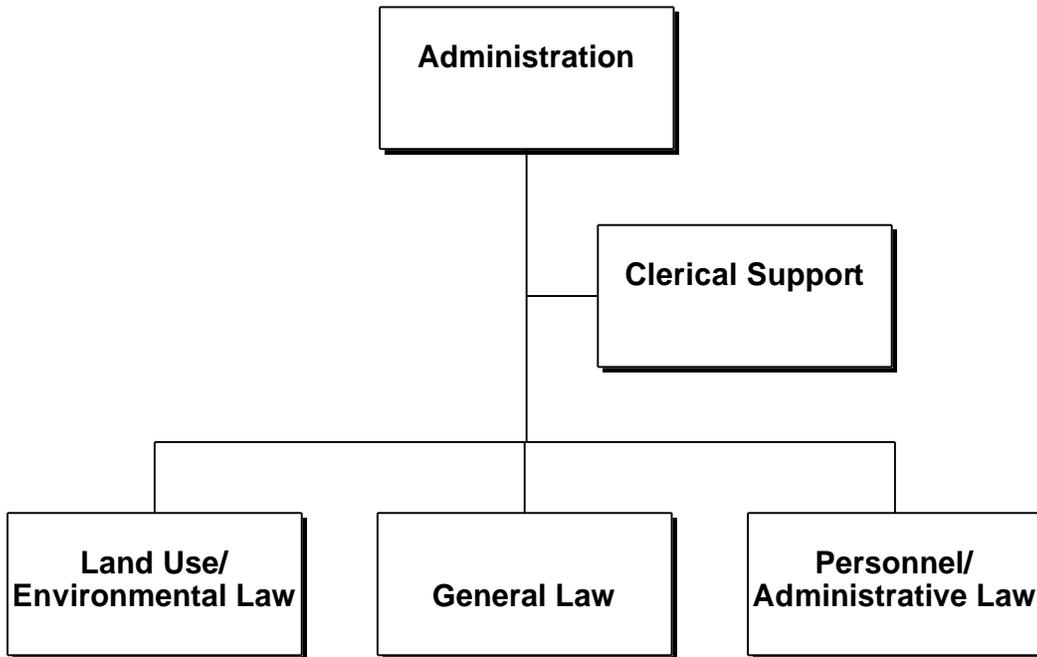


OFFICE OF THE COUNTY ATTORNEY



OFFICE OF THE COUNTY ATTORNEY

Agency Position Summary

64 Regular Positions / 64.0 Regular Staff Years

Position Detail Information

ADMINISTRATION

1 County Attorney
1 Administrative Assistant IV
1 Administrative Associate
1 Network Analyst II
4 Positions
4.0 Staff Years

CLERICAL SUPPORT

11 Administrative Assistants IV
1 Administrative Assistant III
1 Administrative Assistant I
13 Positions
13.0 Staff Years

LAND USE/ENVIRONMENTAL LAW

1 Deputy County Attorney
1 Senior Assistant County Attorney
1 Assistant County Attorney VI
1 Assistant County Attorney V
7 Assistant County Attorneys IV
3 Paralegal Assistants
14 Positions
14.0 Staff Years

GENERAL LAW

1 Deputy County Attorney
2 Senior Assistant County Attorneys
1 Assistant County Attorney VI
2 Assistant County Attorneys V
4 Assistant County Attorneys IV
5 Paralegal Assistants
15 Positions
15.0 Staff Years

PERSONNEL/ADMINISTRATIVE LAW

1 Deputy County Attorney
2 Senior Assistant County Attorneys
2 Assistant County Attorneys VI
3 Assistant County Attorneys V
8 Assistant County Attorneys IV
2 Paralegal Assistants
18 Positions
18.0 Staff Years

OFFICE OF THE COUNTY ATTORNEY

Agency Mission

To fulfill the requirements of the Code of Virginia that the County Attorney advise the governing body and all boards, departments, agencies, officials, and employees of the locality in civil matters, draft or prepare ordinances, defend or bring actions in which the local government or any of its components shall be a party, and in any other manner advise or represent the locality.

Agency Summary					
Category	FY 2001 Actual	FY 2002 Adopted Budget Plan	FY 2002 Revised Budget Plan	FY 2003 Advertised Budget Plan	FY 2003 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	64/ 64	64/ 64	64/ 64	64/ 64	64/ 64
Expenditures:					
Personnel Services	\$4,501,886	\$4,603,835	\$4,603,835	\$4,837,007	\$4,817,070
Operating Expenses	857,941	1,211,587	1,269,753	1,186,232	942,467
Capital Equipment	31,122	0	0	0	0
Subtotal	\$5,390,949	\$5,815,422	\$5,873,588	\$6,023,239	\$5,759,537
Less:					
Recovered Costs	(\$313,329)	(\$332,482)	(\$332,482)	(\$349,204)	(\$349,204)
Total Expenditures	\$5,077,620	\$5,482,940	\$5,541,106	\$5,674,035	\$5,410,333
Income:					
Legal Counsel to FCPS	\$27,654	\$29,258	\$29,258	\$30,916	\$30,916
County Attorney Fees	0	1,000	1,000	1,000	1,000
Litigation Proceeds	5,115	46,000	46,000	46,000	46,000
Total Income	\$32,769	\$76,258	\$76,258	\$77,916	\$77,916
Net Cost to the County	\$5,044,851	\$5,406,682	\$5,464,848	\$5,596,119	\$5,332,417

Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2003 Advertised Budget Plan, as approved by the Board of Supervisors on April 29, 2002:

- ◆ A net decrease of \$263,702 as part of the \$28.8 million Reductions to County Agencies and Funds approved by the Board of Supervisors to allow for a two-cent real estate tax rate reduction and to provide additional funding for the Fairfax County Public School system. These reductions include a decrease in limited term hours and operating expenses, primarily in litigation expenses.

The following funding adjustments reflect all approved changes to the FY 2002 Revised Budget Plan from January 1, 2002 through April 22, 2002. Included are all adjustments made as part of the FY 2002 Third Quarter Review:

- ◆ A net decrease of \$274,147 as part of the \$24.2 million Reductions to County Agencies and Funds approved by the Board of Supervisors to address the FY 2002 revenue shortfall and increased public safety requirements. These reductions include a decrease of \$274,147 in operating expenses, primarily in litigation expenses.

OFFICE OF THE COUNTY ATTORNEY

County Executive Proposed FY 2003 Advertised Budget Plan

Purpose

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 prosecutes delinquent tax claims, defends tax assessment lawsuits, advises County agencies on financial matters and bond issues, interacts with the Virginia General Assembly, drafts proposed County ordinances, reviews County contracts, and issues opinions to the governing body and the County Government on general subjects.

The Land Use/Environmental Law section defends land use decisions of the governing body, enforces and drafts zoning ordinances, brings condemnation actions, advises County agencies on environmental issues, and reviews subdivision documents affecting County property interests.

The Personnel/Administrative Law section defends County personnel decisions in administrative hearings and litigation, provides counsel to the Fairfax County Redevelopment and Housing Authority and the Park Authority, prosecutes cases involving abuse and neglect of children and elders in the Juvenile and Domestic Relations Court, and drafts personnel and retirement ordinances.

Key Accomplishments

- ◆ Effected a modification of personnel rules to enable attorneys to provide *pro bono publico* legal services.
- ◆ Further modified attorney personnel deployment to increase the number of attorneys available to handle abuse and neglect cases without negatively impacting other areas of practice.
- ◆ Achieved a high rate of success in litigation before the Fairfax County Circuit Court and the United States District Court for the Eastern District of Virginia and in appeals before the Virginia and federal appellate courts.
- ◆ Provided preventive law services by conducting training sessions for various County agencies.
- ◆ Served in leadership positions in both state and local attorney associations, including membership on the Executive Committee of the Virginia State Bar and presidency of the Local Government Attorneys of Virginia.

FY 2003 Initiatives

- ◆ Encourage the provision of *pro bono publico* legal services to the community consistent with the requirements of the Virginia Rules of Professional Conduct.
- ◆ Increase preventive law services by conducting training sessions throughout County agencies and by serving on cross-cutting County task groups.
- ◆ Evaluate the litigation requirements of the General Law, Land Use/Environmental Law, and Personnel/Administrative Law sections to enable timely redeployment of personnel as litigation workloads warrant.
- ◆ Explore additional opportunities for job-sharing and teleworking.

OFFICE OF THE COUNTY ATTORNEY

Performance Measurement Results

The percent of litigation processed to a favorable conclusion is based on all litigation brought by or against the County in state or federal, trial or appellate courts and administrative tribunals. In FY 2001, 97 percent of lawsuits were concluded favorably, exceeding the objective of 80 percent of lawsuits concluded favorably by 17 percentage points. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits for Fiscal Years 2002 and 2003.

The timeliness of the filing of zoning enforcement suits is based on suits that are referred by the Zoning Administrator to the Office of the County Attorney. In FY 2001, the Land Use section met the 40-day filing standard for zoning enforcement suits 97 percent of the time, substantially above the 90 percent goal. It is anticipated that the standard will be met in at least 97 percent of the cases for Fiscal Years 2002 and 2003.

