

September 5, 2023

Regular

Meeting

Item #7o. - County

Counsel

Presentation



County Counsel

Department Overview

Attorneys

Stacey Simon, County Counsel

Christopher Beck, Assistant County Counsel

Emily Fox, Deputy County Counsel

Jeffrey Hughes, Deputy County Counsel

Risk Management

Jay Sloane, Risk Manager

Office Manager

Kevin Moss, Paralegal

County Counsel

Roles, responsibilities and overview of work

Primary Responsibilities



Provide legal representation to the County, including the Board of Supervisors and all departments, committees, boards and commissions



Represent the County in civil legal proceedings



Draft and/or review all contracts and legal documents entered into by the County



Review all agenda items and materials presented to the Board of Supervisors



Represent TVGMD, the Mono County Children and Families (First 5) Commission and the Civil Grand Jury



Provide general legal representation to Special Districts in Mono County per Board direction and upon request

Frequently-Covered Areas of Law

Open meetings – Ralph M. Brown Act

Conflicts of interest – Political Reform Act, Government Code Section 1090, Doctrine of Incompatible Offices, bias in adjudicatory decision making

Competitive bidding and contracting – Public Contract Code, Uniform Construction Cost Accounting and Procedures Act, etc.

Public records – California Public Records Act

Public entity liability – Government Claims Act

Frequently-Covered Areas of Law (cont.)

Employment and labor issues – Meyers, Milias Brown Act, Fair Employment and Housing Act, Civil Rights Act, Americans with Disabilities Act, Age Discrimination in Employment Act, Family and Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave Law, etc.

California Environmental Quality Act (CEQA) and land use laws

Privacy and Confidentiality – Confidentiality of Medical Records Act, Health Insurance Portability and Accountability Act (HIPAA), Constitutional right to privacy

Constitutional issues – Due Process/Equal Protection, First Amendment, Gift of Public Funds, etc.

Other Topics - Substantive areas of the law applicable to County departments and functions which come up periodically, for example:

Redistricting	Emergency Services Act	Elections	Housing laws	Federal lands law
Road easements, closures and vacation	Cannabis Regulation	Recording statutes	Property taxation	Mental Health Services Act
Integrated Waste Management Act	Pandemic response	Animal services	Hazardous materials regulation	Bail bonds

Civil Litigation

Prosecute	The County Counsel represents the County, or any officer acting in their official capacity, as plaintiff in actions to recover public funds, enforce County laws or otherwise prosecute County interests. (Gov. Code § 26529, subd. (a).)
Defend	The County Counsel represents the County as defendant in actions brought against the County. (Gov. Code § 26529, subd. (a).)
Defend	The County Counsel defends certain civil actions against county employees for acts or omissions in the scope of their public employment. (Gov. Code § 995.)

Typical cases involving counties

Dangerous condition of public property

Challenges to fees, taxes and other charges

Constitutional issues (due process, equal protection, 1st Amend.)

Code enforcement

Jail conditions

Disaster recovery (fires, etc.)

Employment and personnel matters

Public Records

Child welfare/Conservatorship

Recent case examples in Mono

County as Plaintiff

- Long Valley dewatering (*Mono County v. LADWP*)
- Multi-District Opioid Litigation
- Mountain View Fire (*Mono County v. Liberty Utilities et al.*)
- Cannabis enforcement (*Mono County v. Oliver et al.*)
- Various other Code Enforcement matters (addressed later in this presentation)

County as Defendant

- *Ammirato v. Bridgeport Gun Club, et al.*
- *Abshire v. Newsom, et al.*
- *Verizon v. State Board of Equalization et al.*
- Walker River Litigation

Administrative Hearings/Rulemakings

- Represent the County and the hearing officer in appeals of disciplinary action (through separate attorneys and utilizing an ethical wall)
- Represent the Assessment Appeals Board and the Assessor in property tax appeals (through separate attorneys and utilizing an ethical wall)
- Represent the County in administrative proceedings and rulemakings before various state agencies, including the Civil Rights Division, the California Public Utilities Commission, etc.



Child Welfare

Initiation of Case

Mono County Child Protective Services (CPS) works with families to address most child welfare referrals without the need for court intervention.

