

**Transportation
and
Natural Resources**

Budget Hearing



FY2012 Budget Hearing

TRANSPORTATION AND NATURAL RESOURCES

AUGUST 11, 2011

290 LANDFILL

2

- Better manage leachate production by:
 - Improving stormwater management
 - Repairing the cap
 - Decreasing the flea market footprint
- County and other responsible parties working on solution:
 - Estimated cost of project is \$1 million
 - Capping the western portion of the east hill
 - Re-grading, filling, and capping in various areas of flea market
 - Limited demolition of flea market structures

290 LANDFILL

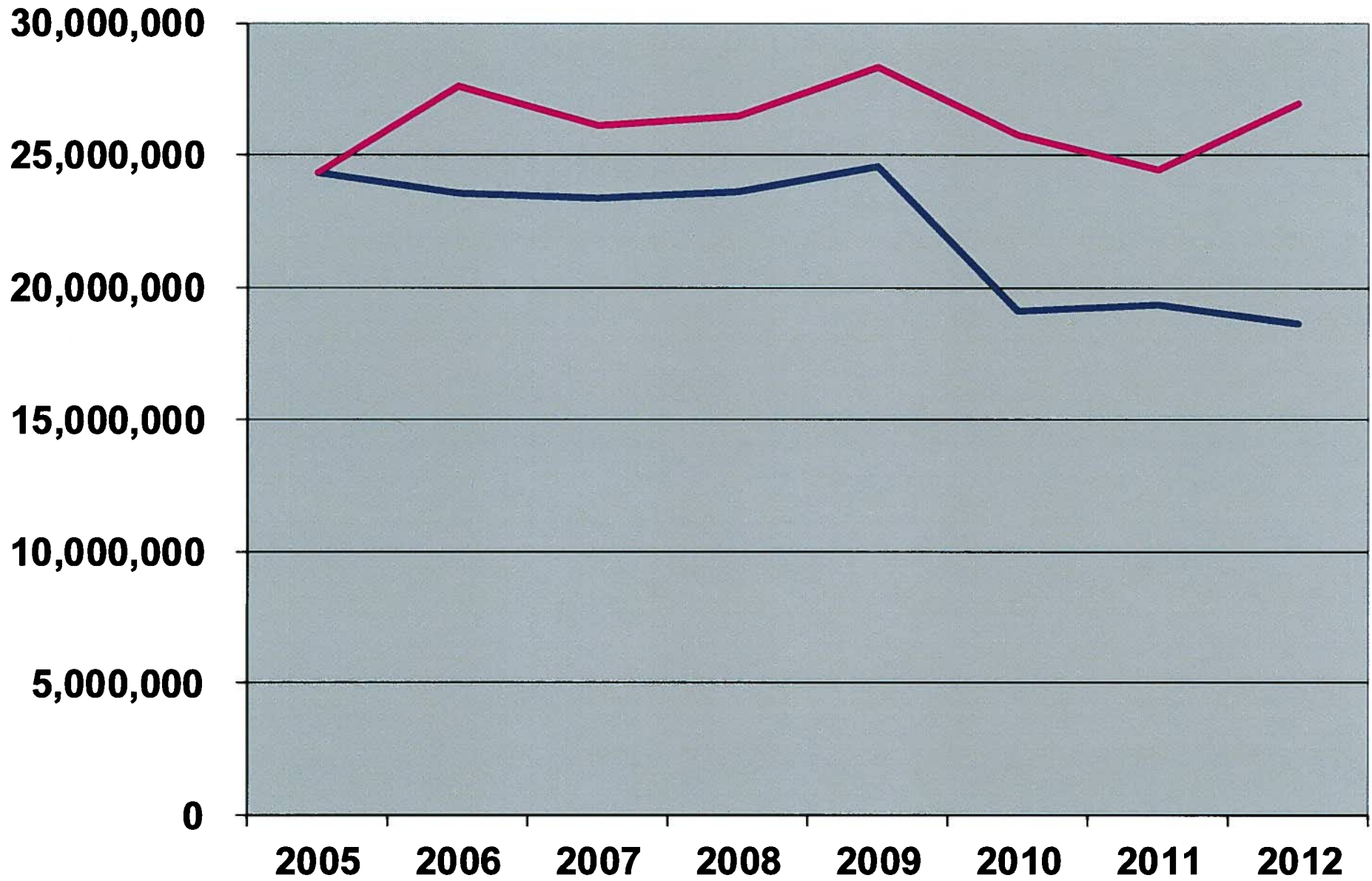
3

- **Next Steps:**
 - Prepare engineering design – Sep 2011
 - Review design with TCEQ – Oct 2011
 - Negotiate cost-sharing – Nov 2011
 - Award the construction contract – Dec 2011
 - Complete construction – Sep 2012
 - Groundwater investigation – FY2013

Road and Bridge Funding

4

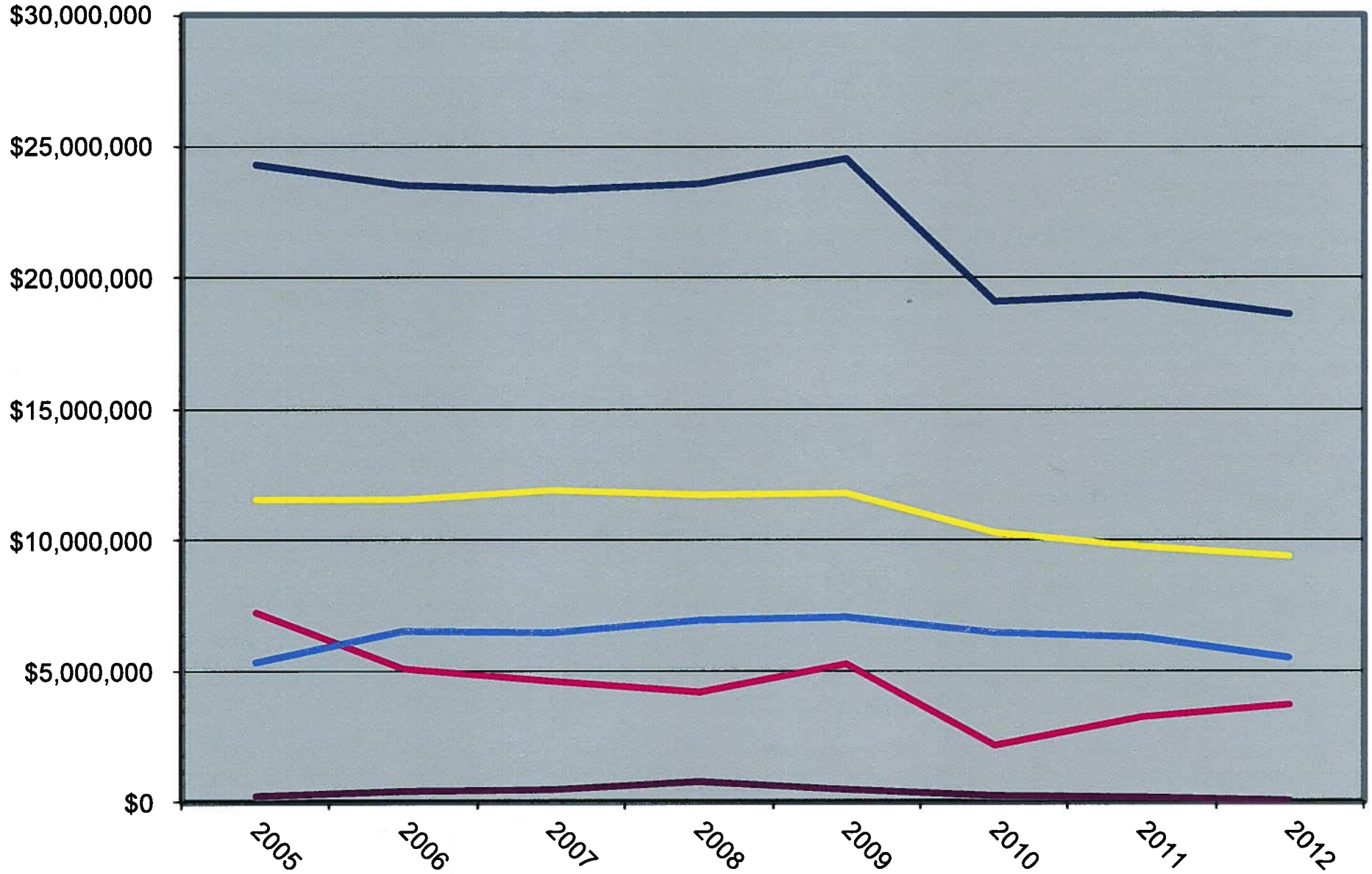
- Revenues still decreasing, as operating costs continue to rise
- Capital expenditures being funded through CAR and CO's
- Options for operating budget:
 - Delay or push out work plan until revenues recover
 - Reduce operations and programs
 - Supplement operating budget



— Budgeted Revenue

— Budgeted Expenditures

Budgeted Revenue **Beg Fund Balance** **Auto Registration** **Total Fines & Fees** **Other**

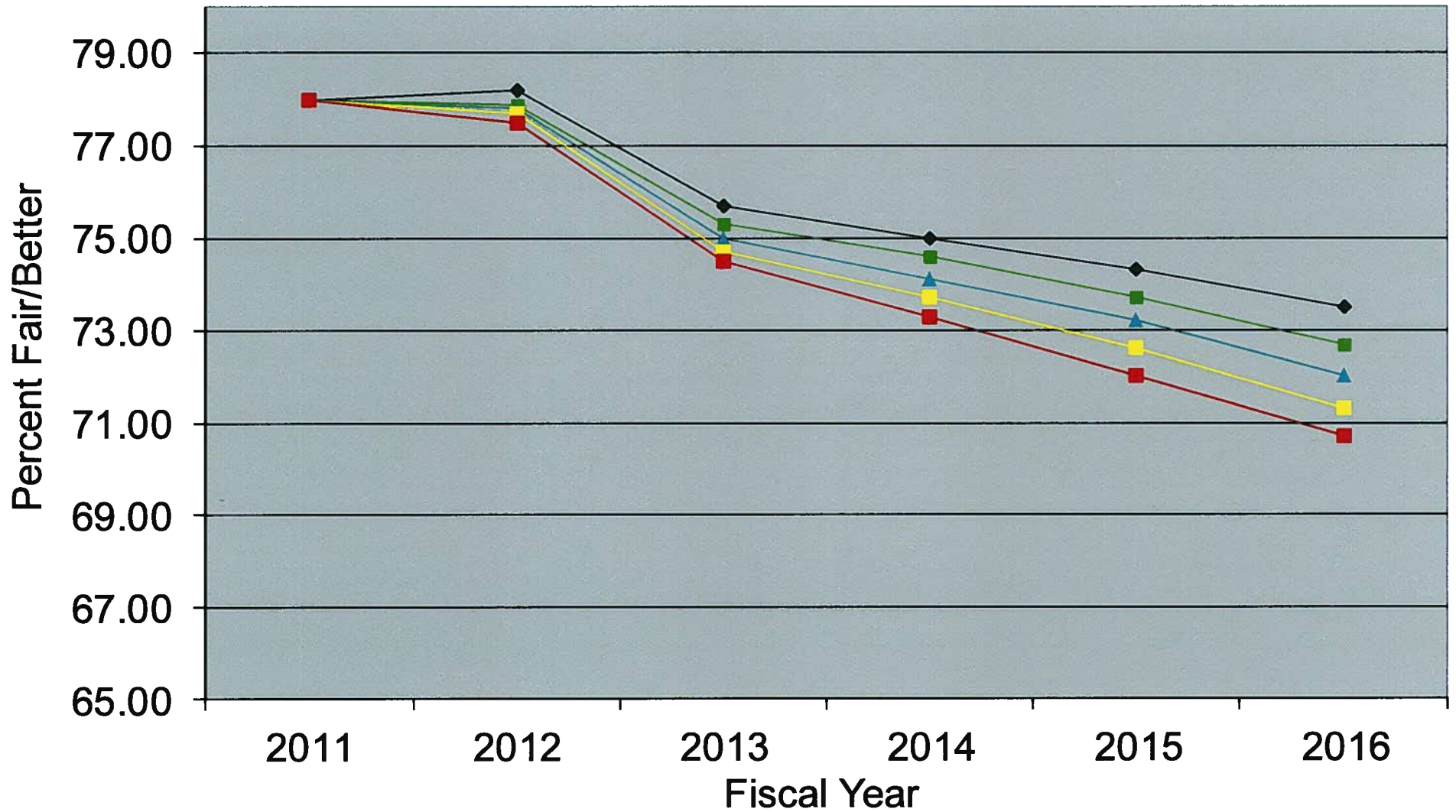


Road and Bridge Funding

7

- Maintain existing level of funding (both operating and capital) to keep 78% Fair to Good from falling more than 5% by 2016
- Continue preventative measures – overlay and surface treatments
- Road deteriorating faster – drier conditions and development zones (i.e. SH130, SH45)
- Reconstruction backlog increasing – serious safety issues within 3 – 5 years
- Change mix of treatments to address backlog

Effects of Budget on % Fair/Better County Wide



■ 10 Mill ◆ 11 Mill ▲ 9 Mill ■ 8 Mill ■ 7 Mill

2011 Bond Staffing

9

- If bond election passes, additional CIP staff needed to complete projects
- Can no longer pay ongoing labor with long-term bonds
- Current recommendation from CBAC totals \$205.6M
- Program expected to take seven(7) years

2011 Bond Staffing

10

- Requesting \$914,310 for:
 - Salaries and benefits of \$764,277
 - ✦ Sr. Engineers (3), ROW Agents (4), Inspectors (4)
 - Operating expenditures of \$15,620
 - ✦ Equipment, training, supplies, etc.
 - Capital expenditures of \$150,033
 - ✦ Vehicles (4), computers, telephones, radios, etc.

2011 Bond Staffing

11

- Hiring could be staggered to:
 - 12/01/11 – 1 Engineer Sr. and 1 ROW Agent
 - 02/01/12 – 2 Engineer Sr. and 3 ROW Agent
 - 04/01/12 – 4 Inspectors
- Prorated FY12 costs of \$587k:
 - Salaries and Benefits of \$423k
 - Operating expenditures of \$14k
 - Capital still at \$150k

Pass Through Financing Projects

12

- Total project costs \$30,353,000
 - FM969 - \$18,129,000
 - FM1626 - \$12,224,000
- Anticipated cash flow requirements:
 - \$3M for engineering and environmental FY12-FY14
 - \$3M for right-of-way acquisition FY14-FY15
 - \$24,338M for construction FY16-Fy17

International Cemetery

13

- Preliminary budget includes \$2M earmark on reserves for a new cemetery
- Current proposal of \$1.25M for:
 - Acquisition of property
 - Construction of access road to burial site
 - Installation of sprinkler system
 - Ongoing costs -- water, maintenance, electricity, etc.

International Cemetery

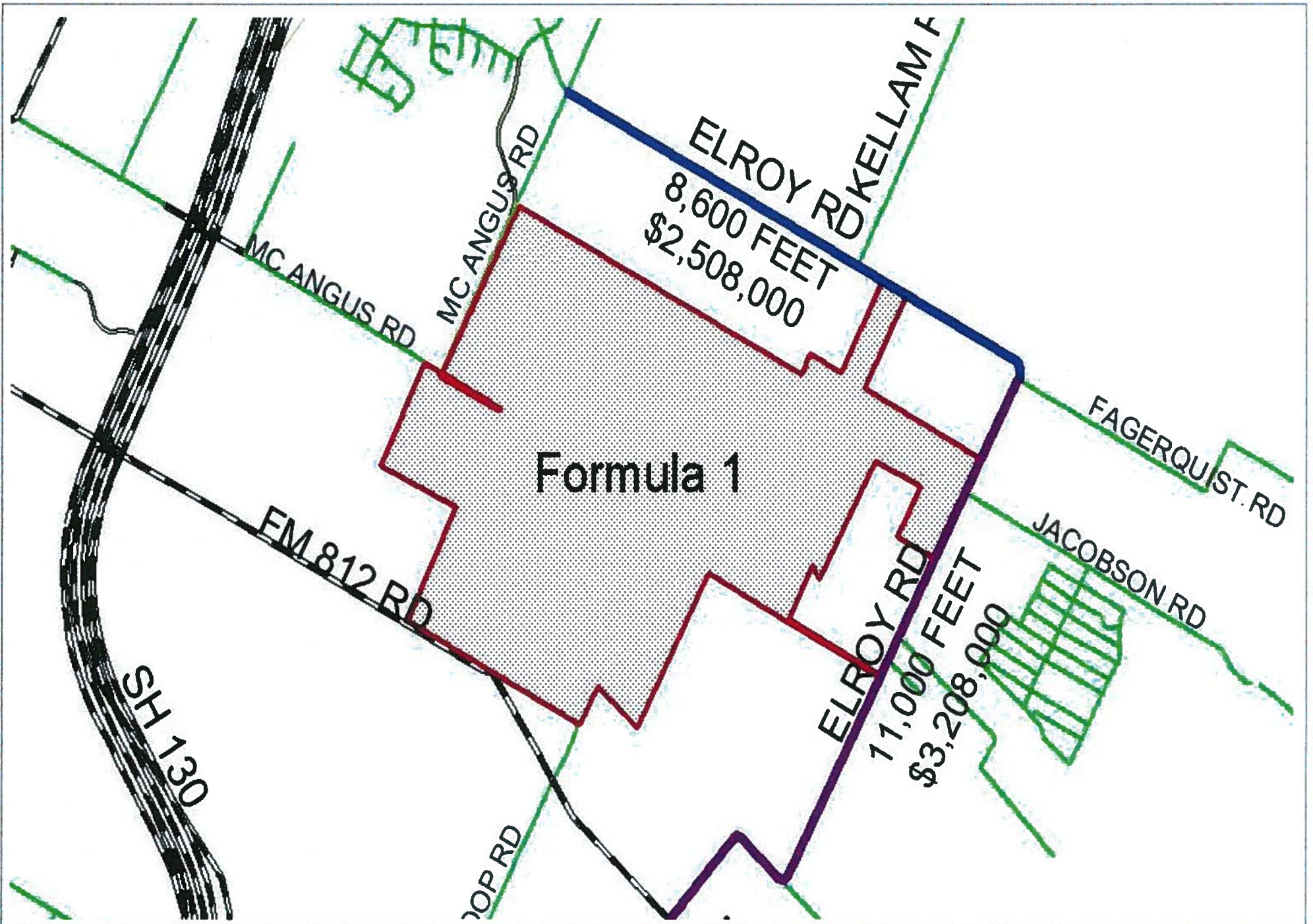
14

- Sprinkler system for existing cemetery
 - Installation \$250k
 - Ongoing costs of \$105k:
 - ✦ Water \$100k
 - ✦ Maintenance \$4k
 - ✦ Electricity \$1k

