

*Before the Board of Supervisors
County of Monterey, State of California*

Resolution No.: 26-026

- Adopt a resolution to:)
- a. Amend the Office of the County Counsel’s Fiscal Year)
(FY) 2025-26 Adopted Budget 001-1210-8057-COU001)
to increase appropriations by \$154,440.77, financed by a)
reduction in the contingencies appropriation 001-1050-)
8034-CAO020 to provide funding for one additional)
Deputy County Counsel IV and the elevation of two)
Deputy County Counsels to Chief Deputy County)
Counsels (4/5ths vote required); and)
- b. Amend the Office of the County Counsel’s Fiscal Year)
(FY) 2025-26 Adopted Budget 001-1210-8057-COU001)
to increase appropriations by \$63,820.65, financed by a)
reduction in the contingencies appropriation 001-1050-)
8034-CAO020 to provide funding for eight weeks of)
overlap to support training by a departing attorney Deputy)
County Counsel IV and her to be determined replacement)
(4/5ths vote required); and)
- c. Amend the Office of the County Counsel’s Fiscal Year)
(FY) 2025-26 Adopted Budget 001-1210-8057-COU001)
to increase appropriations by \$62,477.30, financed by a)
reduction in the uncompensated absences fund to cover an)
unexpected retirement of a Deputy County Counsel IV)
(4/5ths vote required); and)
- d. Amend the Office of the County Counsel’s Fiscal Year)
(FY) 2025-26 Adopted Budget 001-1210-8057-COU001to)
increase appropriations and revenues by \$265,280,)
financed by an increase of direct billed legal services to)
cover the over budgeted expenditures due to vacation)
buyouts at levels post wage study implementation that had)
not been anticipated (4/5ths vote required).)

WHEREAS, the Office of the County Counsel (“Office”) has been running at a deficit of one attorney for several years. The Office has done its best working short-staffed but with a 48% increase in the number of claims and litigation opened this year, the Office is faced with a critical need to hire one additional attorney to manage the necessary workload for the County. The Office has sought a budget augmentation to hire one new Deputy County Counsel IV at a cost of \$127,641.29 for the remainder of FY 25-26 with an expectation that the position would remain funded for FY 26-27 and years forward; and

WHEREAS, the Office of the County Counsel has had an ongoing leadership and management gap with two Chief Deputy County Counsel positions and one of Assistant County Counsel positions remaining unfulfilled. The Office has requested funding for the two underfilled Chief Deputy County Counsels with an internal promotion of two Deputy County Counsels with an

estimated cost of \$26,799.48 for the remaining year with an expectation that the positions would remain funded for FY 26-27 and years forward; and

WHEREAS, one of the County's most experienced litigators, Deputy County Counsel Ellen Lyons will be retiring shortly. Ms. Lyons handles some of our most complex litigation, including the class action jail litigation. The Office has requested that Ms. Lyons replacement be allowed to overlap with her so that Ms. Lyons can train her replacement on the details and strategy of her active litigation cases, including the class action. Accordingly, the Office has requested an augmentation of \$63,820.65 to accommodate this action. Ms. Lyons also has a large amount of accrued vacation time and because the Office did not anticipate the large payout caused by her retirement, combined with the recent wage studies, the Office has asked for an additional \$62,477.30 to be funded through the uncompensated absences fund; and

WHEREAS, the Office of the County Counsel has recommended an increase in appropriations and revenues by \$265,280, financed by an increase of direct billed legal services to cover the over budgeted expenditures due to vacation buyouts at levels post wage study implementation that had not been anticipated.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

- a. The Office of the County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 is amended to increase appropriations by \$154,440.77, financed by a reduction in the contingencies appropriation 001-1050-8034-CAO020 to provide funding for one additional Deputy County Counsel IV and the elevation of two Deputy County Counsels to Chief Deputy County Counsels (4/5ths vote required); and
- b. The Office of the County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 is amended to increase appropriations by \$63,820.65, financed by a reduction in the contingencies appropriation 001-1050-8034-CAO020 to provide funding for eight weeks of overlap to support training by a departing attorney Deputy County Counsel IV and her to be determined replacement (4/5ths vote required); and
- c. The Office County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 is amended to increase appropriations by \$62,477.30, financed by a reduction in the uncompensated absences fund to cover an unexpected retirement of a Deputy County Counsel IV (4/5ths vote required); and
- d. The Office of the County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 is amended to increase appropriations and revenues by \$265,280, financed by an increase of direct billed legal services to cover the over budgeted expenditures due to vacation buyouts at levels post wage study implementation that had not been anticipated (4/5ths vote required).

PASSED AND ADOPTED on this 3rd day of February 2026, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Root Askew and Daniels

NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on February 3, 2026.

Dated: February 3, 2026

File ID: RES 26-020

Agenda Item No.: 28

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Margarita Hernandez, Deputy