

County Counsel

Michael Ciccozzi – County Counsel

| County Counsel | FY 22/23 Adopted Budget | FY 23/24 CAO Recommended | Change |
|---------------------------|-------------------------------|--------------------------------|-------------------|
| 101-0700 | | | |
| EXPENDITURES | | | |
| Salaries and Benefits | \$1,450,247 | \$1,534,614 | \$84,367 |
| Services and Supplies | \$239,438 | \$223,065 | (\$16,373) |
| Other Charges | (\$765,971) | (\$765,971) | \$0 |
| Fixed Assets | | | \$0 |
| TOTAL EXPENDITURES | \$923,714 | \$991,708 | \$67,994 |
| REVENUE | | | |
| Fed/State | | | \$0 |
| Grant | | | \$0 |
| Realignment | | | \$0 |
| Fees/Misc | \$432,000 | \$529,878 | \$97,878 |
| TOTAL REVENUE | \$432,000 | \$529,878 | \$97,878 |
| FUND BALANCE | | | \$0 |
| NET COUNTY COST | \$491,714 | \$461,830 | (\$29,884) |

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

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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

During fiscal year 2021/2022 our office along with other County departments worked through the winding down of the COVID-19 pandemic. 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 continued to provide effective legal assistance to departments including the Community Development and Services Agency (CDSA), Code Enforcement, Health and Human Services Department (HHSD), Public Health, and Environmental Health in connection with identifying strategies for addressing the County's priorities related to homelessness issues. We continued to collaborate with the departments during every step of this process, including providing strategic and sound legal advice. This office is also actively participated in the multi-agency, multi-jurisdiction Bi-County Homeless Services Program meetings. Additionally, we tracked the court decisions and legislation related to the homelessness issue in order to provide timely advice in light of this developing area of law.
- Working with other counties and cities, we were able to finalize settlement of the claims against the big three Distributors and Janssen in the National Multi-District Opioid Litigation. Additionally we pursued and were able to resolve the County's claims against Mallinckrodt, a manufacturer, through the Bankruptcy process. These settlements resulted in annual payments to the County in excess of \$200,000 to be used for the abatement of the harm caused by the opioid crisis. We are continuing to pursue other manufacturers and retailers in the ongoing litigation.
- Our office collaborated with various departments to develop the County's first Telework Policy and Program to assist the County in its recruitment and retention efforts.

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- We successfully litigated a Public Records Act lawsuit seeking the names of County employees appearing in a YouTube video. We prevailed by demonstrating that the employees would be subject to harassment if their names were released. The Court agreed with the County's position resulting in a dismissal of the lawsuit. The petitioner asked the Third District Court of Appeal to overturn the decision of the trial court. The Court of Appeal denied the request.
- We continued to represent the Public Guardian in Lanterman-Petris Short (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 continued 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. In FY 22/23 there were four juvenile dependency appeals that were filed. We prevailed on two after briefing and two before briefing with the Court of Appeals.
- In addition to the work our office does representing HHS in Juvenile Dependency matters, we also helped develop a Child and Adult Protective Services records request protocol.
- 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. In the *Hedrick v. Grant* class action lawsuit, we worked closely with outside counsel to negotiate a Second Amended Consent Decree (SACD) which limited the monitoring of the jail operations to only those issues involving mental health treatment. The SACD will also call for the appointment of a neutral third party monitor, which will remove Class Counsel as the monitor. It is expected these changes will greatly reduce the burden imposed by the Amended Consent Decree on jail operations.
- Our office, with assistance from Information Technology Division, implemented an electronic Public Record Act software program, NextRequest. It is anticipated that this program will make processing Public Record Act requests more efficient. It also makes submitting requests easier for the public.
- We also reviewed and developed responses to 8 subpoenas and 110 public records requests. The raw number of Public Record Act requests increased significantly over the prior years. 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.
- Our office worked closely with the Community Development and Services Agency to bring forward several Affordable Housing projects including River Oaks (approx. \$20 million) and Prosperity Village (approx. \$7 million).