For those situations that do require court involvement, County Counsel represents CPS from the commencement of the case (typically a request for warrant or filing of petition for jurisdiction) through to conclusion.

These matters are confidential – including from the Board of Supervisors.

Ongoing Legal Representation

Handle contested hearings for jurisdiction, disposition or termination of parental rights

Attend all status review hearings

Prepare miscellaneous motions and court filings (e.g., request for court approval for medical treatment).

Represent CPS/the County in any appeals of Superior Court decisions or orders.

Conservatorship of individuals who are gravely disabled/lack capacity

Initiation of Case

- Draft and present petitions for conservatorship and all related materials (e.g., requests for special orders, etc.)
- Represent the Public Guardian at hearings or trials to establish/renew conservatorships.

Ongoing Legal Representation

- Review required court reports and filings and attend all hearings.
- Draft and present miscellaneous motions and court filings (e.g., request to sell conservatee's real property or for medical treatment);
- Handle appeals of Superior Court judgments or orders.

- Provide legal representation during administrative hearings
- Draft and present pleadings to initiate court action
- Prosecute litigation

Code
Compliance

Numbers Overview FY 2022-23 –

County Counsel

443 requests for legal assistance from County staff (e.g., legal research, drafting, advice, litigation, other)

396 completed requests (includes 44 awaiting action from requestor)

9 civil cases litigated or completed during year

4 administrative review, rulemaking or hearing processes

18 child welfare cases

12 conservatorship cases

8 assessment appeals meetings/hearings

41 Board of Supervisors' meetings

11 Planning Commission meetings

14 Tri-Valley Groundwater Management District meetings

85 resolutions drafted

13 ordinances drafted

Risk Management

Roles, responsibilities and overview of work

Primary Responsibilities

- Provide Risk Management Services to all County Departments
- Make recommendations to all County Departments regarding how to reduce liability exposure
- Administer all County Insurance Programs: Workers' Compensation, General Liability, Property (Buildings, Equipment, and Vehicles), Pollution/Landfill, Medical Malpractice, Cyber, Bond/Crime, and Airport.
- Coordinate all Safety and Loss Prevention Program Activities: Safety Meetings, Department Safety Representatives, Incident Reports and Corrective Actions, Safety Policies (Injury and Illness Prevention Program and Emergency Action Plans, Leadership and Safety Trainings
- Contract Review: Insurance Limits, Endorsements, Indemnification, and Risk Transfer
- Claims Handling: Process claims filed with the County pursuant to California's Government Claims Act

Trainings and Inspections

- **Facilities Inspection Procedure**
 - Assigned Facilities Staff
 - Insurance Audit Review
- **Road, Fleet, and Facilities Shop Inspection**
 - Annual site visit with Trindel Safety Officer
 - Supervisor and Superintendent participation
 - Trindel Recommendations
- **Pressure Vessel Inspections**
 - Insurance Carrier Inspections by Hartford Steam Boiler
- **Annual Trindel Public Works, Sheriff, and DSR Conferences**
 - Safety trainings for continuous improvement on current challenges

Additional Services

- Policy Development for County: Animals in the Workplace, Lactation, Personnel Rules Revisions, Facility Closure, COVID-19, Remote Work, Social Media, Vehicle, Reasonable Accommodations
- Building Security Planning and Signage
- Special Event Permitting
- Film Permitting
- Interactive Process Meetings for Accommodations
- DOT Drug Testing Program Administration and Monitoring
- Training Tracking and Management: Leadership, Sexual Harassment
- HIPAA Privacy Officer and ADA Coordinator

Numbers
Overview
FY 2022-23

Risk
Management

100 safety reports, incidents and claims

200 contracts reviewed for insurance compliance

55 special event and film permits processed

200 safety meetings

5 countywide policies drafted

50 leadership and management trainings facilitated

9 insurance policy renewals

9 claims for damages processed

Outcomes 2022-23

Zero County dollars paid in damages, fines or penalties awarded by a court or administrative agency

Over \$250,000 received by County as a result of litigation

County insurance premiums reduced while state and national trend moved upward