Elroy Road Reconstruction

15

- Elroy Road from McAngus Rd to Fagerquist Rd in need of reconstruction - \$2,508,080
- Project is to reconstruct only the County's existing two-lane roadway
- Possibly partnering with Formula One -- they would be responsible for expanding to four-lane from McAngus to their entrance
- Anticipating need in Q1 of Fy12, to complete construction by Spring 2013



Northeast Metro Park

17

- Northeast Metro improvements will be completed by Spring 2012
- Improvements include:
 - Skate park
 - Spray park
 - Two play areas
 - Two restrooms
 - Picnic area with tables and grills
 - Expansion of existing multi-use trail

Northeast Metro Park

18

- FTE's and operating funds needed for:
 - Maintaining irrigation system
 - Mowing and weedeating common areas
 - Cleaning restrooms and picnic areas
 - Powerwashing skate park and spray park
 - Removing debris and graffiti at skate park
 - Cleaning splashpad strainers and filters

Northeast Metro Park

19

- Annual operating cost is \$114k
- Prorated operating as of 04/01/12 - \$69.5k
 - Salaries and Benefits of \$57k
 - Operating of \$12.5k
- Capital request of \$38.5k:
 - Personal Carrier and Portable Spray Washer
 - Deferring capital of \$68k until FY13



Northeast Metro Park
conceptual master plan

7-40-27-02



03.25.2010
0 40 80 160

N.E. Metro Skate Park

Concept Plan



Legend

- 1 - ramp / ledge / steps with planter
- 2 - Slippy wall with bench
- 3 - skateable sculpture / dish feature
- 4 - rail / manual pad / pole rail
- 5 - winding bank with bench / barrier / berm
- 6 - ditch with banks
- 7 - trench with banks & extension
- 8 - bench at top of bank
- 9 - manual pad / rail / ledge
- 10 - convex ledge / convex rail / ledge
- 11 - steps / rail / bank / bubble ledge
- 12 - gap / rail / bench (gap below)
- 13 - steps / bank / gap / rail / bubble ledge
- 14 - "aerosol" feature
- 15 - pyramid box
- 16 - transition with wallrides
- 17 - shade structures with benches
- 18 - track with wedges / wedge features
- 19 - bowl



N.E. Metro Skate Park

October 2007

www.newhireskateparks.com

Trail Dozer

22

- Request of \$90,000 for SWECO 480 Trail Dozer
- Designed specifically for trail maintenance and construction:
 - 4'-wide mini-dozer
 - 3-shank rippers
 - Zero turning radius
 - Environmentally sensitive
- Industry standard
 - Bureau of Land Management
 - National Park Service
 - U.S. Forestry Service

Trail Dozer

23

- Included in Reimers budget request, but for use throughout park system
- Milton Reimers Ranch -
 - 6.3 miles multi-purpose
 - 2.5 miles ADA
 - 17 miles mountain bike
 - 4 mile primitive hiking
- Pace Bend – 10+ miles multi-purpose and mountain bike
- Proposed – 20 miles at Onion Creek Greenway and Gilleland Creek Greenway

Transportation & Natural Resources



District Attorney

Budget Hearing



CRIMINAL JUSTICE PLANNING

Roger W. Jefferies, County Executive, Justice & Public Safety
P.O. Box 1748 Austin, Texas 78767 Phone (512) 854-4415 Fax (512) 854-4417

To: Vicki Skinner, Court/Legal Director, District Attorney Office
La Ru Woody, Division Director, District Attorney Office

From: Tonya Mills, Senior Planner, Justice and Public Safety

Through: Roger Jefferies, County Executive Justice and Public Safety

Date: July 28, 2011

RE: CPS Case Filing Impact Analysis

First, thank you for the opportunity to work on this project/analysis for you. We intuitively know that the entire CPS case process has a very symbiotic relationship and that each piece of the system has the potential to impact others. Justice and Public Safety's relationship with both the Office of Child and Office of Parental Representation have put us in a position to attempt to create efficiencies and help to reduce the impact on the Civil Indigent Defense budget. Having the opportunity to work with your division and learn more about another piece of the process helps us in our work.

The analysis that follows looks at the increases in new CPS case filings and how these increases may impact your division. Additionally, based on our conversations and your offices' concerns regarding substantial increases in discovery requests, analysis was done which considers the impact of these increases to prosecutor workloads.

Your budget submission for FY2012 requested the addition of a full time attorney and a part-time law clerk. Our analysis demonstrates that this request is easily substantiated with current caseload increases and workload trends (via discovery).

Our findings are as follows:

- FY2011 and FY2012 new case filings will be 156 (49%) to 166 (52%) higher than the average annual case filings of 321 over the last 11 full fiscal years (FY2000-FY2010).
- Currently, the average attorney caseload in the DA's office is 89. This is 39% higher than the OCR and 93% higher than the OPR. Analysis conducted during the OPR and OCR Cost Benefit Analysis considered the impact to the quality of representation and attorney hours worked when looking at caseloads. While attorney hours logged per case are not available for the DA to further quantify the impact of caseloads this high, it is believed that the average hours worked should be similar. With that, the disproportionately higher caseloads in the DA's office have the potential to impact quality.
- At the current rate of discovery requests projected through the remainder of FY2011, it is estimated that the hours spent by attorneys reviewing the discovery packets compiled equal roughly 60% of a single FTE (Attorney).
 - The increase in discovery requests alone in FY2011 equal just over a quarter of an FTE (Attorney).
 - The increase in discovery requests equates to approximately 70% of the part-time FTE (Law Clerk) requested in the FY2012 budget.

