RECOMMENDED ACTION AND JUSTIFICATION:
Approve budget action reducing General Contingency and increasing appropriations in the Indigent Defense budget for conflict counsel and child defense costs ($47,000). Due to the number of cases involving multiple and/or repeat defendants and juveniles, costs have exceeded budgeted amounts for conflict counsel and juvenile cases. Expenses in these line items are highly variable from year-to-year depending on the type of cases and the defendants involved in each case. The County is statutorily required to provide legal defense for indigents and the Superior Court Judges assign conflict attorneys. Staff is meeting with the County’s contracted Indigent Defense attorneys to discuss the matter and determine possible solutions.

BACKGROUND AND HISTORY OF BOARD ACTIONS
In previous fiscal years it has been necessary to reduce General Contingency in order to provide appropriate legal services for the County’s indigent and other associated costs.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the budget action. There will eventually be insufficient funds in the Indigent Defense budget to pay for legal services incurred on the County’s behalf by the Superior Court.

Financial Impact? ( X ) Yes ( ) No  Current FY Cost: $  Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No (X) Partially Funded
Amount in Budget: $45,000
Additional Funding Needed: $47,000
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency ( X ) General ( ) Other

CLERK’S USE ONLY:
Res. No.:  Ord. No. _____
Vote – Ayes: 5  Noes: _____
Absent: ___  Abstained: _____
Approved ( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:  

Requested Action Recommended
No Opinion

Comments:

CAO: __________________________

Revised August 2011
## BUDGET ACTION FORM

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**TOTAL**

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### TRANSFER BETWEEN FUNDS

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**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:** Costs associated with Conflict Counsel and Child Defense have exceeded budget amounts.

**DEPT HEAD SIGNATURE:** [Signature]
**DATE:** 1-4-12

**APPROVED BY RES NO.**
**CLERK**
**DATE**

**INDIGENT DEFENSE/GENERAL CONTINGENCY**

**AUDITOR'S USE ONLY**
**BA #**

Budget Revision Form Revised 11/95
Hello Mary,

Staff has advised me that conflict counsel expenses for the first half of FY 11-12 now exceed or are close to exceeding the budgeted amounts in 04-19 and 04-36.

Re: 001-0206-461.04-19 Conflict Counsel

After processing invoices in hand, the remaining balance is $3,659.

Re: 001-0206-461.04-36 Child Defense

Before processing invoices in hand, the remaining balance is $1,283.45. Current invoices total $2,622.04, leaving the account $1,339.49 short.

Since this is the mid-year point, my speculation would probably be the same as yours as to anticipated expenses for the second half coming in at or around the same as the first half, assuming no significant change in filings and appointments.

I believe that staff has submitted the 04-36 invoices with the expectation that once the account is at zero, the remaining invoices will be rejected and returned unpaid until the funding issue is resolved.

Please let me know.

Thanks.

Cyndi

Cynthia J. Busse
Court Executive Officer
Mariposa Superior Court
(209)966-6984
(209)966-2079 fax