



Agenda Date: 11/22/2005
Agenda Placement: 6R

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Karla Jensen for Mark Gregersen - Acting Director
Human Resources
REPORT BY: Karla Jensen, Human Resources Analyst II , (707) 253-4489
SUBJECT: Amend Departmental Allocation List and Table and Index for Public Defender Department.

RECOMMENDATION

Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Public Defender Department with regards to adding One (1) Attorney I/II/III Term (LT) position through June 30, 2008, effective November 22, 2005.

EXECUTIVE SUMMARY

The Public Defender Department has been appointed to present the defense in a high profile murder court case that is expected to continue through June 30 2008. The preparation and presentation of the defense of this client will require the Public Defender Department to dedicate their most knowledgeable personnel exclusively to this case. The Public Defender Department is requesting the addition of one (1) Attorney I/II/III Limited Term through June 30, 2008 to provide the extra manpower needed for the continuation of their regular services during this time.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Providing legal services to persons charged with criminal offenses is a County obligation. The annual cost for an Attorney position is approximately \$108,000. Salary savings may offset a portion of the increase in the current fiscal year. If not, staff will return to Board with budget adjustments from contingencies at a later date.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes

Future fiscal impact: It is anticipated that the allocation will be necessary for at least 24 months. In the event the court determines a change of venue is appropriate, it may be necessary for 30 months.

Consequences if not approved: The Public Defender is required to handle all persons whom the court appoints. All current and future clients will require representation during the period of time the office devotes to the pending special circumstances case. Such cases routinely require the full time work of more than one experienced attorney. If the action is not approved, the office will not be able to handle the extraordinary case and the regular caseload. Private lawyers would need to be paid to represent those persons at greater cost to the county.

Additional Information: None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Acting Human Resources Director recommends the adoption of this resolution to amend the Departmental Allocation List for the Public Defender Department to add One (1) Attorney I/II/III Limited Term through June 30, 2008, effective November 22, 2005. The Public Defender has not had an increase in attorney staffing since 2001-02 fiscal year, however the Department has experienced significant increases in the number of assigned cases, both misdemeanor and felony. The Department lacks the capacity to handle extraordinary cases and has recently been assigned a case which is expected to result in extensive and prolonged litigation. As mentioned in the Fiscal Impact section, this is a general fund expense. In an effort to minimize additional costs the department has elected to recruit at the entry level attorney position for a limited term and utilize experienced staff to address the extraordinary needs anticipated.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi