



Agenda Date: 5/1/2007
Agenda Placement: 6P

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Westmeyer, Robert - County Counsel
County Counsel
REPORT BY: Linda Holbrook, Legal Administrative Specialist, 253-4520
SUBJECT: Transfer from Contingencies to Conflict Public Defender Budget

RECOMMENDATION

County Counsel requests approval of Budget Transfer No. 59 appropriating \$170,000 in the Conflict Public Defender budget and reducing the General Fund Contingencies by an equivalent amount, to cover attorney fees and other costs related to indigent defense. (4/5 vote required)

EXECUTIVE SUMMARY

The Conflict Public Defender budget has paid \$726,456 to date for indigent defense services. Of this amount, \$253,800 has been paid to the County's Level I and II conflict contractors, \$215,070 to court-appointed attorneys, and \$257,586 for investigation, experts and other specialized legal costs. It is projected that an additional \$170,000 will be needed to cover the increase in investigative and court-appointed attorney services related to caseload increases as well as an increase in the number of hours billed.

FISCAL IMPACT

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|-----------------------------------|---|
| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | No |
| What is the revenue source? | General Fund |
| Is it Mandatory or Discretionary? | Mandatory |
| Is the general fund affected? | Yes |
| Future fiscal impact: | The legal and investigative costs for future fiscal years is unknown since the costs are caseload driven. The projected costs for fiscal year 07/08 will be the same as Fiscal Year 06/07. The County Executive Office is currently reviewing an alternative conflict public defender program which, if approved by the Board |

of Supervisors, will become effective July 1, 2007 and should reduce overall costs. Thus, our usual approach, projecting a slight increase in costs year over year, has been abandoned for Fiscal Year 07/08.

Consequences if not approved: The Conflict Public Defender budget will be unable to pay claims from investigators, experts and attorneys for their services as appointed by the Napa Superior Court.

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 Conflict Public Defender budget has paid \$726,456 to date for indigent defense services. Of this amount, \$253,800 has been paid to the County's Level I and II conflict contractors, \$215,070 to court-appointed attorneys, and \$257,586 for investigation, experts and other specialized legal costs. This increase in services is due to an increase in the following types of cases that have exceeded to a significant degree the average number of such cases in prior years: domestic violence, driving under the influence, juvenile delinquency, sexual assault and sexually violent predators. For example, in Fiscal Year 2005-06 (July-March) there were 29 court-appointed juvenile cases for a total of \$12,235. However, in Fiscal Year 2006-2007 (July-March) there were 64 juvenile cases for a total of \$49,279.

It is projected that an additional \$170,000 will be needed in addition to the budgeted \$855,464 to cover the increase in investigative and court-appointed attorney services related to caseload increases as well as an increase in the number of hours billed.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Karen Gratton