



## Legislation Details (With Text)

**File #:** 19-1251      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/15/2019      **In control:** Board of Supervisors

**On agenda:** 9/17/2019      **Final action:** 9/17/2019

**Title:** County Counsel recommending the Board authorize the discharge from accountability in the amount of \$27,751.85 for non-collectable court ordered fees from Public Guardian cases.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Discharge from Accountability Report 09-17-19

Date	Ver.	Action By	Action	Result
9/17/2019	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board authorize the discharge from accountability in the amount of \$27,751.85 for non-collectable court ordered fees from Public Guardian cases.

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

County Counsel performs legal services on behalf of the Public Guardian and their conservatees. County Counsel is reimbursed for the value of the legal services rendered for the conservatees by order of the court. In the instance that a conservatee is unable to pay, usually due to death or the lack of funds, the Public Guardian informs County Counsel of the inability to pay and recommends that County Counsel write off the court ordered debt.

This item is brought before the Board of Supervisors pursuant to Government Code sections 25257-25259. Those statutes allows a County officer charged with the responsibility to collect money due to the County to apply to the Board of Supervisors for a discharge of accountability for the collection of the debt if "the likelihood of collection does not warrant the expense involved," which is the case with the subject debt.

Names of the debtors are being withheld due to confidentiality restrictions.

### REASON FOR THE RECOMMENDATION

There are two categories for discharge of accountability:

1. The conservatee is deceased, there are no funds remaining and we have no knowledge of any assets for the deceased client.
2. The client has been released from the care of the Public Guardian or is no longer a client of the Public Guardian, the client is on public assistance, and one or both of the following circumstances

exist:

- a. There is a known order in the client file that says only collect if sufficient funds are available, and we believe at this time there are no available funds to be collected.
- b. There may be assets but there is no realistic expectation of collection.

In accordance with Government Code section 25258(e), County Counsel has verified, based on information and belief, that the above-referenced facts are true and correct.

### **ALTERNATIVES**

The Board could decline to authorize the discharge in which case, the debt will remain due and payable to the County with little likelihood that it will be collected.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Public Guardian

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

Potential department revenues will be reduced by the amount of non-collectable debt; however, due to factors identified above, these funds would be otherwise uncollectible.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

None

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

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