

County Counsel

Michael Ciccozzi – County Counsel

	FY 20/21 Adopted Budget	FY 21/22 CAO Recommended	Change
101-0700			
EXPENDITURES			
Salaries and Benefits	\$1,130,087	\$1,188,566	\$58,479
Services and Supplies	\$191,384	\$183,575	(\$7,809)
Other Charges	(\$618,657)	(\$717,431)	(\$98,774)
Fixed Assets			\$0
TOTAL EXPENDITURES	\$702,814	\$654,710	(\$48,104)
REVENUE			
Fed/State			\$0
Grant			\$0
Realignment			\$0
Fees/Misc	\$299,026	\$216,585	(\$82,441)
TOTAL REVENUE	\$299,026	\$216,585	(\$82,441)
FUND BALANCE	\$0		\$0
NET COUNTY COST	\$403,788	\$438,125	\$34,337

Program Description

The County Counsel is the chief legal advisor for the County of Yuba. We are counselors in the fullest sense, providing service that is intelligent, trustworthy, and dedicated to public service. We commit ourselves to professionalism, understanding, and furthering the needs and goals of the Board of Supervisors of the County of Yuba, County Agencies, Departments, and Commissions. We adhere to the highest standards of ethics and confidentiality. To accomplish our mission, we endeavor to:

- Provide responsive unbiased legal advice and client service
- Provide creative assistance to the Board and to County officers to enable them to carry out their policy goals
- Provide prompt and effective assistance in reviewing, drafting, and advising our clients on contracts and other legal documents
- Provide training and resources to enable us to achieve the goals of the Office
- Provide assertive representation in civil litigation and administrative hearings

As the attorneys for the County of Yuba, we are committed to ensuring that our Office provides the highest quality of legal service to all of our clients. Our clients rely on and trust the integrity of our legal advice and legal services provided by the Office in accomplishing their public service goals and objectives.

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Our office does not see our role as narrow, rather, we provide service that will further the purposes of the County, whether it is in:

- The defense of legal matters
- Affirmative litigation
- Proactive assistance and advice
- Drafting legislation or amendments to current legislation

We hope the information available about the Yuba County Counsel's Office will help the public in general learn more about the work of our office and the talented members of our legal staff.

Accomplishments

FY 2020-2021

As with all County departments, 2020 presented unique challenges for the Office of the County Counsel. There can be no question that the COVID-19 pandemic has forever changed the manner in which we provide public service. Whether it is the manner in which public meetings are held, court proceedings are conducted or clients' needs are met, this last year has called upon the ingenuity and teamwork of all County Departments to fulfill their missions.

- The Office of the County Counsel continues to provide effective legal assistance to departments including CDSA, Code Enforcement, Health and Human Services Department, Public Health, and Environmental Health in connection with identifying strategies for addressing the County's priorities related to homeless issues. The Office of the County Counsel continues to collaborate with the departments during every step of this process, including providing strategic and sound legal advice. This office also actively participates in the multi-agency, multi-jurisdiction Bi-County Homeless Services Program meetings.
- Working with our partner agencies, we drafted legislation to amend Welfare and Institutions Code section 18999.8 to allow the creation of a Bi-County Multidisciplinary team to address the needs of the homeless populations in Yuba and Sutter Counties. AB2174 was approved by the California Legislature and signed by the Governor into law.
- The Office of the County Counsel has assisted in developing a multi-agency response including coordination with Health and Human Services, Code Enforcement, the Sheriff's Office and our regional local agencies in developing our enforcement strategy implementing our Camping and Storage of Personal Property Ordinance designed to protect public resources, including our waterways and levies, and to return the use of those resources to all members of the public.
- Our Office in coordination with the Sheriff's Office and the District Attorney's Office met with local private property owners and presented them with a legal approach to ensure unlawful homeless encampments were removed from the owners' private property. Not only were the private

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property owners appreciative of the information, but they have been implementing the strategies developed, resulting in fewer encampments on private property.

- We successfully litigated a number of cases in the Superior Court, including Bail Bond Forfeiture motions where the County recovered \$100,000 and \$50,000 on the Bail Bonds. After our success in the trial court, the other parties filed appeals in the Third District Court of Appeal to which we have responded. We anticipate receiving a successful result in the appellate matters in the next fiscal year.
- We continue to represent the Public Guardian in LPS cases and have been working towards increased efficiency and communication between the County, Courts, Public Defender, and Sutter Yuba Behavioral Health in conservatorship cases.
- We continue to represent Health and Human Services Department in Juvenile appeals before the Third District Court of Appeals. There have been eleven juvenile dependency appeals that have been filed within the last twelve months. In ten of those, we have prevailed without briefing; one is currently pending.
- Along with several other Northern California counties, we were successful in resolving litigation against PG&E for damages incurred by Yuba County as the result of the Cascade and Camp fires. The total settlement of approximately \$20 million will help the County remediate the damage done to County infrastructure and programs by those fires.
- As stated above, the escalation of the COVID-19 pandemic in fiscal year 20/21 challenged us all. Our office was instrumental in assisting in the interpretation of Executive Orders, statutory, and case law related to the authority of governmental officials in times of a public health crisis; developing and implementing strategies to ensure that CARES Act dollars could be used to assist local business; helping to develop and review the contracts and resolutions necessary to accomplish that goal; participating in the drafting of orders and guidance of the Public Health Officer; and drafting of resolutions and letters to the state supporting local autonomy in dealing with the pandemic.
- The incidence of COVID-19 in the Yuba County Jail presented legal challenges on two fronts. In the *Zepeda v. Rivas* matter filed by the ACLU against the Department of Homeland Security Immigrations and Customs Enforcement (“ICE”), the ACLU filed several motions intended to have the Northern District federal court in San Francisco dictate the operations of the Yuba County Jail and the Mesa Verde Detention Facility in Southern California. Our office worked closely with our Public Health Officer, Jail staff, and ICE to develop a response to the outbreak and a legal response to the demands of the ACLU that ultimately resulted with the court siding with our position.
- In the *Hedrick v. Grant* matter, our office worked closely with our Public Health Officer and Jail staff to develop and implement strategies to prevent the Class Counsel from pursuing legal

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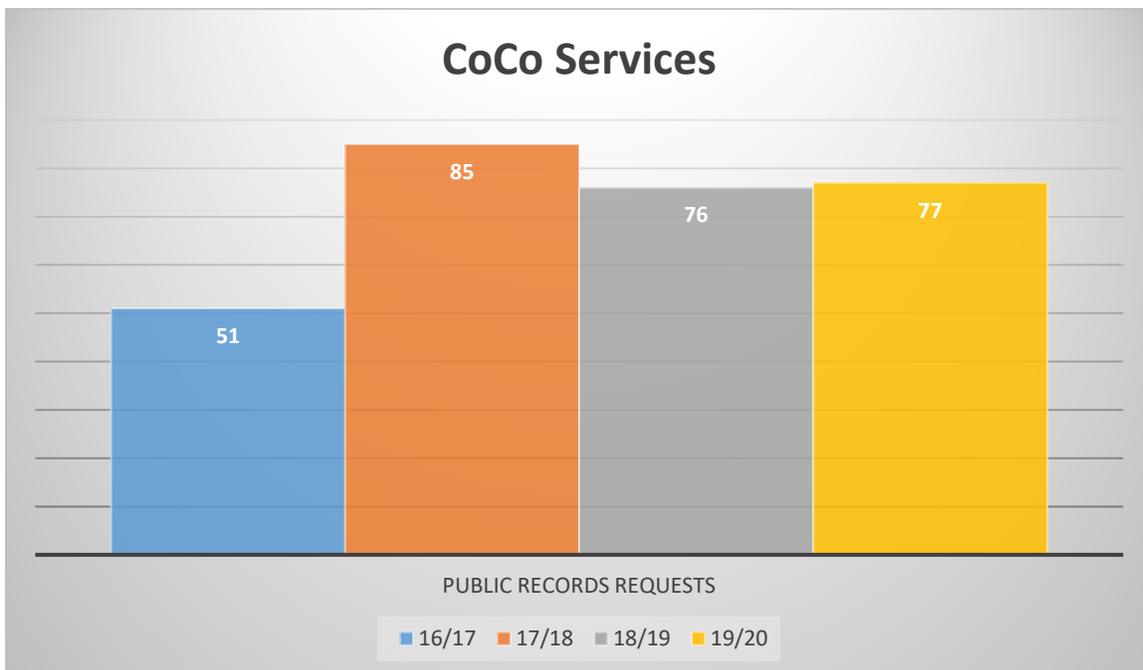
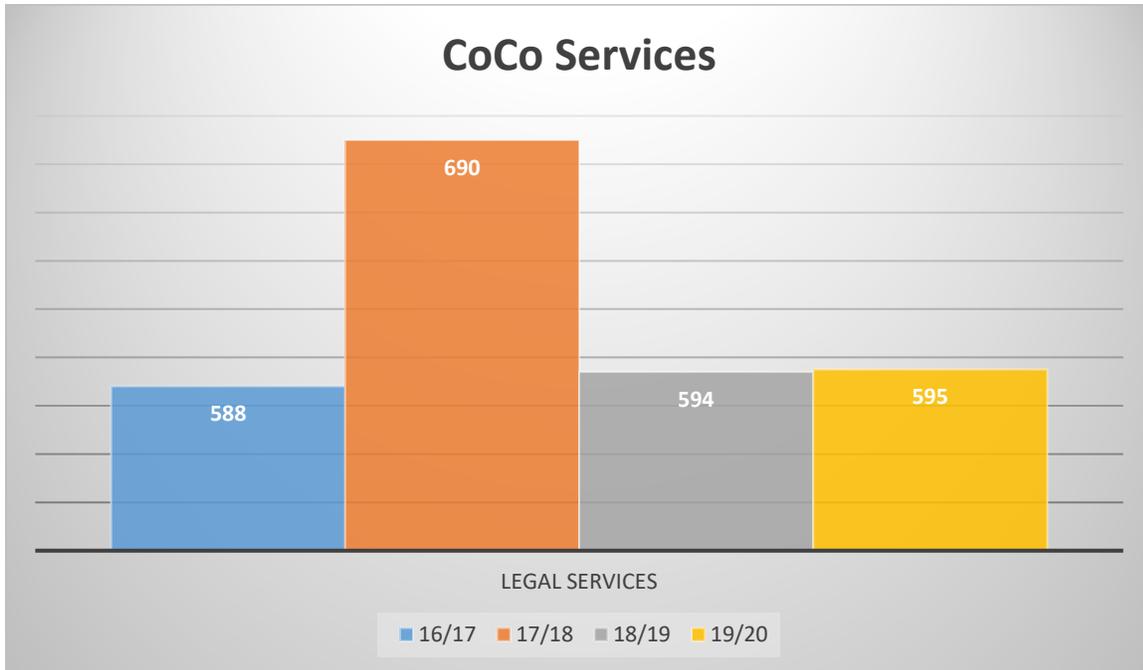
action similar to that brought by the ACLU. Through this coordinated action and our success in the *Zepeda* matter, no legal action was taken.

