



Napa County

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Legislation Text

File #: 22-775, **Version:** 1

TO: Board of Supervisors
FROM: Thomas Zeleny, Interim County Counsel
REPORT BY: Erin Cossen, Legal Office Manager
SUBJECT: Transfer from Contingencies to Conflict Public Defender Budget

RECOMMENDATION

SUPPLEMENTAL ITEM

County Counsel requests approval of a budget transfer appropriating \$87,000 in the Conflict Public Defender Budget and reducing the General Fund Contingencies by an equivalent amount for indigent defense costs. (4/5 vote required)

EXECUTIVE SUMMARY

The Conflict Public Defender budget has paid or encumbered \$942,758 to date for indigent defense services in Fiscal Year 2021-22. The total budget for services and supplies is \$956,125.00. It is projected that an additional \$87,000 will be needed to cover the increase in investigative and court-appointed attorney services. The total budget appropriations in Fiscal Year 2021-22 will be \$1,043,125.00.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
Where is it budgeted?	Conflict Public Defender
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Court appoints conflict public defenders and the County is obligated to pay them. Appropriation authority is needed to cover the cost of services provided.
Is the general fund affected?	Yes
Future fiscal impact:	This budget transfer applies to Fiscal Year 2021-22 only. Future appropriations will be budgeted accordingly as part of the annual budget process. With this adjustment, the remaining

Consequences if not approved:

balance in the General Fund Contingency will be \$163,000.

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.

County Strategic Plan pillar addressed:

Effective and Open Government

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 or encumbered \$942,758 to date for indigent defense services in Fiscal Year 2021-22. The total budget for services and supplies is \$956,125.00.

It is projected that an additional \$87,000 will be needed to cover the increase in investigative and court-appointed attorney services. The total budget appropriations in Fiscal Year 2021-22 will be \$1,043,125.00. The Agreements for Conflict Public Defender services provide for extra payments of \$2500 per month per Class 2 case assignment and \$3500 per month for Class 1 case assignments. There are currently four additional Class 2 cases pending that were not included in the original requested budget. Additionally, investigator and expert witness expenses have been higher than anticipated in FY21-22 due to the complexity of these cases.

SUPPORTING DOCUMENTS

Click or tap here to enter text.

CEO Recommendation: Approve