RESOLUTION - ACTION REQUESTED 2020-80

MEETING: February 18, 2020

TO: The Board of Supervisors

FROM: Kimberly Williams, Human Resources Director

RE: Approve Amendments to the County Counsel Job Description and Transfer of Risk Management Function

RECOMMENDATION AND JUSTIFICATION:
Approve proposed amendments to the County Counsel job description; and transfer the County’s risk management function from the Human Resources Department to County Counsel effective immediately.

Proposed risk management elements for transfer to County Counsel include all insurance coverages for the County such as the liability insurance program, the property program, and the medical malpractice program, as well as the oversight of the general liability program including the claims handling process for all claims filed against the County. The workers’ compensation program will remain with the Human Resources Department due to its direct connection with employment matters.

During a 2012 reorganization of the County Administration Department including the Personnel function, the Board approved a separate department of Human Resources/Risk Management, and the County’s risk management function was included in the new Human Resources Director/Risk Manager job description. In 2017 the job description was amended to remove the risk management activities and move them to a committee basis between the County Counsel, County Administration and Human Resources departments.

County Counsel has routinely played the most significant role in risk management due to its legal aspect, which at times involves litigation; therefore, the risk management function is most appropriate under County Counsel. Human Resources staff in concurrence with County Counsel is now proposing that risk management, with the exception of the workers’ compensation program, be transferred to County Counsel in order to streamline the administration of these operations.

Proposed changes to the County Counsel job description include adding the risk management function consisting of handling the County’s insurance coverages and general liability program, and adding Risk Manager to the job title. The salary increase
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for this added responsibility has already been addressed during the recent department head salary adjustments.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**
In 2012 and 2017 the Board approved changes to the risk management function oversight. From time to time the Board approves amendments to job descriptions.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not approve proposed amendments to the County Counsel job description and the transfer of the risk management function and continue with the current structure, or choose to change the proposed job description and risk management oversight.

**ATTACHMENTS:**
County Counsel-Risk Manager - Draft (PDF)

**RESULT:** ADOPTED [UNANIMOUS]
**MOVER:** Rosemarie Smallcombe, District I Supervisor
**SECONDER:** Miles Menetrey, District V Supervisor
**AYES:** Smallcombe, Jones, Long, Cann, Menetrey
COUNTY COUNSEL/RISK MANAGER

DEFINITION
To plan and direct the activities and operations of the County Counsel’s Office; to serve as the legal representative of the Board of Supervisors, all County departments, agencies and institutions on assigned litigation and business matters; to provide highly responsible and complex administrative support to the Board of Supervisors; to administer the County’s risk management services including self-insurance, safety, and liability; and to perform related duties and responsibilities as required.

SUPERVISION RECEIVED AND EXERCISED
Receives policy direction from the Board of Supervisors. Appointed by the Board of Supervisors.

Exercises direction over technical and clerical staff.

EXAMPLES OF ESSENTIAL FUNCTIONS
Provides varied professional and administrative legal services to the County through the County Counsel’s Office.

Advises and/or represents the County Board of Supervisors, County officers, County departments, their employees, boards, commissions and dependent special districts.

Researches, writes and/or orally renders legal opinions as requested.

Researches, drafts and presents legal briefs, petitions, ordinances, opinions, resolutions and/or court orders.

Appears before courts and at administrative proceedings to represent the County’s interests as required.

Reviews and prepares contracts, leases, deeds, purchase agreements and employee service agreements.

Reviews and interprets current legislation and litigation relevant to County services and/or administration.

Processes estate and conservatorship cases.

Researches and develops opinions and impartial analysis for valid issues as required.

Acts as legal advisor and may attend meetings of the governing boards of the County, commissions and special districts.

Recommends the hiring of private legal counsel as appropriate.

May represent the County on state legislative matters as needed.

Responds to and resolves difficult and sensitive citizen inquiries and complaints.
Develops, plans and implements department policies and procedures.

Prepares and administers the department’s annual budget.

Selects, trains, supervises and evaluates the performance of subordinate staff; implements disciplinary action and termination as appropriate; provides for adequate training and professional development opportunities.

Coordinates department activities with those of other departments and outside agencies and organizations.

Prepares and submits reports and special studies as required.

