



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Text

File #: 09-0524, Version: 1

Public Defender recommending the Board approve Budget Transfer in the amount of \$37,000 from contingency for costs associated with trial defense expenses (confidential). (4/5 vote required)

FUNDING: General Fund - Department 15 Contingency.

| | | |
|---------------------------|----------|----------|
| BUDGET SUMMARY: | | |
| Total Estimated Cost | | \$37,000 |
| | | |
| Funding | | |
| Budgeted | \$ | |
| New Funding | \$ | |
| Savings | \$ | |
| Other - Contingency | \$37,000 | |
| Total Funding Available | \$37,000 | |
| Change To Net County Cost | | \$-0- |

Fiscal Impact/Change to Net County Cost: Contingency will be reduced and the Public Defender Trials budget will be increased by \$37,000

Background: The FY 2008-09 adopted budget for the Public Defender's included \$85K for costs associated with trial defense in the areas of professional services, criminal defense and psychiatric medical evaluation. At mid-year the Department had expended approximately \$30K. As part of the on-going need to reduce budgets the Public Defender's budget was reviewed at mid-year and an additional \$18K was reduced to help the Department achieve the required target reduction.

On April 7, 2009 the Public Defender received a funding request from the assigned defense attorney which, after working with the Judge assigned to the case, was forwarded to the CAO's office as this agenda item for consideration. Had these costs been provided at mid-year, they would have been included in the overall Department evaluation and subsequent budget adjustments at that time.

In addition to the case noted below, the Public Defender's office is currently defending one other case with capital penalty attached and one more with the possibility of capital penalty. In order to responsibly defend these cases expensive costs will be incurred. The Department is working diligently to manage costs and currently has approximately \$12K remaining until year end to work on the other two cases.

Reason for Recommendation: The Public Defender's office is actively involved in the defense of a case where the District Attorney is seeking capital penalty. The case is currently scheduled for a

September 2009 trial. In order to provide responsible defense, counsel has requested and the Judge has agreed to sign court orders for tests and evaluations that will cost more than what is currently available in the Public Defender's budget. The requested amount of \$37,000 is an estimate. All requests for payment will be submitted to the Auditor's office with a court order signed by the Judge.

Action to be taken following Board approval: Budget transfer will be processed.

Contact: Rick Meyer, Public Defender Ext 3117
Kelly Webb, Principal Administrative Analyst Ext 6565