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. Although the amount collected in FY 2001 decreased from the amount collected in FY 2000, this is primarily due to a significant decrease in "big dollar" cases referred. The County Attorney's Office will place a greater emphasis on delinquent real estate tax collection in the next year in an effort to increase collections.

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 or commissions, the County Executive, and County agencies. The percentage of advisory responses meeting timeliness standards was 92 percent in FY 2000, increased to 93 percent in FY 2001, and is anticipated to increase to 94 percent in FY 2002 and to 95 percent in FY 2003.

Funding Adjustments

The following funding adjustments from the FY 2002 Revised Budget Plan are necessary to support the FY 2003 programs:

- ◆ An increase of \$233,172 in Personnel Services associated with salary adjustments necessary to support the County's compensation program.
- ◆ A net decrease of \$357,668 in Operating Expenses not required in FY 2003 as a result of the one-time carryover of expenditures for litigation funding from FY 2001 and a reduction in intergovernmental charges related to vehicles and information technology.
- ◆ An increase of \$16,722 in Recovered Costs due to the FY 2003 projected salaries of recoverable positions.

The following funding adjustments reflect all approved changes to the FY 2002 Revised Budget Plan since passage of the FY 2002 Adopted Budget Plan. Included are all adjustments made as part of the FY 2001 Carryover Review and all other approved changes through December 31, 2001:

- ◆ As part of the FY 2001 Carryover Review, an increase of \$40,000 due to unencumbered carryover associated with unexpended FY 2001 Close Management Initiatives (CMI) savings.
- ◆ As part of the FY 2001 Carryover Review, an increase of \$292,313 in Operating Expenses due to encumbered carryover.

OFFICE OF THE COUNTY ATTORNEY

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 improve 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 by one percentage point each year from 94 to 95 percent of responses meeting timeliness standards.
- ◆ To file 97 percent of zoning enforcement suits within 40 days of the request from the Zoning Administrator.
- ◆ To increase the recovery rate of amounts referred for collection by the Department of Tax Administration to at least 63 percent.

Performance Indicators

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 1999 Actual	FY 2000 Actual	FY 2001 Estimate/Actual	FY 2002	FY 2003
Output:					
Lawsuits completed	731	737	750 / 646	640	640
Advisory responses completed	4,907	2,783	3,000 / 3,357	3,350	3,350
Requests for zoning enforcement actions filed	35	38	38 / 33	33	33
Dollars collected:	\$4,859,662	\$2,522,723	\$3,000,000 / \$1,558,741	\$2,000,000	\$2,200,000
Real Estate	\$3,513,734	\$1,511,114	\$2,000,000 / \$834,131	\$1,200,000	\$1,300,000
BPP, PP, BPOL, Other ¹	\$1,345,928	\$1,011,609	\$1,000,000 / \$724,610	\$800,000	\$900,000
Efficiency:					
Lawsuits completed per staff	11	12	12 / 10	10	10
Responses provided per staff	77	43	60 / 53	52	52
Zoning enforcement actions filed per staff assigned	14	15	15 / 13	13	13
Salaries expended per collection amount	8%	18%	10% / 31%	24%	22%
Service Quality:					
Percent of lawsuits concluded favorably	NA	97%	80% / 97%	97%	97%
Percent of advisory responses meeting timeliness standards	NA	92%	93% / 93%	94%	95%
(1) BOS requests/14 days	NA	94%	94% / 96%	96%	96%
(2) Subdivision review/21 days	NA	100%	90% / 100%	95%	95%
(3) Legal opinion/30 days	NA	95%	95% / 77%	90%	90%
(4) Freedom of Information Act requests/according to state law	NA	100%	100% / 100%	100%	100%

OFFICE OF THE COUNTY ATTORNEY

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 1999 Actual	FY 2000 Actual	FY 2001 Estimate/Actual	FY 2002	FY 2003
(5) Other requests/1 year	NA	89%	90% / 91%	92%	93%
Percent of zoning enforcement requests meeting 40-day filing standard	97%	100%	90% / 97%	97%	97%
Collection rate (Total BPOL, BPP, PP, collected in current year divided by total BPOL, BPP, PP referred in previous year)	62%	69%	63% / 52%	52%	63%
Outcome:					
Percentage point change of lawsuits concluded favorably during the fiscal year	NA	NA	0 / 0	0	0
Percentage point change of responses meeting timeliness standards	NA	NA	1 / 1	1	1
Percentage point change in zoning enforcement requests meeting 40-day filing standard	NA	3	(3) / (3)	0	0
Percentage point change in recovery of amounts referred for collection	NA	7	(6) / (17)	0	11

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