

SPECIAL INSTRUCTIONS: 1) Submit Original of Action Form. 2) Submit eleven (11) copies of entire item unless exception authorized by Clerk. 3) Number all pages, list the attachments, and prepare all Exhibits.

DEPT.: COUNTY COUNSEL BY: JEFFREY G. GREEN PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt resolution authorizing Treasurer/Tax Collector to write-off existing uncollectable debts relative to Justice Court attorney fee judgments. Counsel concurs with recommendation by Justice Court Judge and Treasurer/Tax Collector to eliminate any further expenditures relative to these essentially uncollectable debts.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Penal Code Section 987.8 requires the judge to show that the party being provided legal services has the present ability to pay for those services. In the past the actual finding of present ability to pay was not made and said party was ordered to make payment to the County.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue to make an effort to collect these fees. The County would incur additional expenses in an attempt to collect these debts.

LIST OF ATTACHMENTS:

Counsel's letter to Board of Supervisors

COST: (X) None

SOURCE: ( ) 4/5's Vote Required

- A. Bud/current FY \$
B. Tot/Antop Cost \$
C. Req/Add'l Fund \$
D. Source:

- A. Other Budget's Funds \$
B. Unantcp'd revenues \$
C. Reserve for contngcy \$
D. Other:
Balance in Reserve for Contingency if approved:\$

CLERK'S USE ONLY:

Resolution No. 89-408
Ordinance No.
Vote: Ayes: 5
Noes:
Absent:
Abstained:

The foregoing instrument is a correct copy of the original on file in this office.
Date:

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
By Deputy:

Approved ( ) Denied
Minute Order Attached

Date: 8-1-89