Collectively, the findings of JPS would support the DA's request for the addition of an Attorney and Law Clerk to simply support current workload increases. Even though it is expected that new case filings should decrease in FY2013, the current imbalance of caseloads in the District Attorney's Office compared to that of the defense is sufficient now to support additional staff to level caseloads/workloads.

We would recommend that your office consider a time study that could serve as a benchmark or baseline for establishing what appropriate caseloads targets/thresholds. It should prove beneficial in determining prosecutorial workload and hours logged, from case onset to completion. This would make identifying a recommending target caseload levels much easier and should be beneficial in future budget submissions. JPS would be more than happy to work with you, should you choose, to outline the study and help to collect, analyze findings and prepare reports.

Thank you again for the opportunity to assist you with this project. We look forward to working with you in the future.

Xc: Katie Peterson, Planning and Budget



CRIMINAL JUSTICE PLANNING

ROGER JEFFERIES – COUNTY EXECUTIVE, JUSTICE AND PUBLIC SAFETY

PO BOX 1748 AUSTIN, TEXAS 78767

PHONE (512) 854-4415

**IMPACT OF NEW CPS CASE FILING INCREASES
ON THE DISTRICT ATTORNEY
CASELOADS and WORKLOAD**

Analysis and Report by:

Tonya Mills, Senior Planning Analyst

Travis County – Criminal Justice Planning

Data provided by:

Linda Clark, Business Analyst

Travis County Civil and Criminal Courts

Ron Wall, Judicial Aide

Travis County Civil Courts

Overview

Analysis has been conducted by Justice Public Safety regarding the impact that growth in new CPS case filings has had on the Office of Parental Representation (OPR) and Office of Child Representation (OCR) in FY2011. Growth is projected to continue in FY2012 that will impact the OPR and OCR. JPS' analysis demonstrated the dramatic increase in new CPS filings has impacted the system as a whole, increasing the number of cases appointed to private attorneys and, thus, increasing expenditures in the Civil Indigent Defense budget.

A factor not considered in the JPS analysis was how these cases impact the District Attorney's Office and the work involved in fulfilling not only their statutory requirements, but in ensuring that quality cases are built. Where sufficient evidence exists, the obligation of the DA is providing all of the facts related to the evidence through a discovery process that is thorough and beyond reproach. In a formal Commissioner's Court work session on September 16, 2010, Judge Byrne likened these CPS cases to the capital cases of the Civil Justice System. Not only are these cases considering severing parental rights, at the root of every case is a child whose safety and well-being is believed to be at risk. Analysis that follows demonstrates increases in discovery requests in the last few fiscal years and projects the impact of the expected increases in FY2012. Without resources to adequately respond, *discovery requests may not be met in a timely fashion and evidence may not be admissible at trial in these very important cases.*¹

Currently, the DA is also experiencing the impact of the influx of new cases and the severity of the cases being filed. Analysis that follows in this report looks at the increased case filings and direct impact to District Attorney caseloads. Additionally, the analysis looks at residual workload increases via discovery requests.

New CPS Case Filings

Analysis conducted by JPS projects a 47% increase in new CPS case filings in FY2011. Through nine months of the fiscal year (June 2011), new filings are at a 53% increase over FY2010 to date, and unless the current trend dramatically changes in the last three months, the projected 47% increase still holds true.

For the DA's office, this entire increase impacts workloads and processes. When the OPR or OCR hit capacity, cases are passed on to a group of 47-50 private attorneys to disperse impact. The DA is statutorily required to represent the Department in all civil cases that involve child abuse or neglect.

As outlined in reports analyzing the growth of these new case filings, the trending increase began and the system as a whole began "feeling" the impact in late FY2010. Table A on the following page outlines new CPS cases filings since FY2000.

¹ FY2012 Budget Submission

Table A – New CPS Case Filings FY2000-June FY2011

Fiscal Year	New Cases Filed	Change	Percentage Increase/Decrease
FY2000	291		
FY2001	274	-17	-6%
FY2002	311	37	14%
FY2003	327	16	5%
FY2004	326	-1	0%
FY2005	386	60	18%
FY2006	390	4	1%
FY2007	323	-67	-17%
FY2008	281	-42	-13%
FY2009	293	12	4%
FY2010	324	31	11%
<i>FY2010 through 6-10</i>	<i>234</i>	<i>NA</i>	<i>NA</i>
FY2011 through 6-11	358	124	53%

The average number of cases filed annually during the last 11 full fiscal years (FY2000 through FY2010) is 321 new filings. FY2011 to date (through June 2011) has both exceeded FY2010 and the average annual case filings. The last two rows of Table A outline the fiscal year to date growth. The first nine months of FY2011 have experienced a 53% increase over the same time frame in FY2010.

As outlined in the OPR and OCR Cost Benefit Analysis reports published in March 2011, in addition to the case volume increase, anecdotal reports from the public defender offices, CPS and the courts is that the severity of the cases filed seem to have become more egregious. This would mean that the amount of time attorneys spend on a case would increase and that the cases may take longer to resolve.

The lifespan of cases, as well as system inputs, are important going in to FY2012. Projected increases over FY2011 are just 2%, but approximately 50% over annual average case filings, as well as over FY2010, when the system began feeling the strain. Table B outlines the projected new CPS case filings for both FY2011 and FY2012.

Table B – Projected New CPS Case Filings FY2011 and FY2012

Fiscal Year	New Cases Filed	Change	Percentage Increase/Decrease
FY2010	324		
FY2011 Projection	477	153	47%
FY2012 Projection	487	10	2%

While the increase in new case filings from FY2011 to FY2012 is nominal, it is expected that the impact to the system as a whole will still be significant, as it is 163 cases more than FY2010 and 166 more cases than the average annual filings across the last 11 fiscal years.

When considering that the average CPS case takes approximately one year to resolve, with some lasting longer, an increase of roughly 14 cases per month has the potential to not only weigh down individual attorney caseloads, but to also impact the lifespan of cases. Through June 2011, the average number of days to a final order was 373 days. This is a 5% increase over FY2010 at 355 days. If, as active caseloads grow, new system inputs do not decrease, the likelihood of impacts to the lifespan and, potentially, the quality of cases is high.

In FY2012, at the projected 487 new filings, it can be expected that there would be roughly 41 new cases per month. The DA is currently staffed with 6 prosecutors responsible for CPS cases. These 41 cases per month would equal approximately 7 new cases per attorney per month, and 84 new cases for the year. This, coupled with existing cases, increased discovery review, the severity of the cases seen in the last 18 months and hearings in some cases set for every four to six months, means substantial workload increases for prosecutors.

Discovery Requests

Along with significant growth in case filings, FY2011 has seen a dramatic increase in the number of discovery requests. Below, Table C outlines the number of discovery requests between FY2009 and FY2011 (through March).

Table C – Requests for Discovery

Fiscal Year	Requests	Change	Percentage Increase/Decrease
FY2009	95		
FY2010	152	57	60%
FY2011 Through March	132	-	-
FY2011 Projected	264	112	74%

Without a clear correlation between the number of cases filed and the increase in discovery requests, it is difficult to project what FY2012 may look like. It is assumed that the requests will be similar in FY2012 to FY2011, with potentially a slight increase as a result of the small increase in new case filings. The workload analysis that follows is based on the FY2011 data.

The District Attorney's Office is statutorily required to respond to all requests for discovery within specified time frames. The front end of this workload is picked up by law clerks in the support section; however, it is estimated that an attorney can spend between four and six hours reviewing the discovery packets once initially compiled.

When considering the workload impact of the discovery increases, JPS referred to the OPR/OCR Cost Benefit Analysis, where attorney caseload targets were developed. In this study, it was determined that the starting point for available hours for each attorney was 1,920 hours per year, which allowed for vacation, sick, discretionary days and training. Using the low end of the four to six hours for attorneys to review the discovery packets, it is estimated that the DA's office will spend 1,188 hours (4.5 x 264) or 62% of a single FTE (attorney) just reviewing discovery. Simply the increase in FY2011 of 112 requests for discovery represents 504 hours, or just over 25% of an FTE. Using just the increased requests to estimate workload increases for the support staff preparing the discovery packets, it is estimated that the increased workload in FY2011 represents 672 hours (6 x 112) or 70% of the part-time FTE (law clerk) requested in FY2012 by the DA.

This entire process is of great importance because if discovery requests are not met within the required timeframe, evidence may not be admissible. As stated earlier, CPS cases have been likened to the "capital cases of the civil system". It is imperative that consistently high levels of legal representation occur and that any evidence which impacts children's well-being is thoughtfully and thoroughly considered, vetted and compiled in a timely manner so that it is always admissible at trial. These cases are far too important for legal loopholes and tactics. Without proper staffing, the District Attorney will be hard pressed to continue to maintain the high level of service/representation that they have historically provided.

Findings and Recommendations

Findings from the analysis are that:

- FY2011 and FY2012 new case filings will be 156 (49%) to 166 (52%) higher than the average annual case filings of 321 over the last 11 full fiscal years (FY2000-FY2010).
- Currently, the average attorney caseload in the DA's office is 89. This is 39% higher than the OCR and 93% higher than the OPR. Analysis conducted during the OPR and OCR Cost Benefit Analysis considered the impact to the quality of representation and attorney hours worked when looking at caseloads. While attorney hours logged per case are not available for the DA to further quantify the impact of caseloads this high, it is believed that the average hours worked should be similar. With that, the disproportionately higher caseloads in the DA's office have the potential to impact quality.
- At the current rate of discovery requests projected through the remainder of FY2011, it is estimated that the hours spent by attorneys reviewing the discovery packets compiled equal roughly 60% of a single FTE (Attorney).

- The increase in discovery requests alone in FY2011 equal just over a quarter of an FTE (Attorney).
- The increase in discovery requests equates to approximately 70% of the part-time FTE (Law Clerk) requested in the FY2012 budget.

Collectively, the findings of JPS would support the DA's request for the addition of an Attorney and Law Clerk to simply support current workload increases. Even though it is expected that new case filings should decrease in FY2013, the current imbalance of caseloads in the District Attorney's Office compared to that of the defense is sufficient now to support additional staff to level caseloads/workloads.

Recommendation(s):

- It might be beneficial for future workload evaluation to establish a caseload threshold for prosecutors. Justice and Public Safety could work with the District Attorney's Office in conducting a time study of prosecutorial workload and hours logged, from case onset to completion. This could serve as a benchmark or baseline for establishing what appropriate caseloads may be and could be beneficial for future budget submission.

**FY 2012 BUDGET SUBMISSION
BUDGET REQUEST PROPOSAL**

Name of Budget Request & Priority # of Request:	Civil Attorney and Law Clerk	2
Name of Program Area: (Taken directly from applicable PB-3 Form)	Family Justice	
Fund/Department/Division:	001/23/12	
Amount of Request:	\$154,772	
Collaborating Departments/Agencies:	Department of Family and Protective Services, Civil District Courts, Office of Child Representation, Office of Parental Representation	
Contact Information (Name/Phone):	LaRu Woody/854-9260	

1. Summary Statement: Include one or two sentences to be included in Commissioners Court materials.

This request is for funding for one full-time Assistant District Attorney and one .50 FTE law clerk to be assigned to the Civil Unit of the District Attorney's Office. This attorney would represent the Texas Department of Family and Protective Services (TDFPS) in civil cases involving the protection of abused and neglected children. The law clerk would provide support for the attorneys assigned to the civil section of the District Attorney's Office.

2. Description of Request: Describe the request, including current issues and how the request relates to the mission and services provided by the department.

The Texas Department of Family and Protective Services is charged with protecting society's youngest members. The District Attorney's Office is responsible for representing the Department in civil cases involving the abuse or neglect of children. The Civil Unit of the Family Justice Division handles all lawsuits filed on behalf of Child Protective Services (CPS). The number of children needing protection through legal intervention continues to rise. In October of 2009 there were 885 children involved in the Travis County CPS system. In October of 2010 the number of children had increased to 1012.

