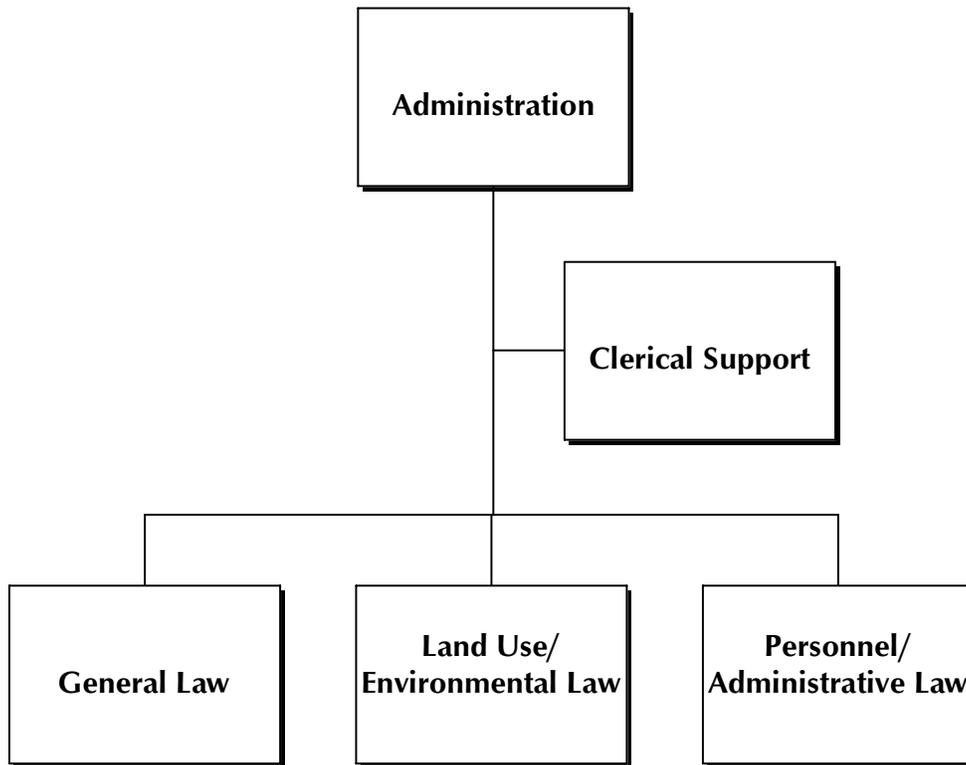


# Office of the County Attorney



## Mission

To provide the best possible legal counsel and representation to County officials and agencies in support of their mission to protect and enhance the community.

## Focus

The Office of the County Attorney is divided into three sections: the General Law section; the Land Use/Environmental Law section; and the Personnel/Administrative Law section. The General Law section civilly prosecutes delinquent tax claims; defends erroneous tax assessment lawsuits; advises County agencies on highly complex financial matters and bond issues, including the formation of special tax and transportation improvement districts; interacts with the Virginia General Assembly on proposed legislation; drafts proposed County ordinances; reviews County contracts; and issues opinions to the governing body and the County government on all manner of subjects. The office maintains intensive collection and litigation efforts regarding tax delinquencies and bankruptcies. The section also defends litigation brought by, among others, large corporations located in the County to challenge real estate, business personal property and Business, Professional and Occupational License (BPOL) tax assessments.

## THINKING STRATEGICALLY

Strategic issues for the department include:

- Defending claims against the County to a favorable conclusion;
- Pursuing cases involving the abuse and neglect of children and the elderly;
- Assisting in the revitalization of older neighborhoods and the creation of housing opportunities for the low-income workforce and aging populations;
- Attracting and retaining talented attorneys to work in the public sector; and
- Assuming a leadership role in facilitating transit in the Dulles corridor and in developing public-private partnerships to effect major highway improvements.

