



# 2021 Budget Presentation Office of the County Attorney

Diana K. May, County Attorney

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# Organizational Chart –County Attorney

County Attorney



## Civil Division

9 attorneys  
6 support staff

*Represent BoCC, elected officials, departments and offices, litigation, land use, real estate, employment, risk management, EPSO, general county legal support*

## Human Services Division

14 attorneys  
19 support staff

*Dependency & neglect cases, Juvenile Delinquency, Adult Protection, Substance abuse and mental health civil commitments, and DHS legal support*



# Civil Division



Office of the County Attorney



# Operations – Civil Division

- Represents the interests of the Board of County Commissioners, administrative departments, and appointed advisory boards
- Represents the interests of other elected or appointed officials when those interests are compatible with those of the County
- Represents the County in all public liability and tort actions as a result of the County being self-insured
- Represents the County, its departments or other elected officials in a variety of other civil matters



# Mandates/State Statutes Required

- Civil Division

\*Article XIV § 8 of the Colorado Constitution requires election or appointment of a County Attorney

\*Colorado Revised Statutes (C.R.S.) § 30-111-118, provides that Board may employ a County Attorney



# Human Services Division



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# Operations – Human Services Division

- Provides legal advice, opinions, and representation to the El Paso County Department of Human Services (DHS)
- Provides representation in dependency and neglect cases and juvenile delinquency cases, to include: temporary shelter hearings, dispositional hearings, permanency planning and permanent custody hearings, parental rights termination trials, emergency protective hearings and jury trials
- Provides representation in adult protective matters, involuntary mental health commitment proceedings, and alcohol and substance abuse commitment matters
- Provides on-going training to DHS in matters relating to courtroom procedure, presentation of evidence, and substantive areas of the Children's Code



# Mandates/State Statutes Required

- Human Services Division

- \*Children's Code – C.R.S. Title 19

- \*Probate Code – C.R.S. Title 15

- (Guardianships and Conservatorships)

- \*Mental Health – C.R.S. Title 27

- (Care and Treatment of Persons with Mental Health Disorders and Involuntary Commitment for alcohol/substance abuse disorder)





# Strategic Plan Goals, Operating Indicators, Capital Projects

## County Attorney Civil and Human Services Divisions

- The Office of the County Attorney is involved in supporting the County's Strategic Plan Goals at almost every level
  - Goal 1 – Maintain and Promote a Financially Sustainable County Government that is Transparent and Effective
  - Goal 2 – Continue to Enhance the Understanding of Civic Services and Promote Participation, Engagement, and Confidence in County Government
  - Goal 3 – Maintain and Improve the County's Transportation System, Facilities, Infrastructure, and Technology
  - Goal 4 – Consistently Support Regional Economic Strength
  - Goal 5 – Strive to Ensure a Safe, Secure, Resilient, and Healthy Community



# Civil Division



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# 2020 Civil Division: Major Focus – Public Health

- COVID
  - Assist with CDPHE coordination and legal issues re: State orders
  - Contracts
  - Legal advice
- Board Meetings – Public Health and BOCC
- Legal Advice on Policies and Procedures
- Draft Letters, Resolutions, Agreements, Employment matters
- Assist with coordination and advice on outbreaks, regulations



# Budgetary Highlights (Operating Indicators)

## • Civil Division - Litigation

### • Litigation cases:

- **38 new cases in 2020 YTD** – on track for **50 cases in 2020** (48 in 2019; 23 in 2018; 17 in 2016)

- 19 cases closed in 2020, 16 cases by dismissals, 3 settlements

- Covid has had substantial impact on Court system

### • Notices of Claims:

- **84 NOC's 2020 YTD** (102 in 2019; 67 in 2018; 62 in 2017)

### • Risk Management:

- Proactivity in managing risk exposure by County Attorneys
- Cases triaged and managed from event through lawsuit

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# Budgetary Highlights (Operating Indicators)

- Civil Division – Employment

- Updated Personnel Manual yearly
- Daily advice and review of all employment disciplinary matters and representation at hearings (10+ in 2020 YTD)
- Continued training by CAT for all County Departments (began in 2018)
- CAT Title VII Investigations for EPSO
  - 2020 YTD – 17 reviews and 9 investigations (7 investigations in 2019, 3 in 2018)

*(In house investigations save dollars for the County – cost of outside investigations \$3,000 - \$15,000/each)*



# Budgetary Highlights (Operating Indicators)

- Civil Division – Employment

- Trainings:

- Significant amount of training provided by CAT to County employees and supervisors in 2020 (variety of trainings curtailed by Covid):

- Harassment and Reasonable Suspicion Training (for employees and supervisors) – 28.5 hours YTD

- Additional trainings scheduled for the balance of 2020

*(Before CAT started doing training in 2018, the County was paying \$175/hour for outside trainers)*



# Budgetary Highlights (Operating Indicators)

- Civil Division – Sheriff’s Office

- 6th year with CAT on site at EPSO – attorney and paralegal
- 24/7 legal advice and accessibility to legal counsel
- Title VII investigatory process ensures neutrality and confidentiality
- Significant amount of training provided by CAT to EPSO in 2020 YTD: (curtailed by Covid)
  - Harassment Training – 11 hours
  - Additional Training (legal update/legal liability/arrest and search and seizure) – 31 hours



# Budgetary Highlights (Operating Indicators)

- Civil Division – Land Use
- 8<sup>th</sup> year of CAT providing on-site legal services at Planning and Community Development Dept. (PCD)
  - Including presence at Planning Commission and Board of Adjustment hearings
- Litigation:
  - Ongoing litigation cases: Courage to Change (rehab facility) and Mountain View Electric Association (1041)
- Increase in land use applications/subdivision reviews/reviews of water sufficiency





# Budgetary Highlights (Operating Indicators)

- Civil Division – Land Use

- Code Enforcement:

- 13 new litigation cases and 6 abatement cases + 11 pending abatement cases

- Challenge: 86 cases pending litigation

- PCD Code Enforcement - steady increase in Planning's number of cases that impacts CAT:

- 2016 = 936
- 2017 = 835
- 2018 = 993
- 2019 = 1107
- 2020 = 832 (YTD)



# Budgetary Highlights (Operating Indicators)

- Civil Division – Land Use
- Increase in subdivision development impacts CAT:
  - 15 Planning Commission hearings 2020 YTD and 44 PC items (2019 - 14 PC hearings and 55 items)
  - 3 Board of Adjustment hearings YTD and 4 BOA agenda items (2019 - 6 BOA hearings and 9 BOA items)
  - Subdivision reviews – 28 water reviews completed YTD (2019 = 19; 2018 = 24)
  - Large and/or complex land use applications before BoCC require extensive legal review – i.e. Saddlehorn Ranch, Meadowlake Airport 1041 application, Grandview Reserve
  - Complex dependability requirements related to new water systems/new CDPHE regulations.



# Budgetary Highlights (Operating Indicators)

- Civil Division – Public Works and Real Estate

- Real Estate:

- Major real estate projects:

- Sale of 301/305 S. Union Blvd. (old Health Dept. property) – closed in October
- 310 S. Cascade (Juror’s Lot) – under contract – closing scheduled for 11/5/20

- Public Works:

- Many ongoing roadway projects
- County Attorney review of right-of-way matters and special projects



# Human Services Division



# Budgetary Highlights (Operating Indicators)

- Human Services Division – Dependency & Neglect
  - 935 open D&N cases – 393 new cases 2020 YTD (largest caseload in Colorado)

Oct 1, 2019 - Sep 30, 2020			
	Arapahoe	Denver	El Paso
Referrals	11,160	12,198	15,312
Assessments	4,168	4,297	6,472
	Arapahoe	Denver	El Paso
Involved Children During Period	1,947	1,980	2,591
Cases During Period	1,027	1,119	1,461
			Source: ROM

  

Child Abuse and/or Neglect						
	2015	2016	2017	2018	2019	2020 *
Referrals	14,453	15,684	15,812	16,447	16,777	12,430
Assessments	5,374	6,310	6,395	6,232	6,694	5,379
Founded	1,319	1,554	1,784	1,771	1,774	1,480
						* Projected

  

Out-of-Home Placements (Average Daily Placements)						
	2015	2016	2017	2018	2019	2020 *
Foster	272	291	321	333	386	388
Kinship	280	323	355	413	394	361
						* Projected



# Budgetary Highlights (Operating Indicators)

## • Human Services Division – Other Caseloads

### • JUVENILE DELIQUENCY:

- 2020 YTD caseload of 271 juveniles – *up from 214 in 2019 and 179 in 2018 (ensures children are placed in least restrict level of care that meets their needs)*

### • PROBATE/MENTAL HEALTH/CIVIL COMMITMENTS: (2020 YTD)

- Probate - 37 guardianship petitions and 24 conservatorships (22 emergencies)
- Mental Health - 903 cases
- Involuntary substance abuse civil commitment – 16 cases
- Staff attend quarterly crisis team meetings and are active with community agencies
- Annual Mental Health Roundtable sponsored by CAT

### • APPEALS:

- 16 appeals in 2020 YTD (*24 in 2019, 30 in 2018, 28 in 2017, 14 in 2016*)
- Excellent success rate

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# Budgetary Highlights (Operating Indicators)

- Human Services Division – Other Work
- Family Treatment Drug Court (*first accredited program in Colorado*) – served 64 families and 126 children 2020 YTD
- Provide Daily Legal Advice to DHS Staff
- Two Attorneys On-Call 24/7
- Provide Continual Training to DHS Staff/Community Partners in a variety of areas to include: Caseworker Training, “Boot Camp” for caseworkers, law enforcement training, delinquency, heroin detox through acupuncture, accessing mental health treatment beds, teenage suicide.
- Training hours provided – 12 hours (*training hours curtailed by Covid*)



# Budgetary Highlights (Operating Indicators)

- Human Services Division – Discovery
  - Discovery:
    - Significant increase in discovery requests:
      - 2020 YTD = 5,447 requests (on trend for 7,263 requests in 2020)
      - 2019 = 4,668 requests
    - Systems/processes under review for efficiency and effectiveness





# Base Budget

<u>Business Unit</u>	<u>Description</u>	<u>2020 Budget - OAB</u>	<u>2020 On-going changes</u>	<u>2021 On-going Base budget</u>
11625	County Attorney	1,374,916	(42,008)	1,332,908

remove 27th pay period



# CRITICAL NEEDS:

**No critical needs in 2021.**



# Annual Limerick

*Each year when the budget comes 'round,  
Long speeches and numbers abound.  
But to break up the time  
With a lighthearted rhyme  
Your CAT team can always be found.*

*Courtesy of Lori Seago, Senior Asst. County Attorney*



# Questions?