- We also reviewed and developed responses to subpoenas (6) and public records requests (77). While the raw number of subpoenas and Public Record Act requests decreased slightly over the prior year, the volume of material that had to be reviewed and redacted increased significantly, sometimes including in excess of 1,000 pages of material for a single request.
- Our office purchased and implemented the Logikcull software to assist in responding to e-discovery demands in litigated matters. This software allows the viewing of and redaction of data in its native format.
- Our office worked closely with the Community Development and Services Agency to bring forward the Cedar Lane Affordable Housing projects through the use of a creative mechanism developed in partnership with the Public Housing Authority and a private developer.
- Our office worked closely with Administrative Services to shepherd forward the Jail Medical and Mental Health Facility, including negotiating multiple contracts and associated legal agreements with other agency stakeholders including the California Department of Finance, California Board of State & Community Corrections, California Judicial Council and the Yuba County Superior Court, as well as multiple consultants, contractors, architects, utilities, and engineers.
- Our office worked closely with Administrative Services to coordinate the Tri-County Juvenile Treatment Facility project among the counties of Yuba, Sutter, and Colusa. Our office also negotiated multiple contracts with other agency stakeholders, including the City of Marysville, California Department of Finance, and California Board of State & Community Corrections, as well as multiple consultants, contractors, architects, utilities, and engineers.
- Our office worked closely with Information Technologies, Risk Management, County Administrator and outside vendors as part of the initial response team to address the cyberattack on the County's technology infrastructure.

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Performance Measures FY 2019-2020



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Goals and Objectives

FY 2020-2021

- Our office will be developing and presenting a contract training for departments to address the basics of public contracting and help create uniformity across County departments in contracting practices. We had hoped to complete this training previously, however teleworking necessitated by COVID-19 safe workplace protocols made such a training infeasible.
- Our office will be developing a client survey to be disseminated to all County departments and the Board of Supervisors, to gain feedback on the services provided to our clients including areas where we are performing well and those areas where we can improve our service delivery.
- This year, we are focusing on bringing the online Ordinance Code up to date with recent revisions.
- In recognition of the increasing number and complexity of Public Records Act requests, this next year we will be working with the County Administrator's Office and Information Technology to implement electronic Public Record Act system.
- In a related vein, we will work with Information Technologies to develop a robust ability to respond to e-discovery requests.
- In an effort to standardize and memorialize the practices and procedures of the County Counsel's Office over the next year, we will develop a County Counsel Office Manual.
- Our office will present a Brown Act/Public Records Act/Social Media training to the Board of Supervisors discussing not only the recent changes to the Brown Act but also recent developments in the Public Records Act and Social Media case law.

Pending Issues/Policy Considerations

FY 2020-2021

- The Office of County Counsel is continuing to work with outside counsel in regards to the County's appeal of the trial court decision in the matter of *Howard Jarvis Taxpayers Association v. County of Yuba*. The lawsuit alleges that the sales tax measure designated as Measure K was a special tax. We were able to secure the support of the County Counsel Association and the California State Association of Counties who filed an amicus brief supporting our position. The matter has been fully briefed and is awaiting a hearing date in the appellate court.
- The Office of County Counsel will continue to manage the County's affirmative litigation against opioid manufactures and distributors to recover compensation for tax dollars spent on fighting the opioid drug epidemic. Through the County Counsel Association, we were able to defeat a bill in the Legislature that would have granted the California Attorney General authority to settle the opioid litigation on behalf of all local agencies.

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- The Office of County Counsel will continue to work closely with involved agencies in the implementation of the County’s Camping and Storage of Personal Property Ordinance.
- Our office is continuing to work with the Sheriff’s Department and our jail medical provider, WellPath, to ensure ongoing compliance with the Amended Consent Decree and to assist with the inspection of the facility by the State of California Attorney General’s Office pursuant to Government Code section 12532.
- Our office will continue to work with all concerned including Public Health, Health and Human Services, County Administrator, and Risk Management on COVID-19 related issues including the development of resolutions, return to work strategies, employee safety, and monitoring of the extensive litigation arising from the COVID-19 response.
- Our office will continue to work with Information Technologies, Risk Management and the County Administrator to complete the recovery process from the cyberattack on the County’s technology infrastructure and to recover costs for the damages suffered by the County as the result of that incident.