# Office of the County Attorney

The Land Use/Environmental Law section defends land use decisions of the Board of Supervisors, drafts and enforces zoning ordinances and land development regulations, brings condemnation actions, sues defaulting developers, advises County agencies on environmental issues, and reviews subdivision documents affecting County property interests. The shrinking inventory of land in the County on which development can take place increases infill development and places pressure on existing neighborhoods to redevelop. If the Board of Supervisors approves an infill application, litigation challenging the decision becomes likely. In addition, new developments may have an adverse environmental impact on neighboring developments. As a result, the Land Use/Environmental Law section may be called upon to enforce environmental constraints such as the County's erosion and sediment control regulations.

The Personnel/Administrative Law section defends County personnel decisions before administrative hearings and in litigation; provides counsel to the Fairfax County Redevelopment and Housing Authority (FCRHA) and the Park Authority; civilly prosecutes cases involving abuse and neglect of children and elders in the Juvenile and Domestic Relations District Court; drafts personnel and retirement ordinances; and defends the County and its employees in tort actions. A growing population density and an aging of that population impact this section in that accidents involving County vehicles are more likely, as are the filing of tort lawsuits. More people also means more instances of abuse and neglect of children and elders, the results of which currently occupy the efforts of five full-time attorneys. The aging population, many of whom will be on lower fixed incomes during their retirement years, sometimes requires the County to assist them in meeting their housing needs and which can result in more work for the section in its provision of legal advice to the Redevelopment and Housing Authority. The Board of Supervisors' initiative to provide more affordable and workforce housing also results in greater involvement of the section in the work of the FCRHA.

## New Initiatives and Recent Accomplishments in Support of the Fairfax County Vision

 <b>Building Livable Spaces</b>	<b>Recent Success</b>	<b>FY 2008 Initiative</b>
Continue to work with the Department of Planning and Zoning and the Department of Public Works and Environmental Services to ensure that the Zoning Ordinance and erosion and sediment control regulations are strictly enforced to protect the character of existing neighborhoods.	✓	✓
 <b>Connecting People and Places</b>	<b>Recent Success</b>	<b>FY 2008 Initiative</b>
Continue to work with all of the stakeholders in the Dulles corridor to hasten the expansion of rail to Dulles.		✓
 <b>Creating a Culture of Engagement</b>	<b>Recent Success</b>	<b>FY 2008 Initiative</b>
Continue to participate in numerous community dialogues sponsored by members of the Board of Supervisors to educate County residents on the many activities of County government and the legal issues surrounding them.	✓	✓
 <b>Exercising Corporate Stewardship</b>	<b>Recent Success</b>	<b>FY 2008 Initiative</b>
Continue to successfully defend high-dollar personal injury claims brought against the County.	✓	✓

# Office of the County Attorney

## Budget and Staff Resources



Agency Summary				
Category	FY 2006 Actual	FY 2007 Adopted Budget Plan	FY 2007 Revised Budget Plan	FY 2008 Advertised Budget Plan
Authorized Positions/Staff Years				
Regular	64/ 64	64/ 64	65/ 65	65/ 65
Expenditures:				
Personnel Services	\$5,418,839	\$5,797,418	\$5,797,418	\$6,064,988
Operating Expenses	632,842	568,985	757,482	574,311
Capital Equipment	0	0	0	0
<b>Subtotal</b>	<b>\$6,051,681</b>	<b>\$6,366,403</b>	<b>\$6,554,900</b>	<b>\$6,639,299</b>
Less:				
Recovered Costs	(\$397,240)	(\$414,361)	(\$414,361)	(\$432,757)
<b>Total Expenditures</b>	<b>\$5,654,441</b>	<b>\$5,952,042</b>	<b>\$6,140,539</b>	<b>\$6,206,542</b>
Income:				
FCPS Legal Assistance Fees	\$37,445	\$35,997	\$35,997	\$35,997
County Attorney Fees	0	1,000	1,000	1,000
Litigation Proceeds	17,051	92,613	92,613	92,613
Copy Machine Revenue	1,033	0	0	0
<b>Total Income</b>	<b>\$55,529</b>	<b>\$129,610</b>	<b>\$129,610</b>	<b>\$129,610</b>
<b>Net Cost to the County</b>	<b>\$5,598,912</b>	<b>\$5,822,432</b>	<b>\$6,010,929</b>	<b>\$6,076,932</b>

Position Summary		
<u>Administration</u>	<u>Land Use/ Environmental Law</u>	<u>Personnel/ Administrative Law</u>
1 County Attorney	1 Deputy County Attorney	1 Deputy County Attorney
2 Administrative Associates	2 Senior Assistant County Attorneys	2 Senior Assistant County Attorneys
1 Network Analyst II	3 Assistant County Attorneys VI	1 Assistant County Attorney VII
1 Management Analyst II	5 Assistant County Attorneys V	5 Assistant County Attorneys VI
	3 Paralegal Assistants	6 Assistant County Attorneys V
		2 Paralegal Assistants
<b><u>Clerical Support</u></b>	<b><u>General Law</u></b>	
11 Administrative Assistants IV	1 Deputy County Attorney	
1 Administrative Assistant III	1 Senior Assistant County Attorney	
1 Administrative Assistant II	3 Assistant County Attorneys VII	
	2 Assistant County Attorneys VI	
	4 Assistant County Attorneys V	
	5 Paralegal Assistants	
<b><u>TOTAL POSITIONS</u></b>		
65 Positions / 65.0 Staff Years		

## FY 2008 Funding Adjustments

The following funding adjustments from the FY 2007 Revised Budget Plan are necessary to support the FY 2008 program:

- ◆ **Employee Compensation** **\$328,167**  
An increase of \$328,167 in Personnel Services is associated with salary adjustments necessary to support the County's compensation program.
  
- ◆ **Personnel Services Reduction** **(\$60,597)**  
A decrease of \$60,597 in Personnel Services as part of an across-the-board reduction to meet budget limitations based on available revenues as a result of a flattening residential real estate market.

# Office of the County Attorney

◆ **Operating Expenses** **(\$183,171)**

A decrease of \$188,497 in Operating Expenses is due to one-time expenses as part of the *FY 2006 Carryover Review* partially offset by an increase of \$5,326 in Department of Vehicle Services charges based on anticipated charges for fuel, vehicle replacement and maintenance costs.

◆ **Recovered Costs** **(\$18,396)**

An increase of \$18,396 in Recovered Costs is based on projected salary and operating requirements.

## **Changes to FY 2007 Adopted Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2007 Revised Budget Plan since passage of the FY 2007 Adopted Budget Plan. Included are all adjustments made as part of the FY 2006 Carryover Review and all other approved changes through December 31, 2006:*

◆ **Carryover Adjustments** **\$188,497**

As part of the *FY 2006 Carryover Review*, the Board of Supervisors approved encumbered funding of \$188,497 in Operating Expenses.

◆ **Position Redirection** **\$0**

During FY 2007, the County Executive approved the redirection of 1/1.0 SYE position to provide additional strategic direction and support to the agency, as well as support the agency's succession planning efforts.

## **Key Performance Measures**

### **Objectives**

- ◆ To ensure that the civil litigation brought by or against the County of Fairfax and its constituent entities in state or federal, trial or appellate courts and administrative tribunals is consistently processed to a favorable conclusion by maintaining the percentage of lawsuits concluded favorably at 97 percent.
- ◆ To maintain the response time to all requests for legal opinions and advice from the Board of Supervisors, other boards, authorities or commissions, the County Executive, and County agencies at 87 percent of responses meeting timeliness standards.
- ◆ To forward a final draft Bill of Complaint to the Zoning Administrator within 40 days of the request for zoning enforcement 90 percent of the time.
- ◆ To maintain the recovery rate of amounts referred for collection by the Department of Tax Administration at a minimum of 63 percent.

