

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 3.15  
(ID # 20791)**

**MEETING DATE:**

Tuesday, January 24, 2023

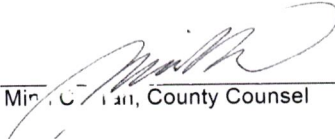
**FROM :** COUNTY COUNSEL:

**SUBJECT:** COUNTY COUNSEL: Approval of FY 23/24 County Counsel Billable Hourly Rates and Department Allocations, All Districts. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approval of the proposed FY 23/24 billable hourly rates and department allocations for the Office of County Counsel as specified in Attachment A.

**ACTION:Policy**

  
Minnie C. Smith, County Counsel 12/22/2022

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Gutierrez  
Nays: None  
Absent: None  
Date: January 24, 2023  
xc: Co. Co.

Kimberly Rector  
Clerk of the Board

By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$	\$	\$	\$
<b>NET COUNTY COST</b>	\$	\$	\$	\$
<b>SOURCE OF FUNDS:</b> 100% Departmental Funds			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	23/24

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

County Counsel is statutorily mandated to defend and prosecute civil cases, render legal advice, and assist on issues of law affecting the County Board of Supervisors, elected officials, County agencies, departments, authorities, commissions, and special districts. County Counsel's goal is to provide cost-effective legal services designed to promote the public service objective of the County of Riverside, while at the same time protecting the County from risk of loss.

Since County Counsel operates as a general support service department, it must either recover costs through charges to client departments and/or be supported by the County's General Fund. Currently, County Counsel's budget is 89 % salaries and benefits, and 11 % fixed and other costs. All County Counsel's expenditures including employee salaries and benefits, facility leases, and other overhead costs are all fixed by existing County policies. This rate increase request is only for budgetary and accounting purposes relating to allocation of costs among County departments, and it does not serve to increase any employee salaries and benefits.

County Counsel has no ability to absorb projected increase in costs except through cost recovery via billable rates. Therefore, County Counsel is requesting the below increases to billing rates for FY 23/24 to accurately reflect the actual cost of service:

Attorneys: \$201.68 per hour (6.42% increase from FY 22/23)

Paralegals: \$116.10 per hour (4.11% increase from FY 22/23)

In FY 22/23, County Counsel implemented a 100% Direct Bill program. This shift was intended to bring equity across all client departments and reduce County Counsel's Net County Cost (NCC). All client departments became billable, except for the Board of Supervisors. Unfortunately, this approach has proven unsuccessful because some County departments could not be billed 100% of all the legal services provided. County Counsel often provides services, including trainings, counsel, and advice proactively. Examples of these services including the training and implementation of various new State laws such as Care Court, Brown Act, Public Records Act, Conflict of Interests, redistricting, housing, contracting laws, etc. Many of these County Counsel services benefit multiple departments on an ongoing basis and are contrary to

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the direct billing methodology, which tends to focus on the cost of each distinct case or matter. Additionally, direct billings often have a chilling effect on County Departments seeking legal advice or trainings proactively because everyone wants to save costs. Further, County Departments are hesitant to seek specialized guidance that may require the expertise of multiple attorneys from the County Counsel's office due to an increase in costs. In the long term, direct billing methodology may lead to avoidance of needed legal services and thereby exposing the County of greater liabilities.

Beginning in FY 23/24, County Counsel will implement a hybrid approach where Non-General Fund departments and client departments with Legal Service Agreements will be direct billed at the Board approved rate and General Fund departments will be billed through a shared cost allocation plan. The shared cost allocation method allocates the estimated general fund departments' legal costs to general fund departments through a percentage allocation based on each department's FY 21/22 actual hours of legal services utilized.

By way of comparison, Riverside County Counsel attorney rates continue to be lower than its surrounding counties and private law firms that serve the County. The FY 22/23 billable rates for attorneys and paralegals for surrounding counties and private law firms are shown below.

	<u>Attorney</u>	<u>Paralegal</u>
San Bernardino County	\$230.00 per hour	\$98.00 per hour
San Diego County	\$248.00 per hour	\$123.00 per hour
Orange County	\$204.88 per hour	No rate
Private Law Firms (Average)	\$300.00 per hour	\$175.00 per hour
Riverside County Current Rates	\$189.52 per hour	\$111.52 per hour
Request for FY 23/24	\$201.68 per hour	\$116.10 per hour

**ATTACHMENTS:**

- ATTACHMENT A. Proposed Fiscal Year 2023-2024 Billable Hourly Rates Summary
- ATTACHMENT B. Departments Proposed Charges Fiscal Year 2023-2024 Projections

ATTACHMENT A  
COUNTY COUNSEL  
Proposed FY 2023-2024 Billable Hourly Rates Summary

<b>POSITIONS</b>	<b>FY 22-23 CURRENT RATE</b>	<b>FY 23-24 PROPOSED RATE</b>	<b>% CHANGE</b>
<b>Attorneys</b>	<b>\$189.52</b>	<b>\$201.68</b>	<b>6.42%</b>
<b>Paralegals</b>	<b>\$111.52</b>	<b>\$116.10</b>	<b>4.11%</b>



**Departments Proposed Charges**  
\*Estimates Using Proposed Attorney and Paralegal Rates  
Fiscal Year 2023-2024 Projections

Department ID	Account	Department Name	FY 23/24 Projected Billable Hrs Attorneys	FY 23/24 Projected Billable Hrs Paralegals	FY 23/24 Proposed Attorney Rate	FY 23/24 Proposed Paralegal Rate	FY 23/24 Proposed Billable Net Income at Proposed Rate
<b>Legal Service Agreements</b>							
5100100000	572000	Department Of Public Social Services	54,587	25	201.68	116.10	\$ 11,012,009
4100400000	575700	Riverside University Health System - Behavioral Health	11,063	24	201.68	116.10	\$ 2,233,972
4300100000	771430	Riverside University Health System - Medical Center	2,942	507	201.68	116.10	\$ 652,205
Outside Agency	771430	Local Agency Formation Commission(LAFCO)	157	3	201.68	116.10	\$ 32,012
Outside Agency	771430	Inland Empire Helath Plan - Contract	1,630	-	201.68	116.10	\$ 328,738
<b>Total Legal Service Agreements</b>			<b>70,379</b>	<b>559</b>			<b>\$ 14,258,937</b>
<b>General Fund Cost Allocation</b>							
3120100000	573000	TLMA Planning	2,264	380			\$ 487,791
1000200000	575700	Assessment Appeals Board	350	-			\$ 70,959
1100100000	575700	Executive Office	1,002	665			\$ 198,839
1100900000	575700	Executive Office - Contr Trial Court Fund	246	1,670			\$ 373,970
1102900000	575700	Executive Office-Legislative Admin Support	568	141			\$ 138,399
1103800000	575700	Executive Office Subfund Operations	9	-			\$ 1,822
1103900000	575700	Executive Office - Court Facilities	7	-			\$ 1,408
1105000000	575700	Executive Office - Natl Pollutant Dschrg Elim Sys	21	-			\$ 4,017
1109900000	575700	Executive Office - Indigent Defense	64	52			\$ 22,611
1130100000	575700	Human Resources	211	-			\$ 39,548
1200100000	575700	Assessor	1,085	12			\$ 198,404
1200200000	575700	County Clerk Recorder	290	11			\$ 54,353
1300100000	575700	Auditor-Controller	139	2			\$ 26,131
1400100000	575700	Treasurer Tax Collector	610	59			\$ 130,530
1700100000	575700	Registrar of Voters	302	-			\$ 54,539
1930100000	575700	Office of Economic Development - Edward Dean Museum	17	7			\$ 4,742
2000100000	575700	Emergency Management Department	468	1			\$ 91,541
2200100000	575700	District Attorney	13	-			\$ 2,547
2300100000	575700	Department Of Child Support Services	13	2			\$ 3,044
2400100000	575700	Public Defender	31	1			\$ 6,274
2500100000	575700	Sheriff Administration	120	-			\$ 24,323
2500200000	575700	Sheriff Support	206	8			\$ 43,549
2500300000	575700	Sheriff Patrol	364	22			\$ 78,274
2500400000	575700	Sheriff Correction	806	6			\$ 164,821
2500500000	575700	Sheriff Court Services	40	15			\$ 11,153
2500700000	575700	Sheriff - Ben Clark Training Center	52	3			\$ 11,105
2501000000	575700	Sheriff Coroner	13	1			\$ 2,876
2600700000	575700	Probation	1,004	208			\$ 236,566
2700200000	575700	Fire	209	5			\$ 41,785
2800100000	575700	Agricultural Commissioner	97	1			\$ 18,967
3140100000	575700	TLMA Code Enforcement	1,340	250			\$ 299,276
4200100000	575700	Riverside University Health System - Public Health	345	254			\$ 116,906
4200200000	575700	Riverside University Health System - Public Health- California Children Services	1	-			\$ 186
4200400000	575700	Environmental Health	448	4			\$ 77,461
4200600000	575700	Animal Services	563	-			\$ 101,749
5400100000	575700	Veterans Services	5	-			\$ 1,056
7200500000	575700	FM Project Management	192	19			\$ 39,714
7200600000	575700	FM Energy	35	-			\$ 6,502
7201300000	575700	FM Community & Rec. Centers	51	-			\$ 9,587
7300100000	575700	Purchasing	266	33			\$ 57,915
<b>Total General Fund Allocation</b>			<b>13,867</b>	<b>3,832</b>			<b>\$ 3,255,239</b>
906001	778160	Office of Economic Development - CSA060 Pinyon Fire Protection	6	-	201.68	116.10	\$ 1,210
906203	771430	Office of Economic Development - CSA062 Ripley Dept Serv	12	-	201.68	116.10	\$ 2,420
915202	778160	Office of Economic Development - CSA Administration Operating	215	1	201.68	116.10	\$ 43,477
925001	778160	Executive Office - Capital Finance Administration	18	-	201.68	116.10	\$ 3,630
931180	778160	Recreation	316	12	201.68	116.10	\$ 65,124
931420	778160	Parks-Blythe Parks	2	-	201.68	116.10	\$ 403
931800	778160	Park Acq & Dev, DIF	1	-	201.68	116.10	\$ 202
938001	777520	Children & Family Commission - First 5	146	-	201.68	116.10	\$ 29,445
947140	771410	Flood Control Subdivision	646	2	201.68	116.10	\$ 130,517
947160	771410	Flood Control - Encroachment Permits	21	2	201.68	116.10	\$ 4,467
947180	771410	Flood Control - Special Accounting	19	-	201.68	116.10	\$ 3,832
947200	771410	Flood Control - Administration	839	30	201.68	116.10	\$ 172,693
947400	771410	Flood Control - Zone 1 Const, Maint, Misc.	213	8	201.68	116.10	\$ 43,887
947420	771410	Flood Control - Zone 2 Constr, Maint, Misc	248	21	201.68	116.10	\$ 52,455
947440	771410	Flood Control - Zone 3 Constr, Maint, Misc	47	6	201.68	116.10	\$ 10,176

