



Agenda Date: 5/23/2006  
Agenda Placement: 8B  
Set Time: 9:45 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Shelli Brobst for Randy Snowden - Director  
Health & Human Services  
**REPORT BY:** Shelli Brobst, Contracts Analyst, 253-4720  
**SUBJECT:** Public Hearing - Public Guardian/Public Conservator/County Counsel Fees

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### **RECOMMENDATION**

Director of Health and Human Services and County Counsel request adoption of a resolution establishing the methodology for the calculation of Public Guardian/Public Conservator/County Counsel hourly rates.

### **EXECUTIVE SUMMARY**

California Probate Code permits compensation and reimbursement of costs, upon court approval, for services provided to individuals and estates by the Public Guardian/Public Conservator. California Probate Code also permits compensation and reimbursement of costs, upon court approval, from individuals and estates for related legal services provided by the County Counsel to the Public Guardian/Public Conservator and for certain types of legal services provided to the Public Administrator in decedent estate matters. Approval of the requested action will establish the methodologies to be utilized by the Public Guardian/Public Conservator and County Counsel to annually calculate the hourly rates for these services.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	The Public Guardian hourly rates are paid by clients of the Public Guardian and hourly rates of the Public Conservator are paid by conservatorship estates.  The County Counsel's hourly rates are paid by clients of the Public Guardian, conservatorship estates handled by the Public Conservator, and decedents' estates handled by the Public Administrator.

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Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Current fees are around 43% of actual costs of providing these services. Non-approval of the requested action will continue an identified cost to the General Fund.
Is the general fund affected?	Yes
Future fiscal impact:	The reimbursement for services will produce additional revenues, thereby saving some General Fund dollars, because an actual cost methodology will be utilized to annually update the amount charged.
Consequences if not approved:	If this action is not approved, the hourly rates charged will not reflect the actual cost of providing services. Thus, the General Fund will be required to continue to subsidize these services.
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**

The hourly rates for services charged by the Public Guardian/Public Conservator (PG/PC) to individuals for whom the County serves as Public Guardian or Public Conservator have not been changed since 1996. The existing rates are \$35 per hour for PG/PC services and \$25 per hour for accounting services.

The County needs to increase the hourly rates to recover the actual cost of services provided by the PG/PC's office. The cost of providing services has recently been calculated at \$80.64 per hour for PG/PC services and \$56.70 per hour for accounting services. This calculation accounts for total annual operational expenses, i.e., salaries and benefits and operating and administrative costs. Surrounding counties charge \$90-\$100 per hour.

Adoption of the resolution will provide Board of Supervisors' approval of a methodology to calculate hourly rates based on actual department costs. No specific hourly rates are identified in the resolution, because the hourly rates will be based on an annual calculation utilizing updated cost information. The Court must approve each rate change.

### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Exhibit A to Resolution

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita