



Legislation Text

File #: 2021-0083, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Human Services Department and County Counsel

Staff Name and Phone Number: Angela Struckmann, 707-565-6990 and Robert Pittman, 707-565-2421

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Request for Public Administrator/Public Guardian/Public Conservator Budget Adjustment

Recommended Action:

Adopt a resolution authorizing a budgetary adjustment to the FY 2020-2021 Final Budget for the Human Services Department in the amount of \$30,500 to cover the cost of an extra-help Legal Assistant, Confidential, to support Public Administrator/Public Guardian/Public Conservator legal work. (4/5th Vote Required)

Executive Summary:

The Human Services Director is the appointed County Public Administrator/Public Guardian and Public Conservator ("Public Guardian"). The day to day work is performed by the Office of the Public Guardian within the Human Services Department, and is supervised by the Chief Deputy. All three functions require legal representation in court which has traditionally been handled by the County Counsel's Office either as a mandate or because of the Public Guardian's inability to find private counsel on cases with small estates. Due to resource constraints within the County Counsel's Office, combined with a preference by the former Public Guardian, the Public Guardian has over the past several years assumed many of the functions that ideally would be handled by the County Counsel's Office, such as preparing petitions and all other court filings, accountings, calendaring hearings, and tracking cases. This has taken away from the primary job duties of the staff in the Public Guardian's Office. The Public Guardian's Office would like to transfer that work to County Counsel, and the County Counsel's Office agrees that is where it belongs. In order for County Counsel to have the capacity to handle the increase in work being shifted from Human Services to Counsel, one full time equivalent (1.0 FTE) legal assistant, confidential, is needed to support the work. The legal assistant will be a position allocated through Human Services but housed in and overseen by County Counsel. A budgetary adjustment of \$30,500 is needed to fund this extra help position through the end of the fiscal year.

Discussion:

The PA/PG/PC Office has three functions. The Public Conservator functions as the investigator for possible conservatorship for a mentally ill person under the Lanterman-Petris Short Act (Welf. And Instit. 5350 et seq.) If the investigation reveals the person is in need of conservatorship, the Public Conservator petitions for establishment of the conservatorship, beginning with an immediate temporary conservatorship, and

nominates herself to be the conservator. Once established, these conservatorships require renewal by the court every year upon a petition to reestablish filed by the Public Conservator. If the proposed conservatee has income or assets beyond public benefits, and nobody else is able to manage the estate, the petition includes conservatorship of the estate. Conservatorships of the estate require the filing of an Inventory and Appraisal, and bi-annual accountings thereafter. Other petitions may be filed on these cases, such as petitions to administer Electro-Convulsive Treatment or petitions for special instructions to consent to medical procedures. Currently, there are approximately 180 persons on an LPS conservatorship.

The Public Guardian petitions for conservatorship for those who are at risk, many with neuro-cognitive disorders, including dementia, who can no longer manage their own affairs, have no person that can legally stand in their shoes, have no family willing to act as conservator, or have no money for a private conservator. These persons also may require conservatorship of their estate. Where there is an estate, the Public Guardian may seek recovery of fees for its time and the time of its counsel in furtherance of the conservatorship. Once the conservatorship is established, the Public Guardian returns to court for various matters including permission to sell any real estate, special medical instruction, and accountings. There are approximately 50 Public Guardian cases. Because they are governed by the Probate Code and not the LPS Act, these conservatorships are referred to as “probate conservatorships.”

Finally, in addition to the disposition of the remains of unclaimed persons, the Public Administrator handles decedent estates where there is no person identified as the administrator of the estate and no family willing to act. The level of court involvement depends on the value of the estate. The smallest estates can be administered without court involvement. Others require administration through the probate court but some can proceed summarily, i.e. with less court oversight. There are currently approximately 70 Public Administrator cases pending with court involvement.

In this area of the law, much of the document preparation can be performed by a legal assistant who is familiar with the procedural requirements and local rules. Besides rendering legal advice to the Public Guardian as issues arise and staying abreast of changes in the law, the role of the attorney is primarily to review those documents for substantive and procedural compliance and appear in court. Because of some retirements in the County Counsel’s Office and because the Public Guardian’s Office has performed the tasks of document preparation for several years, the County Counsel’s Office has lost the expertise and the capacity to perform the Public Guardian and Public Administration legal assistant work. In order to provide these necessary services to support Public Administrator/Public Guardian/Public Conservator work, Human Services is requesting County Counsel expand its expertise and capacity. County Counsel is able to take on this additional work but requires a 1.0 FTE extra help Legal Assistant, Confidential. The cost for this position for the remainder of the fiscal year is \$30,500 and requires a budgetary adjustment.

The County Administrator’s Office has approved the Hiring Freeze Exemption Request (HFER) for the 1.0 FTE Legal Assistant, Confidential, extra-help position.

A resolution making the necessary budget allocation adjustment for FY 2020-2021 is submitted herewith.

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses		\$135,000	
Additional Appropriation Requested	\$30,500		
Total Expenditures	\$30,500	\$135,000	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$30,500	\$135,000	
Contingencies			
Total Sources	\$30,500	\$135,000	

Narrative Explanation of Fiscal Impacts:

With four months left in the current fiscal year starting from March through June 30th, 2021, the cost for FY 20-21 will be \$30,500 and will be funded with one-time accumulated Realignment fund balance. County Extra-Help status requires only the cost of payroll taxes without health or pension benefits. For FY 2021-22 County Counsel will request a time-limited Legal Assistant position as part of the budget process. Full-year, full-time permanent payroll costs with health and pension benefits in FY 2021-2022 amounts to \$135,000, which will be requested in Human Services' FY 2021-22 recommended budget.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):**Attachments:**

Resolution

Related Items “On File” with the Clerk of the Board:

N/A