

# COUNTY ATTORNEY

## Description

The County Attorney's Office serves as legal advisor to the County government, including its various departments, divisions, and agencies. The Office prosecutes or defends all actions involving County officials and employees arising out of acts performed in the course of their employment. In addition to litigation, the office is called upon to interpret State and Federal laws, County ordinances and County resolutions, and to draft County ordinances and proposed State legislation.

Development Authority, and reviews and approves contracts entered into by the County, the School Board, and the Economic Development Authority.

In 2016-17, the office provided legal services for several key transactions such as the negotiation of 457 deferred compensation plan contracts; a review of the update to the Emergency Operations Plan; Excel to Excellence and Junior Achievement projects at the old Varina Library and Libbie Mill Library, respectively; Code RVA and the Achievable Dream Academy contract; bond issues for the County; and 10 County Code amendments. In addition, the office played an integral role in advising on the new proffer statute effective July 1, 2016, which included hiring outside counsel and providing training for County staff and County officials. In the winter of 2017, the office played a key role in planning the November 2017 special election in the Brookland District due to the sudden death of long-time supervisor Richard Glover.

## Objectives

- To provide the County government with quality legal services.
- To protect the County treasury from damage awards as a result of litigation.

## Budget Highlights

The County Attorney's Office is charged by statute with providing all legal services of a civil nature required by the County and its various boards, commissions, and agencies. This responsibility includes rendering legal advice to the Board of Supervisors, the County Manager and his staff, the Planning Commission, the Board of Zoning Appeals, the School Board, the Superintendent of Schools, the Economic Development Authority, department heads, key officials, and employees. The Office also drafts County ordinances and resolutions for presentation to the Board of Supervisors, drafts resolutions for presentation to the Economic

Development Authority, and reviews and approves contracts entered into by the County, the School Board, and the Economic Development Authority. On an ongoing basis, office staff provides training on the Conflict of Interests Act and the Freedom of Information Act, in addition to civil liability, confidentiality of health records, and the Health Insurance Portability and Accountability Act. Training sessions also include groups such as the crisis intervention team, security officers, and communications officers.

The office also represents the County and its officials and employees in civil litigation and in criminal prosecutions of violations of certain County

### Annual Fiscal Plan

<u>Description</u>	<u>FY17</u> <u>Actual</u>	<u>FY18</u> <u>Original</u>	<u>FY19</u> <u>Approved</u>	<u>Change</u> <u>18 to 19</u>
Personnel	\$ 2,416,698	\$ 2,323,758	\$ 2,436,677	4.9%
Operation	134,096	70,795	72,620	2.6%
Capital	400	0	0	0.0%
<b>Total</b>	<b>\$ 2,551,194</b>	<b>\$ 2,394,553</b>	<b>\$ 2,509,297</b>	<b>4.8%</b>
 Personnel Complement *	 20	 20	 21	 1

<sup>1</sup> Assistant County Attorney position is being added to the personnel complement in FY2018-19

<b>Performance Measures</b>				
	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>Change 18 to 19</b>
<b>Workload Measures</b>				
New Cases Filed	27	30	30	0
Cases Disposed of	19	20	25	5
Administrative Proceedings	18	25	30	5
Court Appearances	1,036	1,200	1,250	50

ordinances. In addition to the above mentioned, The County Attorney handles a variety of other types of cases, such as bankruptcy, civil rights, construction, corrections, employment discrimination, land use, personal injury, procurement, professional responsibility, special education, taxation, and wrongful death. In FY2016-17, 27 new lawsuits were filed in courts of record that seek a minimum of \$25,000.

The County Attorney office also represents the County in state and federal courts of record, which includes the trial and appellate courts and currently have 36 state and federal cases pending. In FY2016-17, the office made 66 appearances in these courts and in 2016-17 the County Attorney Office handled 1,036 cases in courts not of record: 97 cases in the Henrico County General District Court and 939 cases in the Henrico County Juvenile and Domestic Relations District Court.

In addition to litigation matters, the office handles a high volume of transactional work on behalf of County departments. This work includes 1,752

contracts drafted or reviewed, 372 deeds and leases drafted or reviewed, 356 board papers drafted or reviewed, 552 Freedom of Information Act requests handled, 376 Subpoenas Duces Tecum handled, eight restrictive covenants reviewed, nine festival permit applications reviewed, 76 sets of conditional zoning proffers reviewed, and one official opinions. Finally, during FY2016-17, the County Attorney’s office recovered \$158,183, owed to the County through bankruptcy proceedings and \$36,122 in revenue from delinquent tax sales.

The department’s approved budget for FY2018-19 is \$2,509,297, which reflects an increase of \$114,744 or 4.8 percent compared to FY2017-18. This increase comes primarily from personnel costs, which includes salary increases and the addition of a new Assistant County Attorney I, for special education cases. The personnel component also includes overall increases in fringe benefit rates. There is also a small increase in operating costs, which is necessitated by the addition of this new position.