AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Performance Update; CAO

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see the attached.

Fiscal Impact: N/A

Submitted by: Katherine Haase for CAO **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 10/4/2019

○ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 20 minutes

Agenda Date: 10/8/2019

Revised April 2015

Gunnison County – Managing for Results

Strategic Business Plan
County Attorney's Office (CAO)
Updated January 28, 2015

Gunnison County Vision Statement	Gunnison County cherishes its sense of community and place. We strive to preserve and promote the well-being of the County's citizens, natural environment and rural character. We will deliver services and set standards that reflect our values and preserve our unique quality of life for present and future generations to enjoy.
Department Mission	The mission of the County Attorney's Office is to provide legal advice, counsel and support of policies to the Board of County Commissioners (BOCC), other elected and appointed officials, commissions and departments as directed by the BOCC so they can understand the full extent and limits of their legal authorities and act within those authorities.
Issue Statements	1. Economic fluctuations and world market reduction in prices for natural resources, and the resulting loss in County revenues, will increase pressure and competition for General Fund revenues, negatively impacting BOCC flexibility in service delivery to County residents. 2. The BOCC will continue to be challenged on how to harmonize the long-standing community value of preserving the natural beauty and rural way of life in the County with the need to have healthy and sustainable economic development, such that decision documents and policy interpretations, if not appropriately written and procedurally sound, may cause avoidable, costly and unproductive litigation. 3. The extraordinary demand for water resources by front range communities, ongoing concerns about drought conditions in states having water rights on the Colorado River, emerging water quality issues, and competing demands for a finite supply of water, will together create legal, political and policy challenges to the BOCC priority to ensure high quality and quantity of water available to the citizens of Gunnison County. 4. The legal listing of the Gunnison Sage Grouse as 'threatened' by the US Fish and Wildlife Service will be a significant legal, economic and political challenge for ranching, recreation, land development and natural resource extraction in the County, which will continue to demand the attention of the BOCC and the resources of the County Attorney's Office.
Department Strategic Goals (3-5 years)	1. The final determination of the status of the Gunnison Sage Grouse will not stop or materially alter ranchers' ability to graze on federal lands, recreation access to land and water resources and recreation revenues, natural resource extraction or the overall economic stability of the Valley. 2. Gunnison County shall work with its partners to protect water quality and quantity for in-basin purposes in a manner that is socially, environmentally and economically sound. 3. Contracts, Board agenda items and policies will be reviewed promptly and appropriately by the CAO as evidenced by: • 95% of contracts, Board agenda items and policies will be reviewed by the CAO within five working days of receipt; and • 99% of contracts, Board agenda items and policies reviewed by the CAO will not result in significant judgments against the County. 4. 99% of code/regulatory/policy reviews will not result in declaratory or financial judgments against the County.
Department Manager	County Attorney David Baumgarten
Department MFR Live Point of Contact	Legal Assistant Brenda Wiseman
Program / Activity Structure	County Attorney/County Attorney

Program	**County Attorney Program**
Program Purpose Statement	The purpose of the County Attorney Program is to provide legal advice, counsel and policy support services to the Board of County Commissioners, other elected officials and appointed officials, commissions and departments as directed by the Board so they can take action and make decisions in a timely manner consistent with the law and County policy.

Program Key Results	• Contracts, Board agenda items and policies will be reviewed promptly and appropriately sign off by the CAO as evidenced by:
	  • 95% of contracts, Board agenda items and policies will be reviewed by the CAO within five working days of receipt; and
	  • 99% of contracts, Board agenda items and policies reviewed by the CAO which do not result in significant judgments against the County.
	• 99% of code/regulatory/policy reviews that do not result in declaratory or financial judgments against the County.