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2004 Actual	FY 2005 Actual	FY 2006 Estimate/Actual	FY 2007	FY 2008
<b>Output:</b>					
Lawsuits completed	924	816	775 / 1,287	925	925
Advisory responses completed	3,155	3,416	3,200 / 3,067	3,150	3,150
Draft Bills of Complaint submitted	62	58	56 / 86	70	70
Dollars collected for real estate	\$200,450	\$933,025	\$1,000,000 / \$446,359	\$500,000	\$500,000
Dollars collected for BPP, PP, BPOL, Other (1)	\$4,176,537	\$3,598,480	\$3,200,000 / \$3,161,196	\$3,150,000	\$3,150,000
Total dollars collected	\$4,376,987	\$4,531,505	\$4,200,000 / \$3,607,555	\$3,600,000	\$3,600,000

# Office of the County Attorney

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2004 Actual	FY 2005 Actual	FY 2006 Estimate/Actual	FY 2007	FY 2008
<b>Efficiency:</b>					
Lawsuits completed per staff	14	13	12 / 20	14	14
Responses provided per staff	49	53	50 / 48	48	48
Draft Bills of Complaint per staff assigned	25	23	22 / 34	28	28
Salaries expended per collection amount	12%	12%	13% / 17%	16%	16%
<b>Service Quality:</b>					
Percent of lawsuits concluded favorably	97%	99%	97% / 98%	97%	97%
Percent of advisory responses meeting timeliness standards for BOS requests (14 days)	91%	93%	96% / 91%	91%	91%
Percent of advisory responses meeting timeliness standards for subdivision review (21 days)	100%	100%	95% / 100%	95%	95%
Percent of advisory responses meeting timeliness standards for legal opinion (30 days)	89%	80%	80% / 91%	85%	85%
Percent of advisory responses meeting timeliness standards for Freedom of Information Act requests (according to state law)	99%	100%	100% / 100%	100%	100%
Percent of advisory responses meeting timeliness standards for other requests (1 year)	86%	84%	80% / 81%	81%	81%
Percent of advisory responses meeting timeliness standards overall	88%	87%	87% / 85%	87%	87%
Percent of zoning enforcement requests meeting 40-day submission standard	61%	88%	90% / 100%	90%	90%
Collection rate (Total BPOL, BPP, PP, collected in current year divided by total BPOL, BPP, PP referred in previous year) (1)	80%	79%	63% / 80%	63%	63%
<b>Outcome:</b>					
Percentage point change of lawsuits concluded favorably during the fiscal year	(1)	2	(2) / (1)	(1)	0
Percentage point change of responses meeting timeliness standards	4	(1)	0 / (2)	2	0
Percentage point change in zoning enforcement requests meeting 40-day submission standard	(39)	27	2 / 12	(10)	0
Percentage point change in recovery of amounts referred for collection	(5)	(1)	(16) / 1	(17)	0

(1) BPP = Business Personal Property Tax; PP = Personal Property Tax; BPOL = Business, Professional and Occupational License Tax.

# Office of the County Attorney

---

## **Performance Measurement Results**

In FY 2006, 98 percent of lawsuits brought by or against the County were concluded favorably, thereby exceeding the objective of 97 percent. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits in fiscal years 2007 and 2008.

In FY 2006, the target of 90 percent for meeting the 40-day submission standard for Zoning Enforcement suits was exceeded, with 100 percent met. The office will continue working to meet or exceed the 90 percent target estimate in future years.

The dollar recovery rate on collection suits is based on delinquencies that are referred by the Department of Tax Administration to the Office of the County Attorney's target component and the amount recovered. In FY 2006, the collection rate was 80 percent, which exceeded the objective of 63 percent. The Office of the County Attorney does not expect the dollar recovery rate to be as high in FY 2007 and FY 2008, since more accounts with smaller dollar values are anticipated to be resolved, but the office will still strive to meet its goal of a 63 percent collection rate.

The response time to all requests for legal opinions and advice is based on responses to requests from the Board of Supervisors, other boards, authorities and commissions, the County Executive, and County departments. Although in FY 2006 the Office of the County Attorney did not meet its goals in several assignment areas, it exceeded its goals in others. The office will continue to work to improve its timeliness completions in FY 2008, paying particular attention to those areas in which there was a decline.