



Agenda Date: 12/13/2005
Agenda Placement: 6U

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Helene Franchi, Management Analyst III, 253-4820
SUBJECT: District Attorney's Fiscal Year 2005-2006 Budget

RECOMMENDATION

County Executive Officer recommends the Board accept a report regarding the status of the District Attorney's budget including a minimum reduction in the Net County Cost of \$92,400 in the current year.

EXECUTIVE SUMMARY

In May, 2005, the Board directed staff from both the County Executive Office and the District Attorney's office to identify the possibility of reducing appropriations in light of reduced grant revenues. The District Attorney has concluded that the current budget will reflect cost savings amounting to a reduction of not less than \$92,400 in the Net County Cost. The District Attorney further has agreed to use his best efforts to achieve greater savings in salary and benefits, as well as expenditures, to the extent feasible and possible thus further reducing the Net County Cost.

FISCAL IMPACT

Is there a Fiscal Impact? No

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

Background

In May, 2005, prior to budget hearings, the District Attorney (DA) requested approval to apply for a collaborative gang grant involving three County departments (DA, Sheriff, and Probation), schools and non-profit agencies. The grant has been awarded to Napa County for the past five years and the first year of the grant was awarded at \$450,000. Subsequently, Napa County has learned that we have been successfully awarded one of only four statewide gang grants for three additional years beginning FY 05-06. The amount of the grant, however, has decreased to \$392,500 per year requiring the County General Fund to overmatch approximately \$88,000. At the time, the Board agreed that the DA should apply for the grant, however, directed CEO staff to work with the DA to determine other departmental costs that could be reduced to achieve \$88,000 in departmental savings in the current fiscal year.

During the June, 2005 budget hearings the Board accepted the CEO recommendation to approve the criminal justice budgets which includes the DA. At that time, there was discussion about the increased General Fund contribution to the DA budget of approximately \$874,000 compared to the FY 04-05 requested budget. Subsequent to the budget hearings, the Auditor-Controller closed the fiscal year end for all departments. In comparing the actual expenditures to the requested budget, the increased general fund contribution was approximately \$767,000. It is important to note that this differs from earlier discussions which were comparing year-to-year budget figures only.

At the time staff began discussions with the DA, County Counsel advised that pursuant to case law upheld in 1977, the Board does not have authority over the DA in the exercise of his discretionary duties, however, the Board does have budgetary authority. Therefore, at the time of passing the overall budget, the Board could authorize, for example, a reduction in the DA budget, but the DA would then determine what services or duties would require reduction based on those budgetary parameters.

Analysis

Several areas have contributed to the year-to-year increases in the DA's budget. Staffing ratios required for various types of prosecution practices, bargaining units' negotiations, and increases or decreases in revenue are the major areas responsible for budget fluctuations.

1. Staffing: Many of the grants in the DA's budget fund vertical prosecution: that is, one attorney handling each case from initial filing through trial. All felony cases in the DA budget are vertically prosecuted. The DA believes this is the efficient way to handle caseloads and assist crime victims. Misdemeanor cases have vertical prosecution after pretrial motions are heard. The DA's investigative unit is responsible for investigating all cases once charges have been filed; up until filing it is primarily law enforcement's responsibility to investigate cases. In fiscal year 2005-06 the DA's allocated positions include: 19 Attorneys (11 Attorney III, 8 Attorney IV) and 7 Investigators (3 additional as extra help). Workload is currently distributed as follows:

1. Domestic Violence – 2 Attorneys/1.5 Investigators;
2. Juvenile Court – 1.6 Attorneys;
3. Consumer Affairs/Environmental – 2 Attorneys/1 Investigator;
4. Elder Abuse – 1 Attorney/1 Investigator;
5. General Felony/Homicides – 4 Attorneys/2.5 Investigators;
6. Gang Prosecution – 1 Attorney/1 Investigator;
7. Narcotics – 2 Attorneys;
8. Child Sexual Assault – 1 Attorney;
9. Misdemeanor – 3.6 Attorneys
10. High Tech/Identity Fraud – 1 Investigator
11. Check Recovery Restitution – private contractors and;
12. Child Abduction Unit – cases handled by general felony attorneys.

Although a portion of these staff costs have been historically funded with grants, since FY 00-01 staffing levels have

increased by about 20%. The number of allocated positions increased from 38.75 positions in FY 00-01 to the present level of 46.75 positions in FY 05-06. Other than the new Juvenile Justice Center no other department within criminal justice has increased as many positions without full offsetting funding. For example, the Sheriff has increased allocations through its contract with American Canyon; however those positions are fully funded and represent an increase of slightly over 11% when comparing FY 00-01 to FY 05-06.

