

COUNTY ATTORNEY

DESCRIPTION

The County Attorney's Office serves as legal advisor to the county government, including its various departments, divisions, and agencies. The office prosecutes or defends all actions involving county officials and employees arising out of acts performed in the course of their employment. In addition to litigation, the office is called upon to interpret State and Federal laws, county ordinances and resolutions, and to draft county ordinances and proposed State legislation. The office is organized into four practice groups that provide a wide array of legal services to their clients that include the County, its various boards, commissions, and agencies, Henrico County Public Schools (HCPS), the Economic Development Authority (EDA), and the Sports and Entertainment Authority (SEA).

The Human Services Practice Group represents Henrico's "helpers", the people and agencies who protect children, support families, and address mental health needs. The Human Services Practice Group are in court and administrative hearings every day on behalf of the Department of Social Services (DSS), and routinely for Henrico Area Mental Health and Developmental Services (HAMHDS). They also counsel clients through daily administrative and legal obligation, contractual matters, and other transactional issues.

The Litigation Practice Group represents the County, HCPS and their officials and employees in a wide variety of civil actions in federal and state courts and administrative tribunals. As advocates for their individual and organizational clients, the litigation attorneys handle a range of matters including tort defense, civil rights actions, and construction and contract litigation. The Office's Litigation Practice Group also enforces the County's ordinances and regulations to protect public health and safety.

ANNUAL FISCAL PLAN SUMMARY

Description	FY25 Actual	FY26 Original	FY27 Approved	% Change
Personnel	\$3,419,691	\$3,689,927	\$3,928,571	6.5%
Operation	460,665	126,622	132,922	5.0%
Capital	4,793	0	0	0.0%
Subtotal	<u>\$3,885,149</u>	<u>\$3,816,549</u>	<u>\$4,061,493</u>	<u>6.4%</u>
Recommended Adjustment	\$0	\$0	-\$114,496	100.0%
Total	<u>\$3,885,149</u>	<u>\$3,816,549</u>	<u>\$3,946,997</u>	<u>3.4%</u>
Personnel Complement	24	24	24	0

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PERFORMANCE MEASURES

	<u>FY25</u>	<u>FY26</u>	<u>FY27</u>	<u>26-27 Change</u>
Workload Measures				
New Cases Filed in Court of Record	51	31	50	19
Total Pending Cases in Court of Record	103	190	100	-90
Administrative Proceedings	46	39	50	11
Contracts Drafted or Reviewed	915	748	900	152
Deeds and Leases Drafted or Reviewed	466	386	500	114
FOIA Requests Handled	605	548	650	102

DESCRIPTION (CONTINUED)

The Transactional Practice Group represents the County, HCPS, the EDA, and the SEA in a wide variety of transactions, from the procurement of goods, services, and construction, to the acquisition, leasing and conveyance of real estate, and to the formation of private-public agreements supporting economic and community development. The group's work continues through all stages of a transaction, from germination to negotiation to execution.

The Schools Practice Group advises HCPS central office leadership and individual school administrators regarding a wide variety of legal issues related to employment matters, student matters, ensuring compliance with federal and state laws, court rulings, and regulations. In addition, they provide proactive legal advice and training to leadership and administrators on all matters affecting the operation of the school system. The Schools Practice Group also defends HCPS in a variety of administrative hearings, including special education due process hearings, employee grievance hearings, and license revocation hearings.

OBJECTIVES

- To provide the county government with quality legal services.
- To protect the county treasury from damage awards as a result of litigation.

BUDGET HIGHLIGHTS

The budget for FY27 is \$3,946,997, which is an increase of \$130,447 or 3.4% compared to the previous fiscal year. Personnel is increasing by \$238,644 or 6.5%, due to increased salary and the accompanying benefit adjustments. Operating is increasing by \$6,300 or 5.0%, due to increasing costs in contracts, travel, training, legal services, and books and subscriptions. As part of an exercise in fiscal prudence, this budget includes an operating decrease of \$114,496, which is equivalent to 3% of the department's FY26 approved budget.

DEPARTMENTAL HIGHLIGHTS

The Department assisted the County on many major transactions in FY25. The Department negotiated a complex property exchange to acquire property to support additional parking at the Sports & Events Center. This included the Office guiding the County through negotiating a shared parking agreement with neighboring residential, commercial, and hotel properties. The Department drafted complex, multi-stage incentive agreements to support the expansion of the NOVA Aquatics Center at Regency Square. The Department advised in the development of an innovative lease and development agreement for a detoxification center with a private-sector partner, which will allow the County to provide a safe place for residents to detox and support recovery from opioid addiction while reducing the burden on County jails. The Office oversaw closing of a financing transaction through the EDA that will ensure transformational change in the Glenwood Farms community and lead to the construction of nearly 950 dwelling units, including affordable multifamily and age-restricted multifamily units. The Department assisted with the transfer of the Wilton Farm property from the EDA, which had stewarded the property since its acquisition in 2019, to the County for construction of the first public school K-12 living building in the world. The Office will continue to support the County and School Board through the negotiation and administration of the contracts that will govern the school's design and construction. The Office has assisted with nearly 400 procurement transactions and 150 real estate transactions in support of County projects.

The Department advised and supported the School Board and School Administration in a wide range of matters stemming from the volume of changes on the federal landscape impacting education. The Department reviewed more than 400 contracts for the HCPS General Services Department and answered more than 200 questions submitted directly from school registrars regarding various topics including the interpretation of custody orders, protective orders, and residency documents.

In FY25 the Department represented HCPS in response to 12 special education administrative due process hearing complaints. Nine of these due process hearing complaints were dismissed in lieu of proceeding to a hearing, one was successfully defended in favor of HCPS, and two were de-escalated and resolved. The Department represented HCPS during individualized education program ("IEP") meetings in which students were represented by counsel. The Department defended the School Board in formal federal administrative review processes, successfully proving the School Board had not engaged in discriminatory conduct.

The Department advised County officials through the creation of the Affordable Housing Trust Fund and adoption of a related ordinance waiving permit fees for qualified affordable housing. The Department resolved seven complicated condemnation cases, utilizing both jury trials and negotiated settlements, and allowing the County to pursue necessary development goals.

The Office represented Adult Protective Services and HAMHDS in court proceedings for vulnerable adults, securing guardians and conservators when needed to protect the rights of disabled persons. The Department also represented the Department of Social Services ("DSS") in its efforts to address abuse and

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neglect, reunify families and, where necessary, terminate parental rights to achieve permanency for children in foster care. The Office litigates these matters before the juvenile court, the circuit court, and Virginia's appellate courts, as well as in administrative hearings.

The County Attorney's Office continues to recover revenue for the County from bankruptcies. In FY25, the Office recovered \$159,775, in bankruptcy proceedings.

As in the past, the Office drafted County ordinances for presentation to the Board of Supervisors; drafted resolutions for presentation to the Board, the School Board, EDA, and SEA; and drafted and reviewed property conveyances and contracts for the County, the School Board, EDA, and SEA.

Each year, the Office analyzes legislation proposed by the General Assembly and executive orders issued at the federal and state level for potential impacts on County operations and to determine whether changes to County ordinances, policies, or procedures are required.

To minimize liability and ensure compliance with the law, Office attorneys regularly provide training on a variety of laws governing County and HCPS operations (including the Virginia Conflict of Interests Act, the Virginia Public Procurement Act, the Virginia Freedom of Information Act, the Family Educational Rights and Privacy Act, and the Individuals with Disabilities Education Act) as well as civil liability, civil commitment laws, and the confidentiality of health and educational records.

Since FY24, when the Office absorbed responsibility for overseeing the County's obligations under the Virginia Freedom of Information Act, the Office has supported the County's FOIA Officer, who is charged with coordinating and responding to incoming FOIA requests, providing guidance to agency FOIA points of contact, and training agency stakeholders on FOIA and legislative changes to FOIA.

The Office also represents the County, HCPS, and their officials and employees in a wide variety of civil actions, as reflected in the Office's performance metrics.