

Fairfax County, Virginia



LINES OF BUSINESS

February 2016

COUNTY ATTORNEY

*County Lines of Business (LOBs)
Presentation to the Board of Supervisors*



www.fairfaxcounty.gov/budget/2016-lines-of-business.htm



OUTLINE OF TODAY'S PRESENTATION

1. Department Overview
2. High level view of Lines of Business (LOBS)
3. How LOBs relate to the County Vision Elements
4. High level view of Metrics
5. Trends and Challenges
6. Looking Forward
7. Discussion

Note: See www.fairfaxcounty.gov/budget/2016-lines-of-business.htm to access all LOBs documents and presentations.



DEPARTMENT OVERVIEW

The Office of the County Attorney strives to provide the best possible legal counsel and representation to the County, the Board of Supervisors, and its officials and employees in support of their mission to protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County.

This Office protects the County, its funds and resources, and ensures compliance with federal, state and local laws, ordinances and regulations, as authorized by Virginia Code Ann. §15.2-1542.



DEPARTMENT RESOURCES

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
FUNDING			
Expenditures:			
Compensation	\$5,937,202	\$5,959,576	\$6,776,942
Operating Expenses	841,389	1,045,910	403,846
Work Performed for Others	(466,522)	(466,522)	(466,522)
Total Expenditures	\$6,312,069	\$6,538,964	\$6,714,266
General Fund Revenue	\$206,840	\$186,707	\$115,000
Net Cost/(Savings) to General Fund	\$6,105,229	\$6,352,257	\$6,599,266
POSITIONS			
<i>Authorized Positions/Full-Time Equivalents (FTEs)</i>			
Positions:			
Regular	60 / 60	60 / 60	60 / 60
Total Positions	60 / 60	60 / 60	60 / 60



LOBS AT A GLANCE

#47
Legal Services



LOBS SUMMARY TABLE

LOB #	LOB Title	FY 2016 Adopted	
		Disbursements	Positions
47	Legal Services	6,714,266	60
Total		\$6,714,266	60



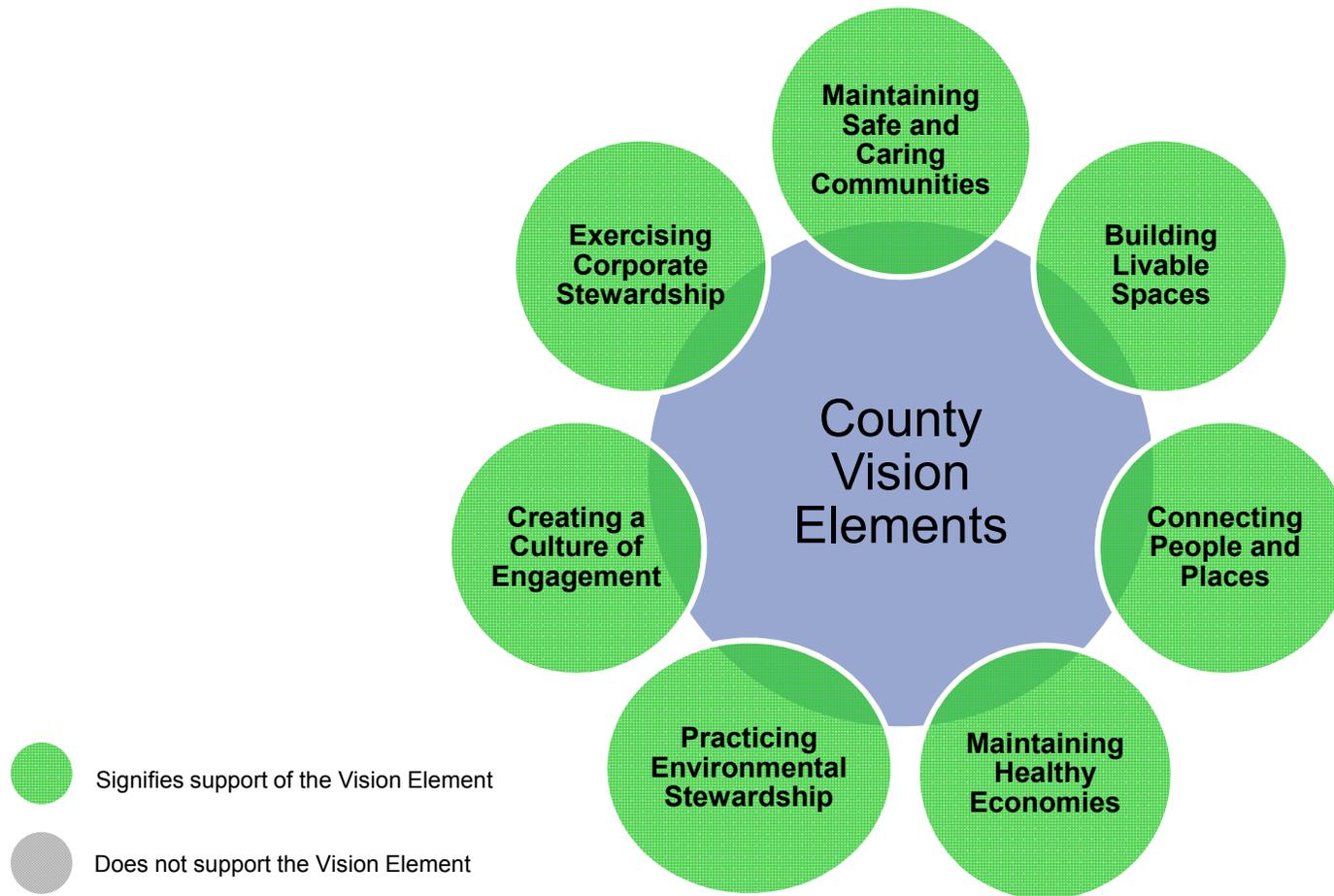
LINES OF BUSINESS SUMMARY

- The Office of the County Attorney has one line of business which is Legal Services. Its work underlies every functional area of County government. The purpose of the work of the Office is to ensure that all aspects of County government comply with all federal, state, and local laws and to protect and defend the legal interests of the County.



