RESOLUTION - ACTION REQUESTED 2016-404

MEETING: August 2, 2016

TO: The Board of Supervisors

FROM: Mary Hodson, CAO

RE: Indigent Defense Budget Action

RECOMMENDATION AND JUSTIFICATION:
Approve Budget Action for Fiscal Year 2015-2016 Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Expenses for Conflict Counsel ($10,000). This line item is used to secure legal representation for defendants who are unable to pay for their own representation and with whom our contracted indigent defense attorneys may have a conflict of interest.

The number of cases requiring conflict counsel in a given budget year is largely circumstantial and therefore difficult to predict. The need for the previous fiscal year was greater than anticipated and the Mariposa County Superior Court staff have notified the administration that they are in receipt of invoices that will deplete the budgeted funds. Staff recommends transferring sufficient dollars from the general fund contingency to allow invoices for expenses that have already been incurred to be processed as soon as possible.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
All budget actions that affect contingency funds require Board approval. The Board has approved transfers of contingency funds to Indigent Defense in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the budget action. There will be insufficient funding in the Indigent Defense budget to process invoices for already incurred expenses.

FINANCIAL IMPACT:
There is currently $534,492 in General Fund Contingency. This budget action would transfer $10,000 out of General Fund Contingency and into the General Fund Indigent Defense Budget.

08/02/16 001-0104-414-1090 · General Contingency ($10,000.00)

ATTACHMENTS:
Budget Action Indigent Defense Conflict Counsel (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson, CAO 7/28/2016

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier
## BUDGET ACTION FORM

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
<th>INCREASE</th>
<th>DECREASE</th>
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<tbody>
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<td>0206-461</td>
<td>04-19</td>
<td>Conflict Counsel</td>
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<td>001</td>
<td>0104-414</td>
<td>1090</td>
<td>GENERAL CONTINGENCY</td>
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<td>TOTAL</td>
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## TRANSFER BETWEEN FUNDS

|          |          |          |          |         |          |          |
|          |          |          |          |         |          |          |

|          |          |          |          | TOTALS  | $0       | $0       |

**ACTION REQUESTED:** (Check all that apply)

(X) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

**JUSTIFICATION:** Medical Evaluations for Indigents have increased.

**DEPT HEAD SIGNATURE** ___________________________ **DATE** 8-3-16

**APPROVED BY RES NO.** 16-404 **CLERK** ___________________________ **DATE** 8-4-16

**AUDITOR'S USE ONLY**

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Budget Revision Form Revised 11/95