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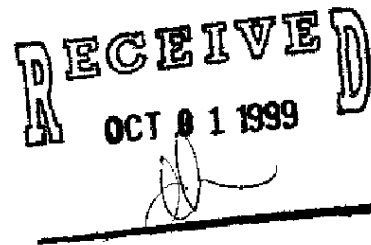
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September 15, 1999

M. L. Koester  
Chief Administrative Officer  
County of Ventura  
800 South Victoria Avenue  
Ventura, California 93009



Re: *Response to Grand Jury Final Report 1998-1999*

Dear Mr. Koester:

This letter is submitted pursuant to Penal Code section 933, subdivision (c), to provide comment on the Grand Jury's report regarding attorney salaries. It is submitted at the request of the Grand Jury for inclusion in the Board of Supervisors' coordinated response.

As the Grand Jury is aware, the issues set forth in this report are subject to the meet and confer process with the criminal attorneys' labor organization. The Board of Supervisors is the sole negotiating body for the County and the Board does not conduct negotiations in public. Also, implementation of any labor policy is solely within the power of the Board of Supervisors and not individual department heads. My comments are governed by this labor reality.

Recommendation No. 1, which is to immediately grant pay parity for all attorneys, sounds good in theory but is not practical where a group is represented by a union. All salary issues have to be negotiated, although I do not object to pay parity, if true parity can be defined. Negotiations are ongoing.

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Recommendation No. 2, relating to capping senior attorneys, is an issue to be negotiated with the union and is a budget issue between the department heads and the Board; it is outside my jurisdiction.

Recommendation No. 3, suggesting a comprehensive pay parity study, is a sound recommendation and is undoubtedly an issue being negotiated with the criminal attorneys' union. It is being instituted for unions and for management and unrepresented employees.

Recommendation No. 4 addresses uniform minimum time requirements for senior civil and senior attorneys. I have no problem with this requirement; however, it would probably cause some adjustment in how the other legal offices operate since advancement is generally more rapid in those offices than in the County Counsel's office.

Having responded to the specific recommendations, I would like to address the body of the Grand Jury report and the impressions which I believe it conveys which may be misleading. The first part of the report is incomplete where it purports to draw comparisons between the various groups of Ventura County attorneys. It is misleading in that it leaves the reader with the strong impression that: (1) attorneys in the County Counsel's office are hired for a higher salary with fewer years experience than comparable attorneys in the District Attorney's or Public Defender's office; and (2) the attorneys in the County Counsel's office are promoted to higher salaries with less experience than comparable attorneys in the District Attorney's or Public Defender's office. This is simply not true. Civil attorneys are neither hired nor promoted to higher salaries with less experience than prosecutors. The contrary is actually the case as evidenced by data provided to the Grand Jury.

The impressions thus created are regrettable because they foster misunderstanding and provide an inadequate factual basis upon which to make the comparisons implied or the public policy decisions suggested.

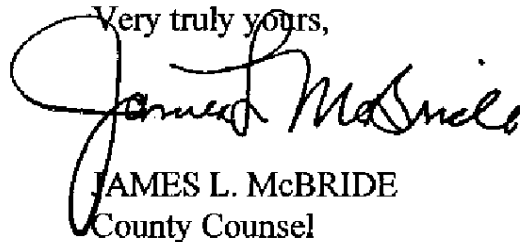
The part of the Grand Jury report which purports to compare Ventura County's attorneys to other County attorneys is incomplete and contains two fatal flaws. First, the survey did not use total compensation, that is, salary plus all the benefits. The salary only approach does not provide a valid comparison and has not been used by Ventura County for some time. The second flaw, or problem in the study, is the comparable counties used. Ventura County has traditionally used the seven southern counties for comparison

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purposes. There is no explanation why, for example, certain northern counties, such as Alameda and Santa Clara, were used. Because of the flawed nature of the study, it is really of little or no value.

If the Grand Jury has any questions with regard to these responses, I would be pleased to meet and discuss these issues.

Very truly yours,



JAMES L. McBRIDE  
County Counsel

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