



OFFICE OF THE COUNTY COUNSEL

MEMORANDUM

DATE: January 27, 2026
TO: Board of Supervisors
FROM: Katharine L. Elliott, Interim County Counsel
SUBJECT: County of Mendocino – Deputy County Counsel – Recruitment Request
BOS Meeting 2.3.2026

As Interim County Counsel, I am requesting to be able to fill one of the two vacant positions in County Counsel's department. Ideally, the vacancy would be filled by an attorney who would perform half-time general County Counsel work and half-time work for Children and Family Services ("FCS").

The total adopted budget for the County Counsel's Office is \$1,660,322, which this request should not affect. Salaries and Benefits are \$2,674,938 of the total budget (*which includes the two (2) Deputy County Counsel positions currently not being filled*). County Counsel's budget is unusual due to the fact that we receive both Revenue (estimated to be at \$512,000) and Intrafund transfers (estimated at \$923,403). County Counsel's budget depends heavily on reimbursement from the from certain departments through direct billing. Therefore, a large portion of our Salaries and Benefits are reimbursed through Intrafund and Revenue and show as greater than the adopted budget, which represents our office's cost to the general fund.

Currently we have an Interim County Counsel filling in for the County Counsel position and there are two (2) vacant Deputy County Counsel positions. The cost of filling one (1) Deputy County Counsel position would be approximately \$60,526 if hired in PP 09-26 (4/12/26). Due to the fact that the County Counsel's Office has two (2) vacant Deputy County Counsel positions at this time, our budget includes a 12.08% Attrition Savings of \$323,250.

The County Counsel's Office was one attorney below our allotment since PP 11-25, when the Deputy County Counsel Anthony Adams was appointed as the Alternate Defender. Since then the work that was performed by him has been split up between other attorneys. Due to their already existing workloads, the office is beginning to fall further behind in assignments.

Considering these vacancies, the Office is projected to be under budget by approximately \$323,250 in Salaries and Benefits.

Due to concerns over the County budget, County Counsel did not attempt to replace our vacant Deputy County Counsel position. However, with the most recent vacancy, a substantial portion of the time billed would be reimbursed via Intrafund (which would not include such costs as holiday, vacation, sick and personal time).

County Counsel bills Social Services, Family & Children's Services Division. With an FCS attorney position unfilled, County Counsel will not be able to collect the anticipated Intrafund reimbursement (\$359,954) as originally anticipated (calculated by taking the direct billable hours and multiplying it by the weighted rate). We anticipate that Fiscal Year 26/27 would be similar.

Recognizing that the County Counsel's Office is 1) Projected to be under budget for Fiscal Year 2025-26, and 2) additional salary savings are anticipated due to further vacancies, the County Counsel's Office is requesting to hire one (1) Deputy County Counsel, per the County's Strategic Hiring Process.

The County Counsel's Office provides day-to-day advice and assistance to all County departments and offices. Much of the work performed by the deputies consists of advice and review every day on issues that the Board may not see. This includes tasks such as contract review, resolution and agenda packet assistance, responding to Public Records Act requests, managing litigation (both that handled internally and by outside counsel), and assisting on small to medium-difficulty requests for advice on a daily basis. Larger or more difficult projects (including but not limited to ordinance amendments, policy updates or novel contracts) require longer blocks of time, which requires balancing between resolving those matters versus handling the many everyday requests for assistance. The office handles many matters with firm deadlines, such as litigation and conservatorship matters, and must respond to time sensitive research projects, e.g., research connected to compliance with statutory deadlines, elections, grant application or contract deadlines, or personnel matters. With fewer attorneys, departments can likely expect a longer turnaround time from the attorneys, particularly on requests with flexible deadlines.

With only two attorneys assigned to Family and Child Services (FCS) (the same number as in 2015), dependency court matters take up nearly all time for both attorneys, as the County has over 200 active dependency cases that require at least three times per week in court and other attorney support, including research, warrants, school interview applications, new dependency cases, case management assistance and weekly meetings. Attorneys also interact with opposing counsel and ICWA advocates and counsel. In addition to the dependency caseload, the attorneys assigned to FCS also handle review and redaction of requests for dependency records and appeals. The attorney who has been handling the matters has been spending approximately ten (10) hours per week on these requests. With only two attorneys assigned to FCS, these requests will be processed much more slowly. Appeals require approximately one-hundred (100) hours of attorney time.

When we had three attorneys available for FCS Services, one attorney was able to provide additional support to FCS, including office hours at FCS, staff training, and supporting the department in completing large projects. This additional support has been particularly helpful given substantial recent turnover within Social Services.

County Counsel

Numbers include 12.08% Attrition of \$323,250. End of Year (EOY) budget is an estimate based on current Year-to-Date actuals.

- Adopted Budget: \$1,660,322

- Salaries and Benefits: \$2,674,938*
- EOY Savings - no hires: \$323,250
- Approx. FY25-26 cost of 1 hire: \$60,526
 - Deputy County Counsel IV, Step 5
 - If hired in PP 09-26 (4/12/26)
 - 10.16% Attrition Savings

* Note: This amount does not include the reimbursement of direct billing for direct hours billed to departments each month. The following are billed if time has been recorded under their department:

- Behavioral Health
- Emergency Services
- Department of Transportation
- Social Services
- Special Districts such as AQMD

KLE/jc