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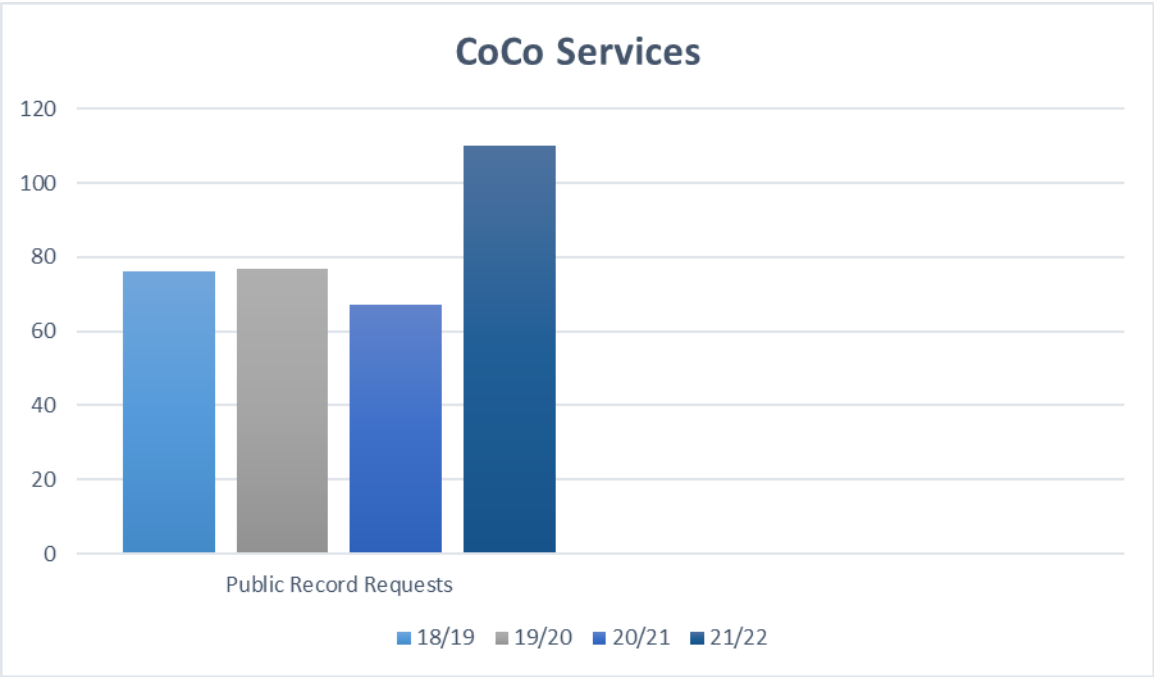
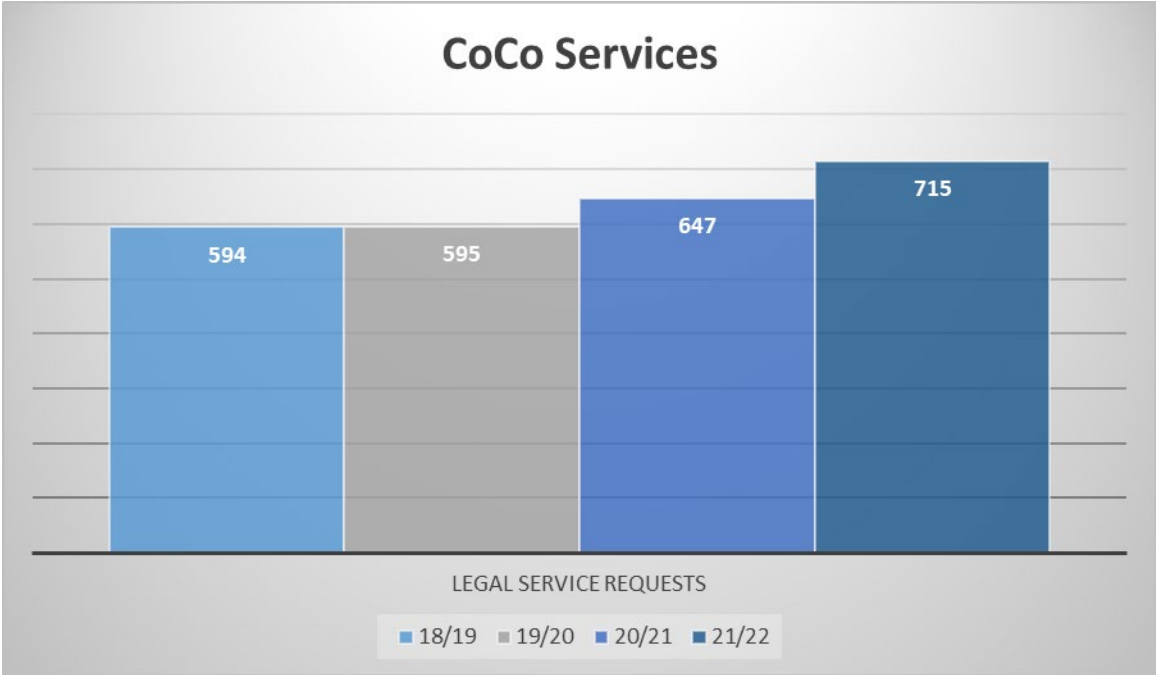
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- Our office assisted the County Administrator and Community Development and Services Agency to complete the Plumas Lake Workout Plan Debt Refinancing.
- Our office worked with Airport staff to secure an approximate \$2 million Airport Runway Improvement Grant.
- Our office worked closely with the Planning Department to update the County’s Development Code in response to changes in state law housing requirements.
- Our office continued to work closely with Information Technology, Risk Management, and County Administrator, to recoup compensation from our insurance carrier as the result of the cyberattack on the County’s technology infrastructure.
- Our office working with the Deferred Compensation Committee helped draft a Charter for the Committee.
- Our office, working with the Sheriff’s Department and a consulting firm MRG, began the process of pursuing a Regional Behavioral Health Facility to provide residential long term behavioral health services to those in need.
- Our office continued to grow its relationship with the Human Resources Department, thereby reducing the use of outside counsel.
- Our office brought the online Ordinance Code up to date.
- Our office participated in the working group to develop the County’s first permanent Telework Policy and Program.
- In addition to the foregoing, the number of Legal Service Requests from Departments increased significantly in 2021/2022 from 647 in FY20/21 to 715 in 21/22.

