it is accountable to the satisfaction of the injured citizen, and where we have a sound legal rationale for a position, a court has agreed, without our having to spend valuable judicial and County staff resources with a fact-based trial.

The numbers of contracts and agenda items approved are indicators of the general counsel advice provided to the Board and County Administrator, based on work performed by departments. The Board delegated more authority to the County Administrator to approve contracts, and it approved routine contracts as part of its budget adoption, which also results in a decrease in the number of agenda items. The target for FY 09-10 in this area reflects the fact that the reduced workforce will likely bring forward fewer agenda items to the Board.

DIVISION PERFORMANCE MEASURES						
Performance Measures	2006-07 Actual	2007-08 Actual	2008-09 Actual	2008-09 Target	Comment	2009-10 Target
# of files opened	472	175	128	180	Below Target	125
% of claims resolved prior to trial	88%	92%	68%	90%	Below Target	75%
# of reviews of contracts	n/a	961	638	900	Below Target	900
# of agenda items approved	337	311	298	275	Above Target	275

County Counsel

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

County Counsel

DEPARTMENT EXPENSE SUMMARY						
EXPENDITURE ACCOUNTS	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Curr Bgt	FY 09-10 Adopted	\$ Chng Fr Curr	% Chng Fr Curr
Permanent Operating Salaries	596,754	694,864	715,821	729,268	13,447	1.88%
Extra Help	20,216	5,644	22,104	24,004	1,900	8.60%
Reduction Unfunded Vac Liab	16,316	21,208	29,274	34,939	5,665	19.35%
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	46,028	47,719	1,691	3.67%
Medicare Insurance Expense	0	10,807	11,104	11,399	295	2.66%
Unemployment Insurance (State)	0	4,636	5,348	4,898	(450)	-8.41%
Workers Comp	0	2,414	2,477	2,365	(112)	-4.52%
Disability Insurance - Long-term	0	4,112	7,432	7,647	215	2.89%
PERS - OPSRP Employer rate	0	86,697	88,769	75,209	(13,560)	-15.28%
PERS Bond	42,397	43,788	38,375	57,316	18,941	49.36%
PERS - 6% Pickup	0	43,751	44,669	45,846	1,177	2.63%
Health Insurance	0	119,872	139,170	142,613	3,443	2.47%
Dental Insurance	0	11,358	12,060	12,626	566	4.69%
Vision Insurance	0	2,241	3,050	3,230	180	5.90%
EE Assistance Program - IBH	0	631	612	600	(12)	-1.96%
Life Insurance	0	2,254	1,920	1,920	0	0.00%
Flexible Spending	0	91	140	120	(20)	-14.29%
Disability Insurance - Short Term	0	240	240	240	0	0.00%
Defer. Comp Employer Contrib.	0	7,021	7,286	15,954	8,668	118.97%
Retiree Medical	0	36,574	35,485	36,140	655	1.85%
PERSONNEL SERVICES	991,058	1,143,420	1,211,364	1,254,965	43,601	3.60%
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	25,000	24,000	(1,000)	-4.00%
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	46,892	59,835	12,943	27.60%
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%

County Counsel

DEPARTMENT EXPENSE SUMMARY						
EXPENDITURE ACCOUNTS	FY 06-07 Actual	FY 07-08 Actual	FY 08-09 Curr Bgt	FY 09-10 Adopted	\$ Chng Fr Curr	% Chng Fr Curr
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	3,075	9,427	6,352	206.57%
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%
MATERIALS & SERVICES	208,546	239,392	266,671	299,905	33,234	12.46%
Improvements	0	0	0	80,000	80,000	100.00%
CAPITAL PROJECTS	0	0	0	80,000	80,000	100.00%
Operational Contingency	0	0	13,165	2,893	(10,272)	-78.03%
Operational Reserves	0	0	177,007	214	(176,793)	-99.88%
TOTAL RESERVES	0	0	190,172	3,107	(187,065)	-98.37%
TOTAL EXPENDITURES	1,199,605	1,382,812	1,668,207	1,637,977	(30,230)	-1.81%

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