



MARIPOSA COUNTY

Administration • 209-966-3222



RESOLUTION - ACTION REQUESTED 2013-238

MEETING: June 11, 2013

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Indigent Defense Budget Action

RECOMMENDATION AND JUSTIFICATION:

Approve Budget Action Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$25,000). The type and number of cases assigned to attorneys outside of the County's Public Defender legal services agreement have been greater than anticipated this fiscal year. This is due in part to some high profile cases. 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 one invoice that will deplete the budgeted funds for conflict counsel. The Court has also indicated that there are some substantial invoices that will be processed prior the end of this fiscal year, but due the uniqueness of each case it is not possible to ascertain how much these invoices will be. It is prudent that the Board be made aware that additional funding beyond this requested action may be necessary as the fiscal year comes to an end.

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 expenses.

FINANCIAL IMPACT:

\$50,000 was budgeted this fiscal year for Conflict Counsel expenses. There is a balance of \$8,900 and an invoice for \$15,000 that is outstanding. Conflict

Counsel expenses have ranged from \$114,500 in 2009/2010, \$29,700 in 2010/2011, and \$54,500 in 2011/2012.

ATTACHMENTS:

Budget Action Form (PDF)

CAO RECOMMENDATION

Requested Action Recommended

COMMENTS

There is a Current Balance of \$181,933 in General Contingency.


Rick Benson, County Administrator/Office

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

BUDGET ACTION FORM

FUND	DEPT/DIV	ACCOUNT	DESCRIPTION	PROJECT	INCREASE	DECREASE
001	0206-461	0419	Conflict Counsel		\$25,000	
001	0104-414	1090	GENERAL CONTINGENCY			\$25,000
TOTAL					\$25,000	\$25,000

TRANSFER BETWEEN FUNDS						
TOTALS					\$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: Expenses related to Conflic Counsel greater than anticipated.

DEPT HEAD SIGNATURE Mary B. Hudson DATE 5-29-13

APPROVED BY RES NO. 13-238 CLERK Rene La Roche DATE 6-12-13

INDIGENT DEFENSE/GENERAL CONTINGENCY

AUDITOR'S USE ONLY
BA #