The DA has a total of 12 limited term positions; of those, 8 have been added since Fiscal Year 00-01. The last position added by the District Attorney was an attorney position for Elder Abuse in FY 03-04. No new positions have been added since that time and the DA has actually reduced staffing by allowing two attorneys to change their schedule from 100% to 60% as both an accommodation and salary savings reduction. All but one of the limited term positions are funded through grants; with one investigator position funded through Department of Motor Vehicle fees. The total cost of these positions is approximately \$1,246,000 in Fiscal Year 05-06.

2. Labor Agreements: Due to the recent completion of negotiations with both the PSE and Law Enforcement bargaining groups, comparing salary and benefits cost increases from FY 04-05 to FY 05-06 for only criminal justice departments results in an average increase of approximately 14.9%. This includes increased mandated staffing levels in the Juvenile Justice Center which resulted in cost increases of approximately 42.8%. The salary and benefit costs in the DA's budget increased by approximately \$600,000 or 12.7% over the previous year; this is comparable to other departments with similar staffing composition (i.e. with attorney and/or safety personnel). For example, the Sheriff had increased costs of approximately \$590,000 or 9.6% over last year. The average cost of an Attorney position in the DA's office (salary and benefits) is \$108,800 annually; the average cost of an Investigator is \$109,300 annually.

3. Revenues: Grant funding has been a significant source of revenue in the DA's budget. The District Attorney indicates that since FY 00-01, state and federal grant funding revenue to the county totals \$3,335,264. In FY 04-05 for example, grant revenue represent approximately 27% of the DA's revenue. However, revenue in FY 05-06 is projected to be almost 4% lower than FY 04-05 even with a projected increase in Sales Tax-Augmentation (Prop 172) funding; while revenue in other criminal justice departments is projected to increase on average almost 6%. For example, the DA reports receiving \$751,220 in grant funds for FY 04-05 and is projecting \$688,643 for FY 05-06. For the most part, criminal justice departments have seen an overall increase in revenue due to increases in Prop 172, aggressive fee collections, and contracts. The DA projected revenue decrease of 4% is largely due to diminishing funding from the State and other sources. The other departments with projected decreases include Public Defender (0.51%), NSIB (6.7%), and Corrections (1.16%).

Other Considerations

Since FY 00-01 and through FY 04-05, the DA has under spent budgeted expenses on an average of \$384,000 each year (or roughly 7.6% of the budgeted expenses). This compares to other criminal justice departments with staff which averages approximately \$215,000 each year or 6.1% of the budgeted expenses. Other general fund departments annually under spend appropriations; County Counsel, as an example, has under spent approximately \$174,000 each year or 9% of budgeted expenses.

An analysis of the DA's bottom-line revenue for FY 05/06, including increased Prop 172 funding, shows an overall projected loss of \$92,400 when compared to actual revenue received in FY 04/05. This loss is primarily attributable to reduction of grant revenue.

According to the DA, with a number of high visibility murder cases in court and pending murder investigations, it will be difficult to pursue reductions in expenses. In addition to the day-to-day caseloads, these particular cases will cause both increased staffing costs and the associated investigative costs necessary to bring the defendants to trial. These costs are not limited to only the DA budget. On November 22, the Board approved adding a limited term attorney in the Public Defender budget to accommodate caseloads due in large part to these extraordinary circumstances. Based on conversations with the DA, expert witnesses, evidentiary expenses, and general

increases in daily operational costs can be expected to reach budgeted amounts for this fiscal year due to these cases.

Recommendation

In original discussions with the Board in May, staff was asked to identify areas that would result in an overall savings of approximately \$88,000. As of October 28, 2005, the DA has three vacant positions: one Senior Account Clerk, one Office Assistant, and one Attorney III. The Senior Account Clerk and Office Assistant will remain open during recruitment with hiring to occur no earlier than late November. The DA will not fill the Attorney position until January which will result in significant salary savings. Additional vacancies are expected with the retirement of the Chief Investigator and the maternity leave of an Attorney IV. The DA will not hire a new investigator until mid-March resulting in further salary savings. The DA has also agreed not to temporarily backfill the attorney vacancy during the maternity leave, thereby resulting in additional salary savings and benefits. Therefore, at fiscal year end, the District Attorney has consented to reducing his salary and related benefits to a savings of not less than \$92,400 in Net County Cost, with the further goal of achieving greater reduction, wherever possible and feasible, given the increased caseload of murder prosecutions.

Staff in both offices will also continue to research additional revenue sources with the goal of maintaining or further reducing net county cost.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve
Reviewed By: Helene Franchi