Perhaps even more alarming is the trend that we have observed the first six months of FY 2011. In that period of time the number of new cases that were filed in the district courts has risen from 151 in the first six months of FY 10 to 247 new cases in the first six months of FY 11.

AVERAGE NUMBER OF NEW CASES FILED PER MONTH:

FY 09---24 cases

FY 10---27 cases

First six months FY 11---41 cases

The effect of this increase in case filing is being felt in a number of related areas including the number of requests by litigants for discovery. After a discovery request is made, the District Attorney's Office must gather information and prepare documentation in response to that request within a limited time period. The initial stages of this effort fall on the support section of the division. We have experienced a dramatic increase in the demands for discovery:

DISCOVERY REQUESTS:

FY 09---95

FY 10---152

First six months FY 11---132

The increased burden of newly filed cases is being felt throughout the dependency system. The Offices of Parental and Child Representation have found that they are unable to maintain adequate services with the current staffing levels. While they continue to provide outstanding representation to the children and parents involved in the CPS system, they have been forced to limit the number of cases that they can assume.

Similarly the attorneys assigned to the civil section of the District Attorney's Office can not manage the burgeoning caseload. Each case represents many hours of discovery, motion practice, research, mediations, court hearings, bench trials and jury trials as well as many volumes of records. Behind each case is a child or children whose lives are in chaos and need the legal system to have the resources to advocate for their best interest.

3a. Pros: Describe the arguments in favor of this proposal.

Personnel must be in place to adequately represent CPS in suits filed because of child abuse or neglect. The Family Code further mandates in Section 263.401 that all cases involving children must reach legal conclusion within twelve months of the filing of the suit which gives the Department possession. While prosecutors have generally managed to meet this timeline, it is becoming increasingly difficult. Failure to fund this request would result in an increase in requests for extensions beyond the permitted timeline.

In addition to the added number of litigants involved in the system there are additional factors that impact the workload of the civil prosecutors. We have experienced a large increase in the number of hearings set by the court. The courts have been setting cases for review more frequently in order to exercise greater judicial oversight. Cases that are required by law to be reviewed every six months are now being reviewed every four months, if not sooner. These additional hearings result in a greater workload per attorney. As a result of the court's standing orders requiring hearings on any placement changes, the state must attend additional hearings to respond to requests to changes in the children's placements. Each hearing can represent hours of pre-hearing preparation in addition to the time actually spent in court responding to opposing counsel.

In an effort to use time more efficiently, the civil prosecutors often attempt to resolve cases through mediation. This method of reaching agreement can result in a safe and lasting solution for the children while saving court time for all of the litigants. If mediation fails or if mediation was not appropriate in a case, the case is often set for trial. Trials can be before either a judge or a jury.

Another area of increase has been on the demands placed on the discovery process. In all CPS cases the respondent parent or attorney ad litem is entitled to full discovery. These discovery requests represent many hours of legal work to prepare for submission. We are fortunate to have a talented team of paralegals who work to prepare the discovery for review by the prosecutors. They however are struggling to meet the demands of the ever increasing discovery requests. The addition of a part time law clerk would provide this effort with much needed support.

Through the leadership of Judge Darlene Byrne, Travis County has been identified as one of the nations "Model Courts" in the area of dependency courts. This status as a model court has brought the excellence of the Travis County system into the national limelight. Travis County has developed a number of unique and highly successful programs to address the needs of our children and families. These programs include the development of a Family Drug Treatment Court, the Family Search and Engagement Program, the committee to address disproportionality in the dependency system, a specialized docket for children in the Department's care (SYNCC Successful Youth Needing Community Connections), a Paternity Testing program that incorporates a collaboration between the District Attorney's Office, the Office of Child Representation, the Travis County Domestic Relations Office, the Office of the Attorney General, and Child Protective Services. These programs represent the best efforts of many professionals who are dedicated to providing the best services possible for children and families.

If this request is not funded, the attorneys now representing CPS would be unable to continue to provide the same high level of legal representation. There will be an increase in cases that fail to be resolved within the mandatory twelve-month deadline. Attorneys would be forced to file more requests for extensions, leaving more children without a permanent decision about their future. The discovery requests would not be met in a timely fashion and evidence would not be admissible at trial in these very important cases.

3b. Cons: Describe the arguments against this proposal.

There are many compelling requests for additional funding during this difficult economic period.

4. Anticipated Outcome of Request and Proposed Timeline: Timeline should include the expected dates of results and may extend past FY 12.

Upon approval, the interviewing and hiring process can begin. This is a fairly specialized area of the law and while we have been extremely fortunate in the past, we should anticipate a minimum of a six- to eight week lag time between posting the position and having it staffed. Once a qualified attorney has been hired he/she can begin handling a limited caseload. Due to the complicated nature and massive paper work involved in the litigation of these cases, it will take several weeks for a new attorney to get up to speed.

Because we are in the same City as the University of Texas School of Law, we anticipate being able to fill a part-time law clerk position within a matter of weeks.

5. Description of Program Measurement and Evaluation: Describe how the proposal will be measured and evaluated and note if there is an independent evaluation component. In addition, indicate whether a comparative analysis of similar local programs is available.

The program will be measured based on data that are collected and distributed by personnel assigned to the Court Administrator's Office. The data collection categories related to child abuse and neglect cases in Travis County include the number of petitions filed and the number of hearing held. These statistics are kept and distributed on a monthly basis. Data collection related to requests for discovery is maintained by the District Attorney's Office. There are no other similar programs locally.

6a. Performance Measures: List applicable current and new performance measures related to the request that highlight the impact to the program area if the request is funded.

Measure Name	Actual FY 10 Measure	Revised FY 11 Measure	Projected FY 12 Measure at Target Level	Projected FY 12 Measure with Added Funding
Number of Petitions Filed	324	480	400	400
Number of Hearings Held	3,265	3,576	3,500	3,500
Number of Discovery Requests*	152	260	260	300
New Cases Assigned per Attorney (in addition to existing caseload)	59	87	73	62
*FY09: 95				

6b. Impact on Performance: Describe the impact of funding the request on departmental performance measures, service levels, and program outcomes:

The addition of another Civil Unit prosecutor will enable us to provide better services to our clients and the children we serve and to meet the statutory requirements. The addition of a part time law clerk will enable us to provide timely responses to demands for discovery. We expect that the workload will continue to grow as the number children in our community continues to grow.

