



Legislation Text

File #: 18-0896, **Version:** 1

Chief Administrative Office recommending the Board approve and authorize the Chair to sign a budget transfer increasing the Indigent Defense appropriations by \$50,000, due to higher than anticipated Fiscal Year 2017-18 expenses and decreasing General Fund Contingency by the same. (4/5 vote required) (Est. Time: 10 Min.)

FUNDING: General Fund Contingency.

DEPARTMENT RECOMMENDATION

The Chief Administrative Office recommends the Board approve the budget transfer increasing appropriations in order to process any remaining FY 2017-18 payments as ordered by the Superior Court of California for Indigent Defense.

DISCUSSION / BACKGROUND

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. The Indigent Defense program consists of Court-appointed private attorneys serving as indigent conflict counsel for those cases where either the Judge or the County Public Defender has determined a conflict exists.

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. The program includes a contract with a local law firm to coordinate a panel of attorneys. In addition, the program includes ancillary funding for court ordered services associated with the defense of indigent clients.

Each year, the Central Services fiscal unit estimates the amounts that will be needed to cover the contract expenses, additional non-contract attorney appointments, and ancillary expenses based on prior fiscal year actuals. 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.

Fiscal Year 2017-18 ancillary costs were budgeted at \$337,541. Due to an influx of complex cases and the necessary assignment of these cases outside of the contracted conflict panel, costs have significantly increased. The Department is requesting an increase in appropriations of \$50,000 so that all remaining FY 2017-18 payments may be issued.

ALTERNATIVES

The Board could choose to not approve the budget transfer, however, the department would be unable to issue any remaining court ordered payments for FY 2017-18 services.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Superior Court of California, El Dorado County

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

In FY 2017-18, \$337,541 was budgeted for Indigent Defense ancillary costs. Approval of this budget transfer would increase appropriations in Indigent Defense by \$50,000 and decrease General Fund Contingency by the same, resulting in an increase of Net County Cost of \$50,000.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Upon approval, Clerk of the Board to obtain the Chair's signature on the budget transfer and forward to the Auditor Controller for processing.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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