



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/2/2010
Agenda Placement: 7B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Carol Strobel for Lieberstein, Gary - District Attorney
District Attorney
REPORT BY: Carol Strobel, STAFF SERVICES MANAGER - 253-4215
SUBJECT: Budget Transfer for District Attorney

RECOMMENDATION

District Attorney requests approval of Budget Transfer No. DAO0005:

1. Canceling a designation and increasing appropriations in the amount of \$10,000 in the Hazardous Waste Non-Operating Special Revenue Fund and increasing revenue in the District Attorney's budget to offset budgeted expenditures related to the investigation of environmental prosecutorial activities eligible for reimbursement; and
2. Canceling a designation and increasing appropriations in the amount of \$22,000 in the Asset Forfeiture Non-Operating Special Revenue Fund and increasing revenue in the District Attorney's budget to offset budgeted expenditures eligible for reimbursement by asset forfeiture funds (4/5 vote required).

EXECUTIVE SUMMARY

This budget transfer increases appropriations in the Hazardous Waste and Asset Forfeiture Non-Operating Special Revenue funds and increases revenue in the District Attorney's operating budget to offset eligible expenses and reduce the need for General Funds.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	This action increases the appropriation of funds from two Non-Operating

	Special Revenue Fund to offset eligible expenditures in the District Attorney's Operating Unit that would otherwise be funded by the General Fund.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This item is discretionary in that there is no requirement to expend funds in Non-Operating Special Revenue Funds. State law dictates how these funds must be spent. The District Attorney is requesting the use of these funds to offset eligible expenditures.
Is the general fund affected?	Yes
Future fiscal impact:	None
Consequences if not approved:	If this item is not approved, there will not be adequate spending authority in the Non-Operating Special Revenue Fund to reimburse the General Fund operating budget for expenses eligible for reimbursement.
Additional Information:	

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

The District Attorney is requesting the cancelation of designations and increasing appropriations in two Non-Operating Special Revenue Funds and increasing revenue in the District Attorney's operating fund to offset the General Fund costs eligible for reimbursement from these funds.

The first designation cancelation and increase in appropriations is in the Hazardous Waste Non-Operating Special Revenue Fund. State law requires certain fines collected to be used in the Hazardous Waste Program pursuant to California Health and Safety Code Section 21592. Twenty-five percent of all civil and criminal penalties collected pursuant to this section are paid directly to the Office of the District Attorney, who brought the case, to be used for activities directly related to the investigation and prosecution of environmental cases. The increase in revenue in the operating unit will offset the General Fund cost for investigative and prosecutorial functions related to environmental crimes.

The second designation cancelation and increase in appropriations is in the Asset Forfeiture Non-Operating Special Revenue Fund. In accordance with Section 11489 of the California Health and Safety Code, the District Attorney receives Asset Forfeiture funds to be utilized for prosecutorial purposes or to benefit the community at the discretion of the District Attorney. The Napa County Board of Supervisors has approved contracts at the request of the District Attorney to provide asset forfeiture funds to programs that enhance the prosecutorial functions of the District Attorney's Office. This fiscal year Asset Forfeiture funds were distributed as follows:

Napa Emergency Women's Shelter (NEWS)	\$5,000
Purpose: To offset state funding cuts in order to continue crucial services critical to the mission of the District Attorney's Domestic Violence unit.	
Napa County Hispanic Network	\$1,000

Purpose: To fund an educational scholarship for a bilingual applicant to pursue a career in law enforcement.

Volunteer Center of Napa Valley \$10,000

Purpose: To continue necessary services to the elderly community including education on how to prevent elder and physical abuse.

Leadership Napa Valley \$3,000

Purpose: To support Law Enforcement Day educating future community leaders about our criminal justice system.

Napa County Peer Court \$1,000

Purpose: Supporting education of our 8th Graders countywide regarding our juvenile justice system including gang violence, alcohol and drug abuse prevention. District Attorney Lieberstein participates in the classroom program as well as representatives of law enforcement and probation.

Wolfe Center \$5,000

Purpose: In support of expenses for providing drug and alcohol treatment programs for at-risk Napa County youth.

The increase in revenue in the operating unit will offset the already budgeted expenditures for these distributions.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan