

County Counsel

Michael Ciccozzi – County Counsel

| County Counsel | FY 21/22 Adopted Budget | FY 22/23 CAO Recommended | Change |
|---------------------------|-------------------------------|--------------------------------|------------------|
| 101-0700 | | | |
| EXPENDITURES | | | |
| Salaries and Benefits | \$1,188,566 | \$1,450,247 | \$261,681 |
| Services and Supplies | \$183,575 | \$239,438 | \$55,863 |
| Other Charges | (\$717,431) | (\$765,971) | (\$48,540) |
| Fixed Assets | | | \$0 |
| TOTAL EXPENDITURES | \$654,710 | \$923,714 | \$269,004 |
| REVENUE | | | |
| Fed/State | | | \$0 |
| Grant | | | \$0 |
| Realignment | | | \$0 |
| Fees/Misc | \$216,585 | \$432,000 | \$215,415 |
| TOTAL REVENUE | \$216,585 | \$432,000 | \$215,415 |
| FUND BALANCE | | | \$0 |
| NET COUNTY COST | \$438,125 | \$491,714 | \$53,589 |

Program Description

The County Counsel is the chief legal advisor for the County of Yuba. The five attorneys in the Office of County Counsel are counselors in the fullest sense, providing service that is intelligent, trustworthy, and dedicated to public service. We commit ourselves to professionalism, understanding, and furthering the needs and goals of the Board of Supervisors of the County of Yuba, County Agencies, Departments, and Commissions. We adhere to the highest standards of ethics and confidentiality. To accomplish our mission, we endeavor to:

- Provide responsive unbiased legal advice and client service
- Provide creative assistance to the Board and to County officers to enable them to carry out their policy goals
- Provide prompt and effective assistance in reviewing, drafting, and advising our clients on contracts and other legal documents
- Provide training and resources to enable us to achieve the goals of the Office
- Provide assertive representation in civil litigation and administrative hearings

As the attorneys for the County of Yuba, we are committed to ensuring that our Office provides the highest quality of legal service to all of our clients. Our clients rely on and trust the integrity of our legal

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advice and legal services provided by the Office in accomplishing their public service goals and objectives.

Our office does not see our role as narrow, rather, we provide service that will further the purposes of the County, whether it is in:

- The defense of legal matters
- Affirmative litigation
- Proactive assistance and advice
- Drafting legislation or amendments to current legislation

We hope the information available about the Yuba County Counsel's Office will help the public in general learn more about the work of our office and the talented members of our legal staff.

Accomplishments FY 2021-2022

As with all County departments, fiscal year 2021/2022 continued to present unique challenges for the Office of the County Counsel. There can be no question that the COVID-19 pandemic has forever changed the manner in which we provide public service. Whether it is the manner in which public meetings are held, court proceedings are conducted, or clients' needs are met this last year has called upon the ingenuity and teamwork of all County Departments to fulfill their mission.

- The Office of the County Counsel continues to provide effective legal assistance to departments including CDSA, Code Enforcement, Health and Human Services Department, Public Health, and Environmental Health in connection with identifying strategies for addressing the County's priorities related to homeless issues. The Office of the County Counsel continues to collaborate with the departments during every step of this process, including providing strategic and sound legal advice. This office is also actively participating in the multi-agency, multi-jurisdiction Bi-County Homeless Services Program meetings.
- Working with other counties and cities, we were able to defeat legislation proposed by the California Attorney General that would have given the Attorney General the exclusive authority to resolve all claims made by California cities and counties in the National Multi-District Opioid Litigation. If approved, the legislation would have given the State of California the authority to allocate the settlement funds to the cities and counties. By defeating the legislation, we were able to negotiate an intrastate allocation agreement that allocates approximately 85% of all settlement funds to cities and counties.
- Worked closely with the County Administrator's Office and other involved departments and agencies on the Census Redistricting including providing legal interpretations of statutes and regulations affecting the drawing of new district maps.

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- Our office conducted a Brown Act/Public Records Act/ Use of Social Media presentation to the Board of Supervisors as recommended by the Yuba County Grand Jury.
- We successfully litigated a number of cases in the Superior Court including Bail Bond Forfeiture motions and successfully litigated the appeal of a favorable trial court judgement in the Third District Court of Appeal.
- We continue to represent the Public Guardian in LPS cases and have been working towards increased efficiency and communication between the County, Courts, Public Defender, and Sutter Yuba Behavioral Health in conservatorship cases.
- We continue to represent Health and Human Services Department in Juvenile Dependency matters in the trial court and in appeals before the Third District Court of Appeals. Our office was instrumental in helping to guide the Department through the challenging landscape of restrictions brought on by the COVID-19 pandemic. In FY 20/21 there were three juvenile dependency appeals that were filed.
- The Office of County Counsel worked closely with outside counsel in regards to the County's appeal of the trial court decision in the matter of Howard Jarvis Taxpayers Association v. County of Yuba. The lawsuit alleged that the sales tax measure designated as Measure K was a special tax. We were successful in convincing the appellate court that Measure K was a general tax which had the immediate effect of infusing an additional approximately \$13 Million dollars into the County's General Fund. The ongoing revenue stream from Measure K will allow the Board to deliver enhanced public safety and essential services to the community.
- As stated above, the persistence of the COVID-19 pandemic into fiscal year 21/22 challenged us all. Our office was instrumental in assisting in the interpretation of Executive Orders, statutory, and case law related to the authority of governmental officials in times of a public health crisis; interpretation of CDPH and CalOSHA regulations; the monitoring of litigation related to COVID 19 ; and drafting of resolution opposing state mandated vaccine or mask requirements.
- Our office continued to work closely with the Sheriff's Department, Public Health, and the jail medical provider Wellpath to respond to demands of class counsel in the *Hedrick v. Grant* class action lawsuit and the California Department of Justice demands pursuant to their inspection rights under Government Code section 12532. These responsibilities were exacerbated by a second COVID-19 outbreak in the jail.
- We also reviewed and developed responses to subpoenas (2) and public records requests (67). The raw number of subpoenas and Public Record Act requests increased slightly over the prior year. Additionally, the requests are becoming increasingly complex seeking a large volume of records. This volume of material that had to be reviewed and redacted increased significantly, sometimes including in excess of 1,000 pages of material for a single request.

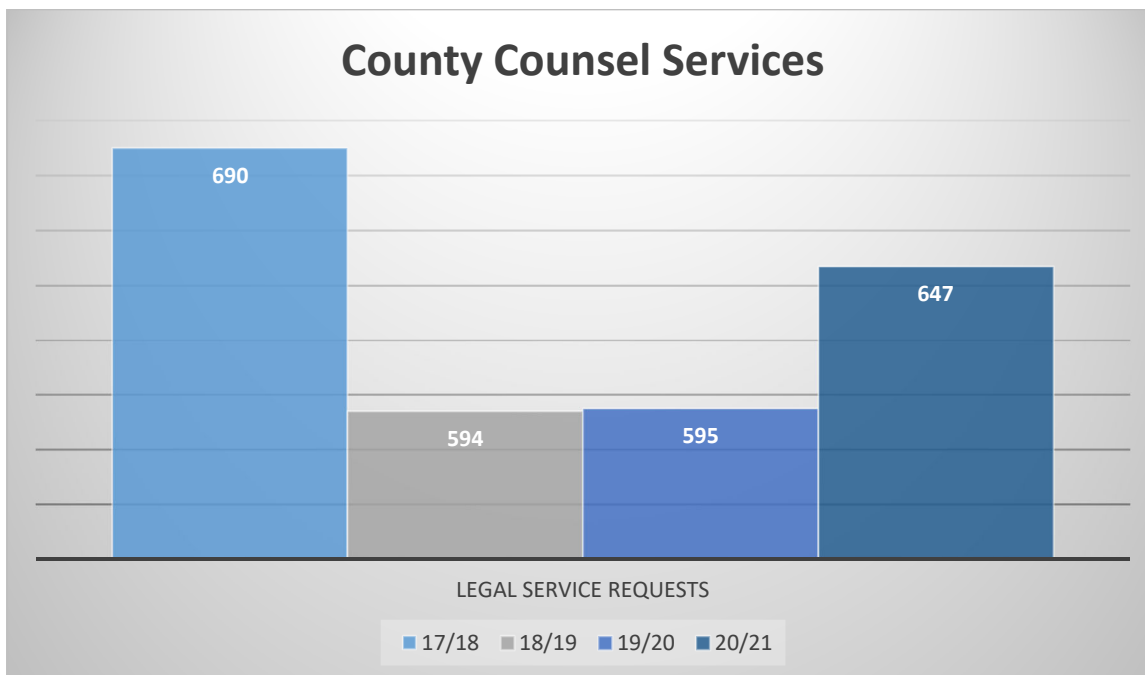
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- Our office conducted the necessary research and due diligence to identify a Public Record Act software system to make the processing of Public Record Act requests more efficient.
- Our office worked closely with the Community Development and Services Agency to bring forward several Affordable Housing projects which are estimated to bring \$50-60 million dollars of investments into Yuba County.
- Our office worked closely with the Planning Department to update the County’s Development Code in response to changes in state law.
- Our office continued to work closely with Administrative Services to shepherd forward the Jail Medical and Mental Health Facility and the Tri-County Juvenile Treatment Facility.
- Our office continued to work closely with Information Technologies, Risk Management, County Administrator, and outside vendors as part of our continuing legal obligations to those affected by the cyberattack on the County’s technology infrastructure.
- Our office brought the online Ordinance Code up to date.
- In addition to the foregoing, the number of Legal Service Requests from Departments increased significantly in 2020/2021 from 595 in FY19/20 to 647 in 20/21.

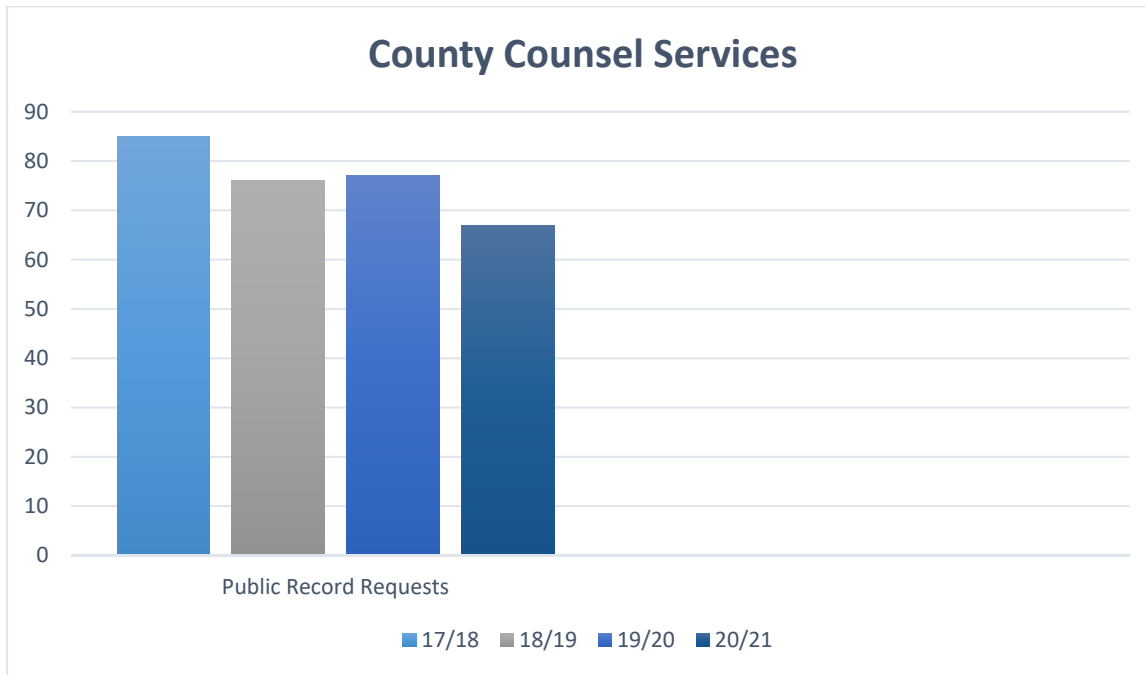
Performance Measures

FY 2021-2022



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Goals and Objectives FY 2022-2023

- Our office will be developing and presenting a contract training for departments to address the basics of public contracting and help create uniformity across County departments in contracting practices. We had hoped to complete this training previously, however the teleworking necessitated by COVID-19 safe workplace protocols made such a training infeasible.
- Our office will be developing a client survey to be disseminated to all County departments and the Board of Supervisors to gain feedback on the services provided to our clients including areas where we are performing well and those areas where we can improve our service delivery.
- This year, we are focusing on maintaining the online Ordinance Code up to date with recent revisions.
- In recognition of the increasing number and complexity of Public Records Act requests, this next year we will be working with our selected vendor NextRequest, Information Technologies, and all County Departments to implement the electronic Public Record Act system. This will include a training session for all Department point persons dealing with Public Record Act requests.
- In a related vein, we will work with Information Technologies to develop a robust ability to respond to e-discovery requests.

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- In an effort to standardize and memorialize the practices and procedures of the County Counsel's Office over the next year, we will complete the development of a County Counsel Office Manual.

Pending Issues/Policy Considerations FY 2022-2023

- The Office of County Counsel will continue to manage the County's affirmative litigation against opioid manufactures and distributors to recover compensation for tax dollars spent on fighting the opioid drug epidemic. Settlement negotiations are ongoing and we are optimistic that significant settlements will be reached in the next fiscal year.
- The Office of County Counsel will continue to work closely with involved agencies in the implementation of the County's Camping and Storage of Personal Property Ordinance.
- Our office is continuing to work with the Sheriff's Department and our jail medical provider, Wellpath, to ensure ongoing compliance with the Amended Consent Decree and to assist with the inspection of the facility by the State of California Attorney General's Office pursuant to Government Code section 12532. We anticipate a significant increase in this workload in the coming fiscal year.
- In cooperation with the Sheriff's Department, we are going to work with interested agencies to explore possible solutions to the increasing number of inmates with long term mental health issues.
- Our office will continue to work with all concerned including Public Health, Health and Human Services, County Administrator, and Risk Management on COVID-19 related issues including the development of resolutions, return to work strategies, employee safety, and monitoring of the extensive litigation arising from the COVID-19 response.
- Our office will continue to work with Information Technologies, Risk Management and the County Administrator to complete the recovery process from the cyberattack on the County's technology infrastructure and to recover costs for the damages suffered by the County as the result of that incident.