



# MARIPOSA COUNTY

Administration • 209-966-3222



## **RESOLUTION - ACTION REQUESTED 2014-359**

MEETING: July 22, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Indigent Defense Budget Action

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve Budget Action for Fiscal Year 2013-2014 Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$27,750). The type and number of cases assigned to attorneys outside of the County's Public Defender legal services agreement have been greater than anticipated for fiscal year 2013-14. After determining if the defendant qualifies for indigent services, Superior Court Judges assign the cases to either attorneys on the County's Public Defender agreement or to outside conflict counsel depending on the type of case and the number of defendants involved in the case. Superior Court staff review and process the invoices.

Administrative staff was notified by the Court that they are in receipt of invoices that will deplete the budgeted funds for conflict counsel. Additionally, the number of cases involving juveniles has also increased resulting in the Child Defense line item also being depleted of budgeted funds.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board must approve all budget actions that effect Contingencies.

### **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 Conflict Counsel and Child Defense expenses.

### **FINANCIAL IMPACT:**

**\$90,000 was budgeted for fiscal year 2013-2014 for Conflict Counsel and \$8,000 in Child Defense expenses. Conflict Counsel expenses have ranged from \$114,500 in 2009/2010, \$29,700 in 2010/2011, \$54,500 in 2011/2012 and 81,000 in 2012/2013.**

### **ATTACHMENTS:**

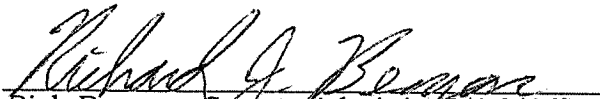
**Budget Action Indigent Defense 2014(XLS)**

**CAO RECOMMENDATION**

Requested Action Recommended

**COMMENTS**

There is a Current Balance of \$213,388 in General Fund Contingency.

  
Rick Benson, County Administrative Officer

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Lee Stetson, District I Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**BUDGET ACTION FORM**

FUND	DEPT/DIV	ACCOUNT	DESCRIPTION	PROJECT	INCREASE	DECREASE
001	0206-461	0419	Conflict Counsel		\$23,330	
001	0206-461	0436	Child Defense		\$4,420	
001	0104-414	1090	GENERAL CONTINGENCY			\$27,750
<b>TOTAL</b>					\$27,750	\$27,750

TRANSFER BETWEEN FUNDS						
<b>TOTALS</b>					\$0	\$0

ACTION REQUESTED: (Check all that apply)

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: To provide for conflict counsel and child defense expenses that are greater than anticipated.

DEPT HEAD SIGNATURE Cynthia Garcia DATE 7/22/14  
 APPROVED BY RES NO. 14-359 CLERK Bene' LaRode DATE 7-22-14

**GENERAL CONTINGENCY/INDIGENT DEFENSE**

AUDITOR'S USE ONLY BA #
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