



# County of Monterey

## Item No.25

### Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: RES 26-020

February 03, 2026

Introduced: 1/26/2026

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

- a. Amend the Office of the County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 to increase appropriations by \$154,441 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 \$63,821 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 \$62,478 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-COU001 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).

#### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Amend the Office of the County Counsel's Fiscal Year (FY) 2025-26 Adopted Budget 001-1210-8057-COU001 to increase appropriations by \$154,441 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 \$63,821 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 \$62,478 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-COU001 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).

**SUMMARY/DISCUSSION:**

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. Accordingly, the Office seeks a budget augmentation to hire one new Deputy County Counsel IV at a cost of \$127,641 for the remainder of FY 25-26. The Office expects to have the new attorney hired by March 1, 2026, and expects that funding this position will continue into FY 26-27 at a cost of \$382,924 per year.

Additionally, the Office has had an ongoing leadership and management gap with two Chief Deputy County Counsel positions and one of Assistant County Counsel positions remaining unfulfilled.

Recognizing the very real budget constraints, the Office requests funding for the two underfilled Chief Deputy County Counsels with an internal promotion of two Deputy County Counsels with an estimated cost of \$26,800 for the remaining year with an expectation that the positions would remain funded for FY 26-27 and years forward. The Assistant County Counsel position would remain underfilled.

Additionally, one of our 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 requests 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. The Office requests an augmentation of \$63,821 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, we are asking for an additional \$62,478 to be funded through the uncompensated absences fund.

The Office understands this is a significant monetary request but sees no other way to adequately fulfill the duties of the Office, especially with the above detailed increasing workload. The Office of the County Counsel remains committed to providing quality legal representation and has done its best to hold costs down wherever possible.

Finally, the Office is recommending 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). Fortunately, an increase in direct billed legal services should cover the increased liability from wage

studies such that this is a budget neutral request.

**OTHER AGENCY INVOLVEMENT/COMMITTEE ACTIONS:**

There is no other agency involvement.

**FINANCING:**

The impact to the contingencies fund in Fiscal Year 2025-26 will be \$218,262, which will leave a balance in contingencies of \$1,584,717. The impact to the uncompensated absences fund in Fiscal Year 2025-26 will be \$62,478.

**BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:**

*This recommendation supports the key objectives of administration with efficient and effective fiscal management of County funds.*

Mark a check to the related Board of Supervisors Strategic Plan Goals [Include one or two sentences referencing the Ordinance, Code, Board Order/Resolution, etc. in relation to this selection]:

- ☐ Well-Being and Quality of Life
- ☐ Sustainable Infrastructure for the Present and Future
- ☐ Safe and Resilient Communities
- ☐ Diverse and Thriving Economy
- ☐ Dynamic Organization and Employer of Choice
- ☒ Administrative

Link to the Strategic Plan:

<https://www.countyofmonterey.gov/home/showdocument?id=139569>

Prepared by: Susan K. Blich, County Counsel and Erica Leal Finance Manager

Approved by: Susan K. Blich, County Counsel

Attachments: Attachment A - Reslution