



## County Attorney

The County Attorney's Office provides quality legal services to – and collaborates with – County staff, officials, and agencies to further the goals established by the Board of Supervisors (Board) and County leadership.

### Department Program

#### Legal Services

Advises the County boards, commissions, agencies, and officials; represents the County in judicial proceedings and before administrative agencies; and provides legal services in transactional matters involving the County.

#### Activities

- Human Services, Employment, and Public Safety
- Land Use and Development
- Litigation and Claims Against the County
- Transactions

### Financial Information

#### FY 2024 Adopted Information

	Expenditures	Revenue	LTF	FTE
Legal Services	\$4,597,310	\$261,654	\$4,335,656	26.00
<b>Total</b>	<b>\$4,597,310</b>	<b>\$261,654</b>	<b>\$4,335,656</b>	<b>26.00</b>

#### Capital Projects Fund

	Expenditures	Revenue	LTF	FTE
Legal Services	\$206,258	\$206,258	\$0	1.00
<b>Total</b>	<b>\$206,258</b>	<b>\$206,258</b>	<b>\$0</b>	<b>1.00</b>



## County Attorney: Legal Services

### Human Services, Employment, and Public Safety

**What We Do:** This activity provides legal advice and services to County agencies, including the following:

- The Department of Family Services (DFS), including Child Protective Services (CPS), Adult Protective Services (APS), Foster Care and Adoptions, and Public Assistance and Benefits
- Mental Health, Substance Abuse, and Developmental Services
- Animal Services
- Fire and Rescue
- Collective Bargaining
- Community Corrections
- The Department of Human Resources (DHR)
- Library Services
- The Sheriff's Office
- The Office of the Clerk of the Circuit Court

Legal advice is also provided to all departments and agencies of the County with respect to requests submitted under the Freedom of Information Act. This activity provides significant legal representation to DFS in both judicial and administrative hearings for endangered children and adults. In addition, this activity reviews policies and procedures for Library Services, all public safety agencies, and DHR, as well as reviews all employee disciplinary actions and investigations.

**Mandate Information:** This function is mandated by the Code of Virginia §§ 15.2-1542 (Duties of the County Attorney) and 63.2-317 (Employment of counsel for local boards and employees).

**Who Does It:** The County Attorney's Office provides these services with four full-time attorneys, one paralegal, and one legal services assistant.

**Why We Do It:** Quality legal services provided by a robust internal team both protects the County and advances the goals of the Board and leadership on behalf of the community. Staff in this activity provides intensive customer service and has close working relationships with County staff and employees of the constitutional officers served.

**How We Do It Now – Current Service Level:** Current service level involves the County Attorney's Office serving as a team member with working groups in the various departments and agencies; providing as-needed guidance, answering questions, performing research, and providing legal advice; and representing clients before judicial and administrative bodies. This activity also works with County lobbyists on legislation affecting the departments and agencies, and drafts or reviews memoranda of understanding and other agreements.

Following the adoption of the collective bargaining ordinance, the County Attorney's Office works with various departments to negotiate agreements with recognized collective bargaining units. As of the start of FY 2024, only the International Association of Firefighters (IAFF) has been recognized as a bargaining unit; and negotiations are ongoing with IAFF. Up to two more bargaining units may be recognized; and bargaining would then occur with those units.

DFS handles approximately 180 active cases annually, with about 50 new cases each year. The timing of these cases is coordinated by DFS, the County Attorney's Office, other parties, and the courts.

**How We Plan to Do It in the Future – Recommended Service Level:** The current level of service described above is anticipated to grow at approximately the same rate as the County's population. The addition of employees to the represented departments will also create the need for additional legal services.



## County Attorney: Legal Services

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Provide legal services in support of the general County Government by delivering effective and timely advice or representation based on established priorities.</b>					
Number of DFS cases pending litigation	143	138	180	180	180



## County Attorney: Legal Services

### Land Use and Development

**What We Do:** This activity provides legal support to County staff, the Board, the Planning Commission, the Board of Zoning Appeals, and other advisory bodies regarding all aspects of land use and development, including, but not limited to, development ordinance and plan amendments, enforcement of County regulations, Land Use and Development Application review, and legal advice and support.

Development ordinance and plan amendments activities include the comprehensive Zoning Ordinance Rewrite (ZOR) and several standalone Zoning Ordinance Amendments (ZOAMs), amendments to the Land Subdivision and Development Ordinance (LSDO) and Facilities Standards Manual (FSM), and periodic Comprehensive Plan Amendments (CPAMs).

Enforcement of County regulations includes Zoning, Erosion, and Sediment Control; Health; Building Codes; Stormwater Management; and Solid Waste. This activity involves legal support to staff and representation of the County in judicial and administrative proceedings.

Land Use and Development Application review includes reviewing and negotiating proffers and conditions of approval associated with rezoning, concept plan amendment, and special exception applications; reviewing deeds and bond agreements associated with all subdivision, site plan, and easement applications; and reviewing zoning, proffer, and vested rights determinations and advisory opinions.

Legal advice and support includes administration and enforcement of all County development regulations and approvals; compliance with applicable federal and state development and environmental regulations; subject matter expertise and litigation support in cases concerning land use and development; interpretation of conservation and open space easements; and special projects such as development of transfer or purchase of development rights programs (TDR/PDR), review and analysis of data center development, and review and update of County proffer policies.

**Mandate Information:** This activity is mandated by the Code of Virginia § 15.2-1542 (Duties of the County Attorney).

**Who Does It:** The County Attorney's Office provides these services with five full-time attorneys and two paralegals.

**Why We Do It:** Staff in this activity provides intensive customer service and has close working relationships with County staff.

**How We Do It Now – Current Service Level:** Current service level involves managing approximately 65 pending regulatory enforcement cases annually. The goal is to achieve compliance by meeting with alleged code violators and reaching a mutually acceptable resolution. The number of legislative land use cases decreased modestly during the time of the COVID-19 pandemic. Staff anticipates that post-pandemic, the number of legislative and administrative cases will continue to increase. The number of administrative land use reviews also reduced during the pandemic, but then quickly returned to normal and will continue to increase. The County Attorney's Office increased staffing to handle the Zoning Ordinance review.

**How We Plan to Do It in the Future – Recommended Service Level:** It was also anticipated that legislative and administrative land use matters would increase after the adoption of the 2019 Comprehensive Plan and the Zoning Ordinance changes. In the near term, it is anticipated that the current staffing levels will be sufficient to handle the expected increases.



## County Attorney: Legal Services

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Manage all active enforcement cases.</b>					
Number of active cases pending regulatory enforcement	88	46	54	65	68
<b>Review 85 percent of land development submissions within 20 days.</b>					
Number of land development submissions received	1,216	1,172	1,068	1,079	1,089
Number of land development submissions reviewed	1,207	1,145	1,098	1,109	1,120
Percentage of land development submissions reviewed within 10 days	42%	30%	31%	47%	48%
Percentage of land development submissions reviewed within 20 days	77%	71%	67%	77%	78%
Percentage of land development submissions reviewed within 30 days	100%	100%	100%	100%	100%



## County Attorney: Legal Services

### Litigation and Claims Against the County

**What We Do:** Through this activity, the County Attorney's Office represents Loudoun County and its boards, departments, agencies, officials, or employees in judicial proceedings before state and federal courts in Virginia at the trial and appellate levels, and in administrative proceedings. The types of cases handled may include, but are not limited to, tax assessment appeals; zoning, land use, or land development litigation; suits filed under the Virginia Freedom of Information Act; petitions for writs of mandamus; actions for injunctive or declaratory relief; and litigation involving real estate, employment, contract, constitutional or tort claims, eminent domain, and code enforcement.

**Mandate Information:** This activity is mandated by the Code of Virginia § 15.2-1542 (Duties of the County Attorney).

**Who Does It:** Generally, Loudoun County is represented in litigation by the County Attorney's Office. Two attorneys, one paralegal, and one legal services assistant handle the litigation, claims, administrative hearings, and appeals. Outside counsel may be retained to assist in-house legal staff in specialized cases, or to defend cases that are covered by insurance.

**Why We Do It:** Staff in this activity provides intensive customer service and has close working relationships with County staff. By handling most cases in-house, the County Attorney's Office provides high-quality legal representation in legal and administrative proceedings, while minimizing the amount of outside legal fees incurred, which, generally, would be billed to the County on an hourly basis.

