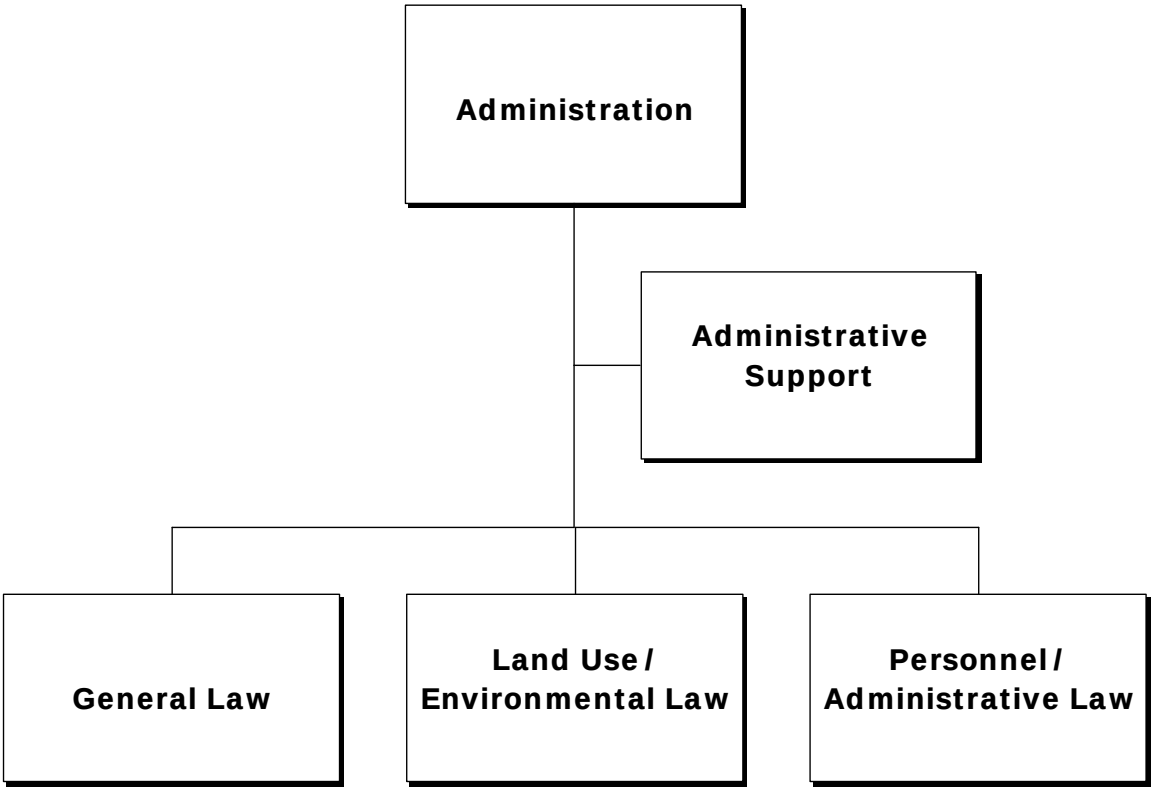
Office of the County Attorney



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.

AGENCY DASHBOARD			
Key Data	FY 2012	FY 2013	FY 2014
1. Number of Advisory Responses Completed	2,735	2,929	2,940
2. Number of Lawsuits Completed	1,804	1,958	1,870
3. Number of Summons for the Violation or Draft Bills of Complaint forwarded to the Department of Code Compliance within 40 days of the Request for Enforcement	238	302	247

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, and also represents the County's interests in utility cases before the State Corporation Commission.

The Land Use/Environmental Law Section defends land use decisions of the Board of Supervisors, drafts and enforces the zoning ordinance 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 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 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, on lower fixed incomes during their retirement years, will look to the County to assist them in meeting their housing needs resulting in more work for the Office 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 Office in the work of the FCRHA.

The Office of the County Attorney supports the following County Vision Elements:

- ***Creating a Culture of Engagement***
- ***Connecting People and Places***
- ***Building Livable Spaces***
- ***Exercising Corporate Stewardship***

The Personnel/Administrative Law Section defends County personnel decisions before administrative bodies and in state and federal courts; drafts personnel regulations and retirement ordinances; defends the County and its employees in tort actions, employment discrimination, and federal civil rights claims; civilly prosecutes cases involving abuse and neglect of children and elders occupying the efforts of five full-time attorneys and, represents the County's interests in civil commitment hearings for individuals requiring mandatory inpatient mental health services.