**Departments Proposed Charges**  
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947460	771410	Flood Control - Zone 4 Constr, Maint, Misc	313	46	201.68	116.10	\$ 68,466
947480	771410	Flood Control - Zone 5 Constr, Maint, Misc	59	9	201.68	116.10	\$ 12,944
947500	771410	Flood Control - Zone 6 Constr, Maint, Misc	66	7	201.68	116.10	\$ 14,124
947520	771410	Flood Control - Zone 7 Constr, Maint, Misc	166	-	201.68	116.10	\$ 33,479
947540	771410	Flood Control - NPDES Whitewater Assess	1	-	201.68	116.10	\$ 202
947560	771410	Flood Control - NPDES Santa Ana Assess	176	-	201.68	116.10	\$ 35,496
947580	771410	Flood Control - NPDES Santa Margarita Assess	88	-	201.68	116.10	\$ 17,748
980503	778160	Office of Economic Development - Perris Vally Cemetery District	6	-	201.68	116.10	\$ 1,210
985101	778160	IHSS Public Authority - Admin	6	-	201.68	116.10	\$ 1,210
1107000000	778160	EO COVID19 Pandemic	25	-	201.68	116.10	\$ 5,042
1108000000	778160	EO COVID19 ARP	39	-	201.68	116.10	\$ 7,866
1130800000	771430	HR-Workers Compensation	41	14	201.68	116.10	\$ 9,894
1130900000	771440	Human Resources - ISF-Malpractice Insurance	24	-	201.68	116.10	\$ 4,840
1131000000	771440	Human Resources - ISF-Liability Insurance (Risk Mgmt)	3,136	294	201.68	116.10	\$ 666,602
1131800000	771430	Human Resources-Temporary Assignment Program	14	-	201.68	116.10	\$ 2,824
1132000000	771430	Human Resources-Exclusive Provider Option	44	65	201.68	116.10	\$ 16,420
1132900000	771430	Human Resources-Occupational Health & Wellness	2	-	201.68	116.10	\$ 403
1150100000	778160	Executive Office - CFD Assessment Dist Admin	46	-	201.68	116.10	\$ 9,277
1900700000	778160	Office of Economic Development - County Free Library	156	9	201.68	116.10	\$ 32,507
1900900000	771430	Executive Office - Successor Agency to the RDA	230	34	201.68	116.10	\$ 50,334
1901000000	778160	Office of Economic Development - Business Services	300	-	201.68	116.10	\$ 60,504
1910700000	771430	TLMA Aviation	517	30	201.68	116.10	\$ 107,752
3100200000	778160	TLMA Administrative Services	104	1	201.68	116.10	\$ 21,091
3100300000	778160	TLMA-Consolidated Counter Services	11	-	201.68	116.10	\$ 2,218
3110100000	778160	TLMA Building & Safety	6	1	201.68	116.10	\$ 1,326
3130100000	778160	TLMA Transportation	570	15	201.68	116.10	\$ 116,699
3130200000	778160	TLMA Survey	128	6	201.68	116.10	\$ 26,512
3130500000	778160	TLMA Transportation Const Projects	743	21	201.68	116.10	\$ 152,286
3130800000	778160	TLMA ALUC	61	-	201.68	116.10	\$ 12,302
3132000000	778160	TLMA Landscape Maintenance District	57	2	201.68	116.10	\$ 11,728
3139000000	778160	TLMA Community & Business Services	15	-	201.68	116.10	\$ 3,025
4500100000	771430	Waste	262	7	201.68	116.10	\$ 53,653
5300100000	778160	Office on Aging	163	20	201.68	116.10	\$ 35,196
5500300000	778160	HHPWS Continuum of Care	390	25	201.68	116.10	\$ 81,558
5500400000	778160	HHPWS Workforce Development	171	4	201.68	116.10	\$ 34,952
5500500000	778160	HHPWS Local Initiative Admin DCA	166	1	201.68	116.10	\$ 33,595
5500600000	778160	HHPWS DCA-Local Initiative Program	63	4	201.68	116.10	\$ 13,170
5500700000	778160	HHPWS DCA-Other Programs	1	-	201.68	116.10	\$ 202
5500800000	778160	HHPWS HOME Investment Partnership Act	216	19	201.68	116.10	\$ 45,769
5500900000	778160	HHPWS HUD-CDBG Home Grants	92	78	201.68	116.10	\$ 27,610
5501000000	778160	HHPWS Rental Relief Program	153	4	201.68	116.10	\$ 31,321
5502000000	778160	PLHA-HWS	124	-	201.68	116.10	\$ 25,008
7200200000	771430	FM Custodial Services	31	1	201.68	116.10	\$ 6,368
7200300000	771430	FM Maintenance Services	9	1	201.68	116.10	\$ 1,931
7200400000	771430	FM Real Estate	1,303	220	201.68	116.10	\$ 288,331
7200800000	778160	FM Capital Projects	1,051	45	201.68	116.10	\$ 217,190
7201200000	778160	FM Lakeland Village Rec. Ctrs	9	-	201.68	116.10	\$ 1,815
7201400000	778160	FM-Desert Expo Center	13	2	201.68	116.10	\$ 2,854
7400100000	771430	Riverside County Information Technology	275	-	201.68	116.10	\$ 55,462
7400600000	771430	Riverside County Information Technology - Communications Solutions	74	23	201.68	116.10	\$ 17,595
3100300000	771930	DBF Building & Safety, DBF Planning, DBF Survey - CC&Rs, DBF Survey - Right of	2,270	592	201.68	116.10	\$ 526,545
Outside Agency	771420	Housing Authority/RCHC	581	17	201.68	116.10	\$ 119,150
Outside Agency	771430	Coachella Valley Resource Conservation District (CVRCD)	26	-	201.68	116.10	\$ 5,244
Outside Agency	771430	Temecula-Elsinore-Anza-Murrieta Resource Conservation	54	-	201.68	116.10	\$ 10,891
Outside Agency,	771430	TLMA Riverside County Habitat Conservation Agency (RCHCA)	112	-	201.68	116.10	\$ 22,588
			<b>17,508</b>	<b>1,699</b>			<b>\$ 3,728,267</b>
		<b>Grand Total</b>	<b>101,754</b>	<b>6,090</b>			<b>\$ 21,242,443</b>