Program Manager	County Attorney David Baumgarten
Activity	County Attorney Activity
Activity Purpose Statement	The purpose of the County Attorney Activity is to provide legal advice, counsel and policy support services to the Board of County Commissioners, other elected officials and appointed officials, commissions and departments as directed by the Board so they can take action and make decisions in a timely manner consistent with the law and County policy.
Services that Comprise the Activity	• Administrative Procedure and Hearing Representations • Adult Protective Cases • Child Protective Cases • Coalition Building Initiatives • Code Reviews • Continuity of Service Initiative • Contract Reviews • Development Improvement Agreements • Formal Legal Opinions (written and oral) • Informal Legal Opinions (written and oral) • Joint Policy Advocacy Initiatives (County Manager) • Land Use Enforcement Actions • Litigation Cases • Natural Resource Extraction Application Commentaries • Participation in Legislation or Rulemakings • Personnel Interventions • Policy Drafts • Policy Reviews • Preparation and conduct of Administrative Hearings • Pre-scheduled department meetings • Problem Solving Consultations • Public Records Request Responses • Real estate transactions • Regulation Review and Implementation • Regulatory Reviews • Telephone Inquiry Responses

Activity Performance Measures (Annual Measures & Targets)	<u>Result Measures:</u>
	• Contracts, Board agenda items and policies will be reviewed promptly and appropriately sign off by the CAO as evidenced by:
	  • 95% of contracts, Board agenda items and policies will be reviewed by the CAO within five working days of receipt; and
	  • 99% of contracts, Board agenda items and policies reviewed by the CAO will not result in significant judgments against the County.
	• 99% of code/regulatory/policy reviews will not result in declaratory or financial judgments against the County.
	<u>Output Measures:</u>

	• # Property tax valuation disputes managed; • # Contract and Board agenda item reviews provided; • # Adult Protective cases filed; • # Child Protective cases filed; • # Code/Regulatory/Policy reviews provided; • # Public Records Request responses provided; • # Land use enforcement actions taken; • # Board of County Commissioner meetings at which legal counsel is made available or attended by the CAO; and • # Pre-scheduled department staffing meetings at which legal counsel is made available or attended by the CAO. <u>Demand Measures:</u> • # Public Records Requests expected to be forwarded to appropriate custodian of records within 24 hours of receipt of official form; • # Property tax valuation disputes expected to be represented by the CAO; • # Adult Protection cases expected to be represented by the CAO; and • # Land Use Enforcement Actions expected to be handled/represented by the CAO. <u>Efficiency Measures:</u> • Not applicable.

Performance Report: County Attorney

County Attorney Program and Activity

Purpose Statement	The purpose of the County Attorney Activity is to provide legal advice, counsel and policy support services to the Board of County Commissioners, other elected officials and appointed officials, commissions and departments as directed by the Board so they can take action and make decisions in a timely manner consistent with the law and County policy.

Performance Measures

Result :

Percentage of contracts, Board agenda items and policies that are reviewed by the CAO within five working days of receipt.

Performance Narrative: The County Attorney's Office works diligently to ensure that items are reviewed as close as possible to receipt, particularly within 5 working days.

Result • Percent • Monthly YTD: 100% EOY: 100%

Low Alarm	Low Warn	Target	High Warn	High Alarm
		95%		

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2014	97.6%	92.9%	100%	93.8%	92.6%	100%	100%	90.5%	100%	96.8%	100%	96.9%	97%	97%
2015	100%												100%	100%
2016	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2017	100%												100%	100%
2018	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2019	100%	100%	100%	100%	100%	100%	100%	100%	100%				100%	100%

Percentage of contracts, Board agenda items and policies reviewed by the CAO that do not result in significant judgments against the County.

Performance Narrative: The County Attorney's Office endeavors to provide sound legal advise to prevent judgements against the County.

Result • Percent • Monthly YTD: 100% EOY: 100%

Low Alarm	Low Warn	Target	High Warn	High Alarm
		99%		

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2019	100%	100%	100%	100%	100%	100%	100%	100%	100%				100%	100%

Output :

Number of property tax valuation disputes managed.

Performance Narrative: The County Attorney's Office supports the Board of Assessment Appeals throughout the appeal process, in general, and on a case-by-case basis as needed to provide legal advice.

Output • Number • Monthly YTD: 2 EOY: 4

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2017								2				1	3	17
2018								1			2		3	40
2019	0	0	0	0	0	0	0	1	1				2	4

Number of contract and Board agenda item reviews provided.