Performs general administrative work as required, including conducting and attending meetings, preparing correspondence, reviewing mail and literature, etc.

Directs the County’s risk management program including safety, self-insurance, and liability.

Develops and directs the implementation of goals, objectives, policies, procedures and work standards for risk management administration within the County.

Directs the preparation and administration of the risk management budget.

Counsels with and provides professional assistance to members of County departments on risk management matters.

Advises the County Administrative Officer and Board of Supervisors on risk management issues.

Monitors legal, legislative and other developments related to risk management matters, evaluates their impact upon County operations, and recommends and implements policy and procedural improvements.

Sets-up and monitors records and program functions for County’s risk management activities including activities related to proper appraisal and insuring of County properties, fixed assets and other items.

Handles liability claims and coordinates said claims with the Clerk of the Board, the County’s liability administrator and other interested parties.

**EMPLOYMENT STANDARDS**

**Knowledge of:**

Pertinent federal, state and local laws, codes, ordinances and regulations.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of public agency administration.

Principles of supervision, training and performance evaluation.
Budget preparation and administration practices.

Current principles and practices of public law.

Organization, duties, powers, limitations and authority of County governments and the County Counsel’s Office.

Legal principles and practices, including civil, criminal, constitutional, administrative, land use, labor, public contract and government law and procedure.

Methods of legal research.

Established precedents and sources of legal reference applicable to County activities.

Principles and practices of risk management.

Laws, regulations, policies, and procedures affecting risk management including liability claims.

Modern office practices and technology, including the use of computers for word and data processing.

Report and business letter preparation techniques.

English usage, spelling, grammar and punctuation.

Safe work practices.

**Ability to:**
Interpret, analyze and apply pertinent federal, state and local laws, rules and regulations.

Organize, interpret and apply legal principles and knowledge to complex legal problems.

Effectively apply legal knowledge and principles in court.

Present statements of law, facts and arguments clearly and logically.

Prepare and present difficult cases in court.

Conduct research on complex legal problems and prepare sound legal opinions.

Draft legal documents such as ordinances, resolutions, statutes, contracts, complaints, writs and demurrers.

Plan, organize, and manage the County’s risk management system and functions.

Assists with safety activities to include investigating accidents, hazardous conditions and recommending corrective action(s).

Gain cooperation through discussion and persuasion.

Appraise situations and people accurately and quickly in order to develop an effective course of action.
Analyze problems, identify alternative solutions, determine consequences of proposed action, and make and implement recommendations in support of goals.

Perform duties under the pressure of very high expectations for exemplary and non-erring leadership, management and professionalism.

Select, supervise, train and evaluate staff.

Communicate clearly and concisely, both orally and in writing.

Represent the County effectively in meetings with others and make formal presentations to various groups.

Establish and maintain effective working relationships with those contacted in the course of work.

React professionally at all times, dealing with sensitive, political or controversial situations with tact and diplomacy.

Maintain records and prepare required reports.

Prepare and administer a budget in conformance with sound financial management techniques.

Perform required mathematical computations with accuracy.

Use computers for word and data processing.

**TYPICAL WORKING CONDITIONS**
Work is performed in a normal office environment.

**TYPICAL PHYSICAL REQUIREMENTS**
Requires the ability to sit at desk for long periods of time and intermittently walk, stand, stoop, kneel, crouch and reach while performing office duties; lift and/or move light weights; use hands to finger, handle or feel objects, tools, or controls. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen.

**MINIMUM QUALIFICATIONS**
**Experience:**
Five years of increasingly responsible professional legal work, including at least one year in a supervisory capacity. Substantial experience in land use law, labor law, civil litigation, county or related government law, and public contract law is required.

**Education:**
Graduation from an accredited law school.

**Additional Requirements:**
Possession of a valid California driver’s license. Under certain circumstances, the Human Resources Director may accept a valid driver’s license from another state if applicant
acknowledges his/her intent to acquire a California driver’s license within three months by signing an acknowledgement form.

Possession of current membership in the State Bar of California.

Must pass a pre-employment physical.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

Creation Date: 4/88
Revised: 5/03 (B/S 05-242)
Revision Date: 02/06 (B/S Res. 06-73); 02/20 (B/S Res. 20-80)