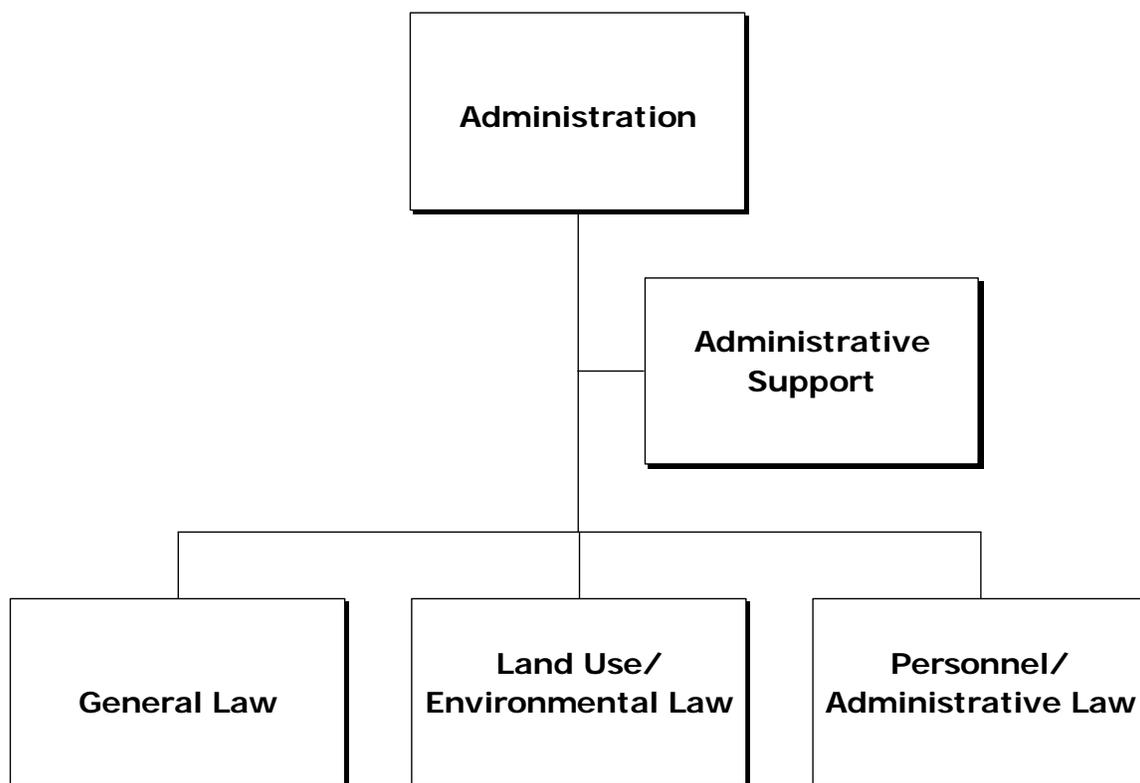


Office of the County Attorney



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 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 legal opinions to the governing body and the County government on all manner of subjects. The office maintains intensive collection and litigation efforts regarding bankruptcies. This 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.

The Land Use/Environmental Law Section defends land use decisions of the Board of Supervisors, drafts and enforces zoning ordinances and building 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

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sediment control regulations and the Chesapeake Bay Ordinance. Overcrowding of dwelling units and the creation of illegal multiple dwelling units on residential property have become major causes of the destabilization of certain mature neighborhoods within the County. The Land Use/Environmental Law Section is a crucial player in the efforts of the Zoning Administrator and the Property Maintenance Code Official to enforce the law and this section works closely with the Department of Code Compliance that was established to deal with these problems. The Land Use/Environmental Law Section also provides counsel to the Fairfax County Redevelopment and Housing Authority (FCRHA). A growing population density and an aging of that population, who will be on lower fixed incomes during their retirement years, will look to the County to assist them in meeting their housing needs and this will result in more work for the section in its provision of legal advice and transactional expertise to the FCRHA. The Board of Supervisors' successful initiative to provide more affordable and workforce housing also results in greater involvement of the section in the work of the FCRHA.

The Personnel/Administrative Law Section defends County personnel decisions before administrative bodies and in state and federal courts; civilly prosecutes cases involving abuse and neglect of children and elders occupying the efforts of five full-time attorneys; drafts personnel regulations and retirement ordinances; and defends the County and its employees in tort actions, employment discrimination, and federal civil rights claims.

Budget and Staff Resources



Agency Summary					
Category	FY 2010 Actual	FY 2011 Adopted Budget Plan	FY 2011 Revised Budget Plan	FY 2012 Advertised Budget Plan	FY 2012 Adopted Budget Plan
Authorized Positions/Staff Years					
Regular	60 / 60	60 / 60	60 / 60	60 / 60	60 / 60
Expenditures:					
Personnel Services	\$5,949,076	\$5,974,425	\$5,874,425	\$6,006,103	\$6,006,103
Operating Expenses	457,182	468,123	772,566	468,123	468,123
Capital Equipment	0	0	0	0	0
Subtotal	\$6,406,258	\$6,442,548	\$6,646,991	\$6,474,226	\$6,474,226
Less:					
Recovered Costs	(\$466,522)	(\$466,522)	(\$466,522)	(\$466,522)	(\$466,522)
Total Expenditures	\$5,939,736	\$5,976,026	\$6,180,469	\$6,007,704	\$6,007,704
Income:					
Litigation Proceeds	\$55,722	\$80,502	\$55,700	\$55,700	\$55,700
Copy Machine Revenue	1,853	0	1,500	1,500	1,500
Total Income	\$57,575	\$80,502	\$57,200	\$57,200	\$57,200
Net Cost to the County	\$5,882,161	\$5,895,524	\$6,123,269	\$5,950,504	\$5,950,504

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Position Summary		
<p><u>Administration</u></p> <p>1 County Attorney 1 Deputy County Attorney 2 Administrative Associates 1 Network Analyst II 1 Financial Specialist II</p> <p><u>Clerical Support</u></p> <p>10 Administrative Assistants IV 1 Administrative Assistant II</p>	<p><u>Land Use/ Environmental Law</u></p> <p>1 Deputy County Attorney 1 Senior Assistant County Attorney 4 Assistant County Attorneys VI 6 Assistant County Attorneys V 3 Paralegal Assistants</p> <p><u>General Law</u></p> <p>1 Deputy County Attorney 1 Senior Assistant County Attorney 2 Assistant County Attorneys VII 5 Assistant County Attorneys VI 1 Assistant County Attorney V 3 Paralegal Assistants</p>	<p><u>Personnel/ Administrative Law</u></p> <p>1 Deputy County Attorney 2 Senior Assistant County Attorneys 1 Assistant County Attorney VII 3 Assistant County Attorneys VI 7 Assistant County Attorneys V 1 Paralegal Assistant</p>
<p>TOTAL POSITIONS 60 Positions / 60.0 Staff Years</p>		

FY 2012 Funding Adjustments

The following funding adjustments from the FY 2011 Adopted Budget Plan are necessary to support the FY 2012 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the budget on April 26, 2011.

- ◆ **Employee Compensation**
\$0

It should be noted that no funding is included for pay for performance or market rate adjustments in FY 2012.

- ◆ **Counsel for Commitment Hearings**
\$51,678

Funding of \$51,678 in Personnel Services is included to provide for counsel required at hearings concerning individuals who have been recommended for commitment for mental health care by the Fairfax-Falls Church Community Services Board. Funding will support an attorney to represent the County's interests at these daily hearings. These funds were transferred from a prior allocation to the legal clinic at George Mason University School of Law; however, the Fairfax-Falls Church Community Services Board requested this Office to serve the County's interests on a more consistent daily and year-round basis.

- ◆ **Reductions**
(\$20,000)

A decrease of \$20,000 reflects the following reduction utilized to balance the FY 2012 budget:

Title	Impact	Posn	SYE	Reduction
Manage Position Vacancies to Achieve Savings	Combined with reductions in previous fiscal years, this reduction will require the agency to continue to hold attorney positions vacant indefinitely resulting in increased caseloads and potential delays in responding to the Board of Supervisors and County agencies. Delays in initiating litigation for enforcement of violations of County ordinances such as zoning, property maintenance, erosion and sediment control, etc. may also occur as priority must be given to the defense of lawsuits against the County and its employees.	0	0.0	\$20,000

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Changes to FY 2011 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2011 Revised Budget Plan since passage of the FY 2011 Adopted Budget Plan. Included are all adjustments made as part of the FY 2010 Carryover Review, FY 2011 Third Quarter Review, and all other approved changes through April 12, 2011:

- ◆ **Carryover Adjustments** **\$304,443**
As part of the FY 2010 Carryover Review, the Board of Supervisors approved encumbered funding of \$304,443 in Operating Expenses primarily associated with litigation expenses.

- ◆ **Third Quarter Adjustments** **(\$100,000)**
As part of the FY 2011 Third Quarter Review, the Board of Supervisors approved a net reduction of \$100,000 to generate savings to meet FY 2012 requirements.

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 until this line of business is discontinued in FY 2011.

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2008 Actual	FY 2009 Actual	FY 2010 Estimate/Actual	FY 2011	FY 2012
Output:					
Lawsuits completed	1,844	1,445	700 / 1,231	700	700
Advisory responses completed	3,792	3,488	3,000 / 2,956	3,000	3,000
Draft Bills of Complaint submitted	265	217	200 / 199	200	200
Dollars collected for real estate	\$1,217,507	\$2,025,967	\$500,000 / NA	NA	NA
Dollars collected for BPP, PP, BPOL, Other	\$1,643,008	\$1,458,059	\$800,000 / NA	NA	NA
Total dollars collected	\$2,860,515	\$3,494,026	\$1,300,000 / NA	NA	NA

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Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2008 Actual	FY 2009 Actual	FY 2010 Estimate/Actual	FY 2011	FY 2012
Efficiency:					
Lawsuits completed per staff	28	22	12 / 21	12	12
Responses provided per staff	57	53	50 / 51	52	52
Draft Bills of Complaint per staff assigned	66	66	50 / 50	50	50
Salaries expended per collection amount	24%	21%	43% / NA	NA	NA
Service Quality:					
Percent of lawsuits concluded favorably	99%	98%	97% / 97%	97%	97%
Percent of advisory responses meeting timeliness standards for BOS requests (14 days)	94%	97%	97% / 100%	97%	97%
Percent of advisory responses meeting timeliness standards for subdivision review (21 days)	99%	97%	97% / 100%	97%	97%
Percent of advisory responses meeting timeliness standards for legal opinion (30 days)	93%	100%	99% / 95%	99%	99%
Percent of advisory responses meeting timeliness standards for Freedom of Information Act requests (according to state law)	100%	98%	100% / 99%	100%	100%
Percent of advisory responses meeting timeliness standards for other requests (1 year)	84%	98%	87% / 91%	87%	87%
Percent of advisory responses meeting timeliness standards overall	87%	92%	87% / 93%	87%	87%
Percent of zoning enforcement requests meeting 40-day submission standard	100%	97%	90% / 99%	90%	90%
Collection rate (Total BPOL, BPP, PP, collected in current year divided by total BPOL, BPP, PP referred in previous year)	75%	96%	63% / NA	NA	NA
Outcome:					
Percentage point change of lawsuits concluded favorably during the fiscal year	2	1	(1) / (1)	0	0
Percentage point change of responses meeting timeliness standards	(3)	5	(5) / 1	(6)	0
Percentage point change in zoning enforcement requests meeting 40-day submission standard	0	(3)	(7) / 2	(9)	0
Percentage point change in recovery of amounts referred for collection	(14)	21	(33) / NA	NA	NA

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Performance Measurement Results

In FY 2010, 97 percent of lawsuits brought by or against the County were concluded favorably, meeting the objective of 97 percent. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits in fiscal year 2012.

In FY 2010, the target of 90 percent for meeting the 40-day submission standard for Zoning Enforcement suits was exceeded, with 99 percent met. The Office will continue working to meet or exceed the 90 percent target estimate in FY 2012 despite the heavy volume of these enforcement cases.

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. The office makes every effort to meet or exceed all of its goals although some factors are outside of the direct control of the Office.