COUNTY VISION ELEMENTS

- The purpose of the LOBs process and the validation process performed by staff and management is to array the relevance of all LOBs according to the County’s Vision Elements. This agency’s LOBs support:





METRICS

	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Assignments Closed	2,929	2,940	2,701	3,000	3,000
Litigation Closed	1,958	1,870	1,732	1,800	1,800

The work of the County Attorney’s Office is divided into two general categories: Litigation and Assignments.

- “Litigation” measures the number of lawsuits that are either filed by the County as a plaintiff or petitioner or filed against the County, its Board of Supervisors, and/or County employees. Cases in which the County is the plaintiff or petitioner include, among others, enforcement of the Zoning Ordinance, Building Codes, County Code, and other County ordinances; prosecution of petitions alleging abuse and/or neglect of children; and representation of petitioners in commitment hearings. The County Attorney’s Office also defends lawsuits against the County, the Board of Supervisors, and/or County employees arising out of their conduct in the discharge of their official duties. Such lawsuits include personal injury, employment discrimination, civil rights violations, allegedly incorrect assessments of taxes, alleged violations of the Virginia Freedom of Information Act, and challenges to the Board’s legislative decisions in land use matters, among many others.



METRICS

- By contrast, “Assignments” reflect essentially everything else that is not litigation. Virtually every line of business conducted by every County agency is subject to legal requirements and restrictions.

Not all of the work performed by the County Attorney’s Office is reflected in these metrics. For example, attorneys in this Office regularly field phone calls from clients and elected officials who need assistance or general advice and counsel with a single question or issue. Frequently, an “assignment” is not created to reflect this work. Similarly, this Office offers guidance to multiple boards, authorities, and commissions, but attorney attendance at those meetings, for example, is also not reflected in any metric. Conversely, other types of work are expansive and complex but that work is represented as one assignment and that one metric does not capture the amount of work or length of time involved, which, at times, expands over several years on large County projects. Complex redevelopment and infrastructure projects (such as Dulles Rail and the Laurel Hill Redevelopment), the negotiation of cable franchise agreements, and ordinance drafting are each counted as just one assignment metric.



TRENDS AND CHALLENGES

- Unpredictable quantity and wide-ranging nature of litigation and requests for legal services. These factors result in a constant strain on and necessary reallocation of this Office's legal staff and resources and a reordering of priorities.
- Growing complexity of various areas of law puts a further strain on the Office's resources. As the County's projects and functions become more complex, the applicable law also becomes more highly technical, complex, and specialized, and, to adequately meet those needs, this Office is called upon to either develop an expertise in a compressed timeframe, if possible, or to retain outside counsel.
- Increased number of federal and state regulatory mandates that the County is responsible for implementing, such as the Clean Water Act and federal health mandates, requires a constant reallocation of limited staffing resources.



TRENDS AND CHALLENGES

- Increasing number of civil commitment cases filed daily, which requires constant reallocation of resources, including requiring legal staff to routinely work on weekends and holidays.
- Unpredictable number of child protective services cases that the County must prosecute on an expedited basis results in additional legal staff challenges.
- Increasing volume of requests pursuant to the Virginia Freedom of Information Act (VFOIA) that are referred to this Office for coordination, legal advice, and document review, which require immediate attention due to compressed statutory deadlines, resulting in constant reordering of priorities to meet immediate demands.



TRENDS AND CHALLENGES

- Increasing volume of VFOIA requests throughout the County highlights the need for this Office to provide regular and comprehensive County-wide education and training regarding the statute's requirements. This function is currently only regularly performed by this Office for elected officials; in other situations, due to existing staffing limitations, training is provided by this Office on an ad hoc basis in response to requests from individual County agencies. The County Archivist does provide an annual training on VFOIA issues.
- Exponential growth of County electronic information, documents, and data will continue to create significant challenges producing information in the context of discovery, VFOIA, and subpoena requests. Although technology is available on the market to assist with this production, ultimately staff and attorneys from this Office will have to personally review the production, which taxes the resources of this Office due to the sometimes massive volume of these productions and the expedited timeframe in which the documents must be provided. It is expected that in coordination with DIT, significant effort and resources will need to be directed to addressing these issues.



TRENDS AND CHALLENGES

- Increase in the need for regular and comprehensive County-wide education and training regarding best practices for the use, dissemination, storage, and retention of electronic information and records because these issues have significant legal risks and liabilities. Given the additional mandates from state and federal laws, this presents a challenge that is difficult to meet at current staffing levels.
- Increasing need to leverage private resources to develop public infrastructure will likely require additional transactional attorneys to negotiate and enforce these complex agreements and financing arrangements.



LOOKING FORWARD

- Transition to the new County Attorney
- Continuing to meet the needs of our clients
- Adapting to change



DISCUSSION