7. Impact of Not Funding Request: Describe the impact of not funding the request in FY 12 in terms of meeting statutory/mandated requirements and how service levels and program outcomes will be impacted.

If this request is denied, the caseload will remain unmanageably high, attorneys will have less time to devote to each case, we may not be able to reach cases in the statutorily required time frames, we may not be able to provide discovery in a timely manner and the cases of abused and neglected children in this community will suffer.

8. Leveraged Resources: If proposal leverages other resources such as existing internal resources or grant funding, list and describe impact. If resources from similar existing program(s) will not be reallocated, give reasons and include analysis.

The District Attorney's Office continues to search for other alternatives for funding. We are fortunate to be located near a major law school so that we can take advantage of utilizing students to assist in many aspects of preparation for litigation. Law clerks and interns provide invaluable assistance for free or low cost funding. We hope to utilize this resource more fully by hiring an additional part-time law clerk. The District Attorney's Office is working to maximum capacity with a minimum of resources. There is nowhere else in the office from which we can draw resources. It would be unrealistic and detrimental to ask existing staff to continue to function under the current conditions.

9. Additional Revenue: If this proposal generates additional revenue, list the amount and the assumptions used for the estimate. (Attach a copy of the form submitted to the Auditor's Office).

Federal Financial Participation (FFP) is available under Title IV-E of the Social Security Act for allowable expenses related to the preparation for, and participation in, judicial determinations for cases filed on behalf of TDFPS. Annually, Commissioner's Court considers approval of a contract with TDFPS, which allows Travis County to bill for reimbursement of some of the costs incurred by the District Attorney's Office in handling these cases. Title IV-E funds that are reimbursed to the County would increase with the addition of another attorney in the Civil Unit. A copy of the revenue form is attached.

10. Collaboration: If this proposal was discussed with other departments/agencies that provide similar or supporting services that could be impacted, describe impact and list the other departments/agencies and their points of contact. Suggest ways all departments/agencies can collaborate to ensure success of the proposal.

There are a number of partner agencies and service providers who will be positively impacted by the addition of this resource. The Child Protective Service portion of the Department of Family and Protective Services is our client in this arena. Our client deserves to have their interests represented in the most professional, effective, efficient manner possible. The civil attorneys are an integral member of the Child Protection Team along with law enforcement, the Center for Child Protection, Children's Hospital, and CPS. The civil lawyers are actively engaged with other court and social service agencies in the Family Drug Treatment Court. The prosecutors in the civil section collaborate with training efforts with Court Appointed Special Advocates (CASA). We have developed new relationships with the Office of the Attorney General and the Domestic Relations Office through the new Paternity Testing Project. We are active members of the Model Court Team and all the constituent partners. The District Attorney's Office has seen the benefits to children and families that have come about as a result of the Commissioners' Court's support of the Offices of Parental and Child Representation. All of these partners recognize that the strength of collaboration is dependent on the strength of its individual members.

11. If requesting a new position(s), is office space currently available? Y/N			Y
If no, attach plan from Facilities Mgmt. explaining how to acquire space for this proposal. Identify proposed position location below:			
Building Address	Gault	Floor #	3rd
Suite/Office #	001B	Workstation #	

FY 2012 BUDGET REQUEST ANALYSIS

Req. #2: Civil Attorney & Law Clerk

	FY 12 Request	PBO Recommendation	FY 13 Cost
FTEs	1.5	0	0
Personnel	\$142,539	\$0	\$0
Operating	\$3,249	\$0	\$0
Subtotal	\$145,788	\$0	\$0
Capital	\$9,592	\$0	\$0
Total Request	\$155,380	\$0	\$0

Dept. Summary of Request:

Request for an additional attorney and part time law clerk to be added to the Civil Unit in order to handle the increase in CPS cases filed.

PBO Recommendations & Comments:

The department reports, "The Texas Department of Family and Protective Services is charged with protecting society's youngest members. The District Attorney's Office is responsible for representing the Department in civil cases involving the abuse or neglect of children. The Civil Unit of the Family Justice Division handles all lawsuits filed on behalf of Child Protective Services (CPS). The number of children needing protection through legal intervention continues to rise. In October of 2009 there were 885 children involved in the Travis County CPS system. In October of 2010 the number of children had increased to 1012.

Perhaps even more alarming is the trend that we have observed the first six months of FY 2011. In that period of time the number of new cases that were filed in the district courts has risen from 151 in the first six months of FY 10 to 247 new cases in the first six months of FY 11..... The attorneys assigned to the civil section of the District Attorney's Office cannot manage the burgeoning caseload. Each case represents many hours of discovery, motion practice, research, mediations, court hearings, bench trials and jury trials as well as many volumes of records. Behind each case is a child or children whose lives are in chaos and need the legal system to have the resources to advocate for their best interest." While the workload increase has been demonstrated, unfortunately PBO cannot recommend additional FTE at this time due to the fact that it does not meet criteria outlines in the FY12 Budget guidelines approved by Commissioners Court. The guidelines state, "PBO will not be authorized to recommend any new FTE's in the Preliminary Budget other than those that are (1)

internally funded on a permanent basis for existing program needs, (2) supported by new revenue (including the departmental indirect cost rate above direct costs to account for administrative support, space, and associated infrastructure costs), (3) related to the opening of new facilities, (4) related to new state or federally mandated programs, or (5) to continue long standing programs with previously approved plans in place to mitigate reductions in state or federal support..”

Budget Request Performance Measures:

Description	Actual FY 10 Measure	Revised FY 11 Projected Measure	Projected FY 12 Measure at Target Budget Level	Revised FY 12 Measure with Additional Resources
Number of Petitions Filed	324	480	400	400
Number of Hearings Held	3,265	3,576	3,500	3,500
Number of Discovery Requests*	152	260	260	300
New Cases Assigned per Attorney (in addition to existing caseload)	59	87	73	62
*FY09: 95				