**How We Do It Now – Current Service Level:** There is generally an average of 55 active court cases at any given time. The number of claims and appeals varies greatly from year to year. The number of active cases has steadily decreased over the past few years. These reductions are due to resolving old cases.

**How We Plan to Do It in the Future – Recommended Service Level:** It is anticipated that the number of active cases will increase in the coming years. In addition, the complexity of the cases has increased. Large, complex cases have significant discovery which involves large volumes of documents. Staff has begun using an electronic discovery program to assist with the volume of documents.

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Provide legal services for litigation and claims against the County.</b>					
Number of claims pending litigation (general)	58	58	49	55	70



## County Attorney: Legal Services

### Transactions

**What We Do:** This activity provides legal support for real estate transactions, contracts and procurement, matters pertaining to taxes, budget, and finance, and housing.

**Real Estate:** Staff provides legal support for all real estate transactions involving the County, including negotiating, drafting, and/or reviewing contracts for the purchase, sale, or lease of real property; ordering, reviewing, and analyzing title reports; coordinating settlements; and preparing and/or reviewing deeds and other settlement documents. Typical real estate transactions include the acquisition of property for County facilities (e.g., County offices, parks and recreation facilities, public safety centers, etc.), lease of property for County use, and the purchase and sale of Affordable Dwelling Units.

This activity also provides legal support to County staff regarding the acquisition of rights-of-way and easements for transportation projects (i.e., construction, expansion, or improvement of roads, sidewalks, and trails) and infrastructure improvements associated with the Dulles Corridor Metrorail Project (Silver Line). As part of this function, the County Attorney's Office drafts and/or reviews all deeds of easement or dedication, assists staff in securing legal documents necessary for relocation of utilities, provides legal services and representation in all matters concerning the use of eminent domain, and drafts or reviews rights-of-entry or license agreements to help facilitate project development and construction.

**Contracts and Procurement:** Staff drafts or reviews all County contracts, leases, and procurement documents; approves all contracts and leases for legal form prior to execution by the appropriate County official; provides legal analysis and advice on matters concerning the Virginia Public Procurement Act; and provides legal analysis and representation concerning contract claims and disputes. Staff also provides legal support for public-private partnerships. Although most contracts are reviewed on behalf of the departments listed above (particularly real estate contracts, leases, and procurement documents), attorneys and paralegals provide legal support on contract matters to virtually every department in County Government.

**Tax, Budget, and Finance:** This activity provides legal advice and services to the Commissioner of the Revenue and the Treasurer in all matters pertaining to local taxation, including assessment of taxes, administration of tax relief and deferral programs, tax exemptions, and collections, including representation of the County in judicial tax sales and as a creditor in bankruptcy proceedings. This activity also provides legal advice to County staff in matters pertaining to the annual budget process and finance transactions.

**Housing:** One attorney provides a range of legal services to the Department of Housing and Community Development, providing legal review of loan documents and a variety of other documents. This attorney also interprets federal law for the housing programs that receive federal grant money.

**Mandate Information:** This activity is mandated by the Code of Virginia §§ 15.1-1542 (Duties of the County Attorney), 15.2-1237 (Review of Contracts), 15.2-1803 (Approval and acceptance of conveyances of real estate), and 15.2-2600 et seq. (Public Finance Act).

**Who Does It:** County legal staff works closely with outside bond counsel on all of the County's bond transactions. Otherwise, County legal staff, including attorneys and paralegals, provides these legal services.

**Why We Do It:** Staff in this activity provides intensive customer service and has close working relationships with County staff and employees of the constitutional officers served.

**How We Do It Now – Current Service Level:** Current service level indicates approximately 140 new tax collection matters being active annually. At the current service level, this activity provides legal services for approximately 2,800 leases and contracts annually.

**How We Plan to Do It in the Future – Recommended Service Level:** The current level of service described above is anticipated to increase at a rate consistent with the County's population growth.

**County Attorney: Legal Services**

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Provide legal services for real estate, contracts, and procurement, as well as for tax, budget, and finance matters.</b>					
Number of new tax collection matters	178	88	143	144	146
Number of transactional matters (leases and contracts)	2,635	2,592	2,780	2,808	2,836
Number of transactional matters (property acquisition)	12	6	13	13	13
Average number of new tax collection and transactional matters per attorney	471	448	490	494	499