Budget and Staff Resources

Category	FY 2014 Actual	FY 2015 Adopted	FY 2015 Revised	FY 2016 Advertised
FUNDING				
Expenditures:				
Personnel Services	$5,937,202	$6,563,204	$6,563,204	$6,759,877
Operating Expenses	841,389	408,046	1,733,910	403,846
Subtotal	$6,778,591	$6,971,250	$8,297,114	$7,163,723
Less:				
Recovered Costs	($466,522)	($466,522)	($466,522)	($466,522)
Total Expenditures	$6,312,069	$6,504,728	$7,830,592	$6,697,201
Income:				
Litigation Proceeds	$206,840	$115,000	$115,000	$115,000
Total Income	$206,840	$115,000	$115,000	$115,000
NET COST TO THE COUNTY	$6,105,229	$6,389,728	$7,715,592	$6,582,201
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	60 / 60	60 / 60	60 / 60	60 / 60

Administration
1 County Attorney
1 Deputy County Attorney
7 Paralegals
2 Administrative Associates
1 Network Analyst II
1 Financial Specialist II

Clerical Support
10 Administrative Assistants IV
1 Administrative Assistant II

Land Use/ Environmental Law
1 Deputy County Attorney
1 Senior Assistant County Attorney
8 Assistant County Attorneys VI
2 Assistant County Attorneys V

General Law
1 Deputy County Attorney
1 Senior Assistant County Attorney
1 Assistant County Attorney VII
2 Assistant County Attorneys VI
5 Assistant County Attorneys V

Personnel/ Administrative Law
1 Deputy County Attorney
1 Senior Assistant County Attorney
1 Assistant County Attorney VII
5 Assistant County Attorneys VI
6 Assistant County Attorneys V

TOTAL POSITIONS
60 Positions / 60.0 FTE

FY 2016 Funding Adjustments

The following funding adjustments from the FY 2015 Adopted Budget Plan are necessary to support the FY 2016 program.

- **Employee Compensation** **$196,673**
  An increase of $196,673 in Personnel Services includes $55,131 for a 0.84 percent market rate adjustment (MRA) for all employees and $141,542 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2015.

- **Reductions** **($4,200)**
  A decrease of $4,200 reflects the following reduction utilized to balance the FY 2016 budget:

Title	Impact	Posn	FTE	Reduction
Reduce Printing and Copying Supplies	This reduction is associated with a countywide policy decision being implemented to reduce the volume of printing and copying documents over a multi-year period. This was a common and recurring theme brought forward by employees as part of the Mission Savings process in Fall 2014. Agencies are being directed to review internal printing policies and reduce the use of individual desktop printers by utilizing the Multi-Functional Devices (MFDs) available throughout County buildings. In addition, agencies are being directed to reduce paper and toner consumption by only printing documents when necessary and by printing materials double-sided whenever possible.	0	0.0	$4,200

Changes to FY 2015 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2015 Revised Budget Plan since passage of the FY 2015 Adopted Budget Plan. Included are all adjustments made as part of the FY 2014 Carryover Review, and all other approved changes through December 31, 2014.

- **Carryover Adjustments** **$1,325,864**
  As part of the *FY 2014 Carryover Review*, the Board of Supervisors approved funding of $1,325,864, in encumbered funding in Operating Expenses primarily associated with litigation and legal services expenses.

Key Performance Measures

Indicator	Prior Year Actuals FY 2012 Actual	FY 2013 Actual	FY 2014 Estimate/Actual	Current Estimate FY 2015
Office of the County Attorney				
Percentage point change of lawsuits concluded favorably during the fiscal year	(2)	1	1/(1)	2
Percentage point change of responses meeting timeliness standards	1	(2)	(5)/1	(6)
Percentage point change in zoning enforcement requests meeting 40-day submission standard	(3)	4	(10)/(2)	(8)

A complete list of performance measures can be viewed at www.fairfaxcounty.gov/dmb/fy2016/advertised/pm/17.pdf

Performance Measurement Results

In FY 2014, 95 percent of lawsuits brought by or against the County were concluded favorably which is a slight decrease from FY 2013. The Office of the County Attorney anticipates a continued high percentage of favorably concluded lawsuits in FY 2015.

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 continues to exceed the goal of 87 percent despite an increase in the number of requests.

In FY 2014, the agency exceeded the target of 90 percent for meeting the 40-day submission standard for either completing a Summons for the violation or a final draft Complaint to the Department of Code Compliance by eight percentage points. It should be noted that starting in FY 2013, the County Attorney's Office in an effort to expedite and gain compliance started filing cases in the General District Court in addition to the Circuit Court. The numbers reflected in both the Agency Dashboard and Key Performance Measures from FY 2013 forward include cases submitted to both courts.