



## Legislation Details (With Text)

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

**File created:** 7/26/2017      **In control:** Board of Supervisors

**On agenda:** 8/8/2017      **Final action:** 8/8/2017

**Title:** Chief Administrative Office recommending the Board approve a budget transfer reducing General Fund Contingency by \$160,000 and increase appropriations in the Superior Court Maintenance of Effort budget unit for expenses related to indigent defense services and ancillary costs for Fiscal Year 2016/17. (4/5 vote required)

FUNDING: General Fund Contingency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - FY 16.17 Court MOE Contingency Transfer 8-8-17

| Date     | Ver. | Action By            | Action   | Result |
|----------|------|----------------------|----------|--------|
| 8/8/2017 | 1    | Board of Supervisors | Approved | Pass   |

Chief Administrative Office recommending the Board approve a budget transfer reducing General Fund Contingency by \$160,000 and increase appropriations in the Superior Court Maintenance of Effort budget unit for expenses related to indigent defense services and ancillary costs for Fiscal Year 2016/17. (4/5 vote required)

**FUNDING:** General Fund Contingency.

**DEPARTMENT RECOMMENDATION**

The constitutions of the United States and California mandate that persons who are accused of crimes or are otherwise at risk for loss of liberty, and who do not have the means to pay for legal representation due to indigence be provided legal representation at public expense. The primary provider of these services in El Dorado County is the Public Defender; however, there are instances in which the Public Defender's Office, due to a conflict of interest or other valid reason, cannot ethically represent certain indigent defendants. In these circumstances, the Court appoints an attorney from outside the Public Defender's Office to provide representation. The County contracts with El Dorado Law to administer a panel of local, private attorneys, known as the "Conflict Panel," to provide these services; however, there are instances in which an attorney that is not under contract with the County ("unaffiliated attorney") is appointed by the Court to represent an indigent defendant. The County is obligated to pay the attorneys' fees and the cost of any Court-ordered ancillary expenses, such as expert witness consultation and psychological evaluations, related to such representation.

Each year, the CAO's Office estimates the amounts that will be needed to cover the contract expenses, additional non-contract attorney appointments, and ancillary expenses. In FY 2016-17, due to higher levels of activity than expected, including multiple unaffiliated attorney appointments and more complex trials assigned to the Conflict Panel, costs have exceeded the estimated budget. Specifically, there are two cases, both being handled by attorneys that are currently on the conflict

panel, that are considered "extraordinary" under the contract and for which the Court has ordered additional compensation. These cases have not concluded, and the County will continue to incur expenses in FY 2017-18. Staff will continue to monitor expenditures to determine if additional appropriations will be necessary in FY 2017-18.

This budget transfer from the General Fund Contingency is needed to provide appropriations to pay invoices for attorneys' fees and ancillary expenses that have been received in recent weeks for services provided in FY 2016-17. The \$160,000 recommended is a conservative estimate of additional appropriation necessary, as bills are still coming in from the Courts. Any unspent appropriations will revert back to the General Fund at the end of the year.

#### **DISCUSSION / BACKGROUND**

NA

#### **ALTERNATIVES**

NA

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

NA

#### **CAO RECOMMENDATION**

Approve as recommended.

#### **FINANCIAL IMPACT**

This budget transfer will result in an increase in net county cost of \$160,000 in the FY 2016-17 Superior Court Maintenance of Effort budget (department 20). The General Fund Contingency will be reduced by \$160,000 in FY 2016-17 to cover the additional appropriations.

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

Chair to sign budget transfer and forward to Auditor-Controller for processing

#### **STRATEGIC PLAN COMPONENT**

Public Safety

#### **CONTACT**

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