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Performance Narrative: The County Attorney's Office reviews all contracts and Agenda items and provides legal advice regarding such matters.

Output • Number • Monthly YTD: 376 EOY: 515

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2019	48	34	34	36	44	35	32	60	53				376	515

Number of adult protective cases filed.

Performance Narrative: The County Attorney's Office has no control over the number of cases filed; however it always provides prompt support and legal advice to the Department of Health and Human Services.

Output • Number • Monthly YTD: 2 EOY: 3

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2017				1	1								2	12
2018		1											1	12
2019	0	0	0	0	1	0	0	1	0				2	3

Number of child protective cases filed.

Performance Narrative: The County Attorney's Office has no control over the number of cases filed; however it always provides prompt support and legal advice to the Department of Health and Human Services.

Output • Number • Monthly YTD: 4 EOY: 5

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2017								1	2	2	1		6	18
2018			2	1		1			1		1		6	14
2019	1	0	0	0	0	3	0	0	0				4	5

Number of Public Records Request responses provided.

Performance Narrative: The County Attorney's Office responds within 3 business days to all Public Records Requests and assists citizens with access to the public records with respect to CORA laws.

Output • Number • Monthly YTD: 119 EOY: 172

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2017	9	5	4	6	4	9	5	14	10	16	15	19	116	116
2018	15	31	20	7	17	17	24	20	13	23	16	12	215	215
2019	11	12	6	12	4	13	18	27	16				119	172

Number of land use enforcement actions for which there has been a formal process initiated.

Performance Narrative: The County Attorney's Office provides legal guidance and support to the County to help ensure that Land Use Regulations of Gunnison County, designed to protect both the citizens and the environment of Gunnison County, are enforced in a consistent and professional manner.

Output • Number • Monthly YTD: 1 EOY: 2

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*

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2019	0	0	0	0	0	0	1	0	0				1	2

Number of Board of County Commissioner meetings and work sessions at which legal counsel is made available or attended by the CAO.

Performance Narrative: The County Attorney's Office holds the availability of legal counsel to the Board during meetings and work sessions as an utmost priority and strives to be available 100% of the time needed by the Board or Board members to best serve the citizens of Gunnison County.

Output • Number • Monthly YTD: 27 EOY: 36

Low Alarm	Low Warn	Target	High Warn	High Alarm
		48		

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2018	3	3	2	3	4	5	6	2	4	4	3	5	44	44
2019	3	2	3	4	3	3	3	2	4				27	36

Number of regularly scheduled department staffing meetings at which legal counsel is provided.

Performance Narrative: The County Attorney's Office appreciates the opportunity to communicate with Department Heads and the County Manager in a consistent and efficient manner, helping to ensure that CAO is preventing future issues by identifying and addressing proactively.

Output • Number • Monthly YTD: 185 EOY: 251

Low Alarm	Low Warn	Target	High Warn	High Alarm
		100		

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2017	15	12	14	9	9	13	11	11	12	12	11	9	138	138
2018	12	11	15	10	14	12	14	9	11	12	13	10	143	143
2019	15	20	20	23	22	20	25	20	20				185	251

Demand :

Number of Public Records Requests expected to be forwarded to appropriate custodian of records within 24 hours of receipt of official form.

Performance Narrative: The County Attorney's Office has a system in place to help ensure that the custodians of records receive requests as promptly as they are received by the office, thereby allowing the requestor to receive their records in the appropriate window of time.

Demand • Number • Monthly YTD: 119 EOY: 172

Low Alarm	Low Warn	Target	High Warn	High Alarm

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	EOY*
2019	11	12	6	12	4	13	18	27	16				119	172

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GUNNISON COUNTY STRATEGIC PLAN
County Attorney David Baumgarten's Strategic Results

B1: Gunnison County shall continue to work with its partners to protect water quality and quantity for in-basin purposes in a manner that is socially, environmentally and economically sound.

Lead: County Attorney David Baumgarten

Team: County Manager Matthew Birnie, Community and Economic Development Department Director Cathie Pagano, Finance Director Linda Nienhueser and Geographic Information Systems Manager Mike Pelletier.