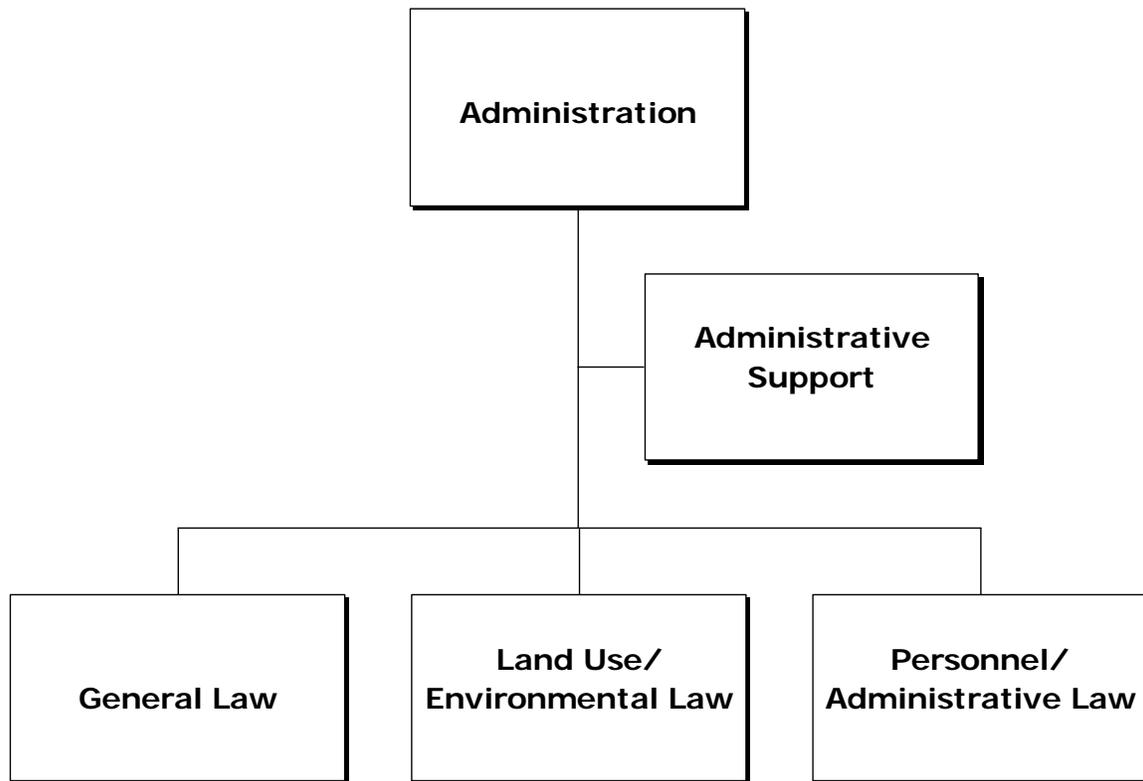


# Office of the County Attorney



## 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

# Office of the County Attorney

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; defends the County and its employees in tort actions, employment discrimination, and federal civil rights claims; and, represents the County's interests in civil commitment hearings for individuals requiring mandatory inpatient mental health services.

## Budget and Staff Resources

Agency Summary				
Category	FY 2011 Actual	FY 2012 Adopted Budget Plan	FY 2012 Revised Budget Plan	FY 2013 Advertised Budget Plan
Authorized Positions/Staff Years				
Regular	60 / 60	60 / 60	60 / 60	60 / 60
Expenditures:				
Personnel Services	\$5,748,360	\$6,006,103	\$6,097,777	\$6,259,777
Operating Expenses	548,267	468,123	1,237,418	408,046
Capital Equipment	0	0	0	0
<b>Subtotal</b>	<b>\$6,296,627</b>	<b>\$6,474,226</b>	<b>\$7,335,195</b>	<b>\$6,667,823</b>
Less:				
Recovered Costs	(\$466,522)	(\$466,522)	(\$466,522)	(\$466,522)
<b>Total Expenditures</b>	<b>\$5,830,105</b>	<b>\$6,007,704</b>	<b>\$6,868,673</b>	<b>\$6,201,301</b>
Income:				
Litigation Proceeds	\$99,873	\$55,700	\$115,000	\$115,000
Copy Machine Revenue	539	1,500	1,500	1,500
<b>Total Income</b>	<b>\$100,412</b>	<b>\$57,200</b>	<b>\$116,500</b>	<b>\$116,500</b>
<b>Net Cost to the County</b>	<b>\$5,729,693</b>	<b>\$5,950,504</b>	<b>\$6,752,173</b>	<b>\$6,084,801</b>

# Office of the County Attorney

Position Summary		
<p><b><u>Administration</u></b></p> <p>1 County Attorney                      1 Deputy County Attorney                      2 Administrative Associates                      1 Network Analyst II                      1 Financial Specialist II</p> <p><b><u>Clerical Support</u></b></p> <p>10 Administrative Assistants IV                      1 Administrative Assistant II</p>	<p><b><u>Land Use/ Environmental Law</u></b></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><b><u>General Law</u></b></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><b><u>Personnel/ Administrative Law</u></b></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><b>TOTAL POSITIONS</b>                      60 Positions / 60.0 Staff Years</p>		

## FY 2013 Funding Adjustments

The following funding adjustments from the FY 2012 Adopted Budget Plan are necessary to support the FY 2013 program:

- ◆ **Employee Compensation**
**\$133,552**

An increase of \$133,552 in Personnel Services reflects a 2.18 percent market rate adjustment (MRA) in FY 2013.

  
- ◆ **Full Year Impact of FY 2012 Market Rate Adjustment**
**\$120,122**

As part of the *FY 2011 Carryover Review*, the Board of Supervisors approved an increase of \$120,122 in Personnel Services for a 2.0 percent market rate adjustment (MRA), effective September 24, 2011.

  
- ◆ **Reductions**
**(\$60,077)**

A decrease of \$60,077 reflects the following reduction utilized to balance the FY 2013 budget:

Title	Impact	Posn	SYE	Reduction
Reduce Operating Expenses in litigation expenses	This reduction may result in delays in initiating litigation for enforcement of violations of County ordinances such as zoning, property maintenance, etc.; however, the impact on the agency is projected to be manageable unless other unforeseeable and necessary operating costs increase significantly.	0	0.0	\$60,077

## Changes to FY 2012 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the *FY 2012 Revised Budget Plan* since passage of the FY 2012 Adopted Budget Plan. Included are all adjustments made as part of the *FY 2011 Carryover Review*, and all other approved changes through December 31, 2011:

- ◆ **Carryover Adjustments**
**\$860,969**

As part of the *FY 2011 Carryover Review*, the Board of Supervisors approved funding of \$91,674 in Personnel Services for a 2.0 percent market rate adjustment, effective September 24, 2011. In addition, the Board approved encumbered funding of \$347,295 in Operating Expenses and an increase of \$422,000 was approved for litigation services in support of pending cases.

# Office of the County Attorney

## 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 ensure a 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.

Indicator	Prior Year Actuals			Current Estimate
	FY 2009 Actual	FY 2010 Actual	FY 2011 Estimate/Actual	FY 2012
<b>Output:</b>				
Lawsuits completed	1,445	1,231	700 / 932	932
Advisory responses completed	3,488	2,956	3,000 / 2,766	2,766
Draft Bills of Complaint submitted	217	199	200 / 191	191
<b>Efficiency:</b>				
Lawsuits completed per staff	22	21	12 / 16	16
Responses provided per staff	53	51	52 / 46	46
Draft Bills of Complaint per staff assigned	66	50	50 / 48	48
<b>Service Quality:</b>				
Percent of lawsuits concluded favorably	98%	97%	97% / 97%	97%
Percent of advisory responses meeting timeliness standards for BOS requests (14 days)	97%	100%	97% / 100%	97%
Percent of advisory responses meeting timeliness standards for subdivision review (21 days)	97%	100%	97% / 99%	97%
Percent of advisory responses meeting timeliness standards for legal opinion (30 days)	100%	95%	99% / 100%	99%
Percent of advisory responses meeting timeliness standards for Freedom of Information Act requests (according to state law)	98%	99%	100% / 100%	100%
Percent of advisory responses meeting timeliness standards for other requests (1 year)	98%	91%	87% / 92%	87%
Percent of advisory responses meeting timeliness standards overall	92%	93%	87% / 93%	87%
Percent of zoning enforcement requests meeting 40-day submission standard	97%	99%	90% / 99%	90%

## Office of the County Attorney

Indicator	Prior Year Actuals			Current Estimate
	FY 2009 Actual	FY 2010 Actual	FY 2011 Estimate/Actual	FY 2012
<b>Outcome:</b>				
Percentage point change of lawsuits concluded favorably during the fiscal year	1	(1)	0 / 0	0
Percentage point change of responses meeting timeliness standards	5	1	(6) / 0	(6)
Percentage point change in zoning enforcement requests meeting 40-day submission standard	(3)	2	(9) / 0	(9)

### Performance Measurement Results

In FY 2011, 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 2011, 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.