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Performance Measures FY 2021-2022



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Goals and Objectives

FY 2023-2024

- 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.
- Our office is in the process of 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.
- 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 to develop a training session for all department point persons dealing with Public Record Act requests.
- Our office will work with MuniCode to bring the County online ordinance code up to date.
- 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.
- Our office is reviewing the list of County commissions and committees to determine which are mandated and which are discretionary to help reduce redundancy and make the County government more efficient.

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Pending Issues/Policy Considerations

FY 2022-2023

- The Office of County Counsel will continue to manage the County’s affirmative litigation and settlement processing against opioid manufactures and distributors to recover compensation for tax dollars spent on fighting the opioid drug epidemic. Over the last year, several significant settlements have been reached with distributors and manufacturers. We are continuing to pursue retailers in the litigation and expect significant settlements in the coming year. The Office of County Counsel will continue to work closely with involved agencies and monitor the developing area of law related to 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 Second Amended Consent Decree. We anticipate a significant in this workload in the coming fiscal year.
- In cooperation with the Sheriff’s Department and MRG, we are going to work with interested cities and counties to explore possible solutions to the increasing number of inmates with long-term mental health issues.
- Our office will be working closely with Sutter Yuba Behavioral Health, our Health and Human Services Department, our Public Guardian, and the courts to address the implementation of Community Assistance, Recovery and Empowerment (CARE) Court legislation, which is designed to address the behavioral health needs of individuals in a collaborative fashion.