

# SUPERIOR COURT MOE

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## Mission

The mission of the County's Court Maintenance of Effort (MOE) Department Budget is to provide the level of financial support to the State of California, as required by law, for the Superior Court of California, El Dorado County.

The State of California is now responsible for overall funding and operation of trial courts, including Court employees. County Boards of Supervisors throughout the State are responsible for providing a level of ongoing funding support through annual revenue "maintenance of effort" payments to the State, as specified in the California Government Code. Fees and fines levied as a result of Court action are collected by the Court and other County agencies. Collections are distributed as directed by law, with portions of that distribution allocated to the County General Fund, cities, and other State special funds and agencies. The General Fund share of such revenue is recorded in the County's Court MOE Budget.

Counties also continue to be responsible for the provision of indigent defense services (court appointed counsel for indigents).

## Program Summaries

### Superior Court Maintenance of Effort

**Total Appropriations: \$851,283**  
**Total Revenue: \$1,552,150**  
**Net County Cost: \$(700,867)**

The Court Maintenance of Effort budget unit reflects the County's share of fines and fees levied during Court proceedings, some of which are collected and distributed by the State Superior Court, El Dorado County branch. The Court MOE budget unit also includes appropriations for the County's payment of the mandated revenue "maintenance of effort" for ongoing support of the State Superior Court. (Appropriations for local Court operations are not reflected in the County Budget since the Court is now a part of the State system. The State's appropriations to the local courts Statewide are determined by the State Judicial Council based upon recommendations from the State Administrative Office of Courts.)

### Court Facilities

**Total Appropriations: \$350,000**  
**Total Revenue: \$90,000**  
**Net County Cost: \$260,000**

Appropriations for court facilities are provided in compliance with statutory requirements that the County pay for the operation and maintenance of court facilities. This budget provides funding for the County Facility Payment (CFP) under AB1491.

AB1491 (formerly SB1732), the State Trial Court Facilities Act, required the County to transfer Court occupied facilities and properties to the State either by title or responsibility. The County completed the transfer of Court facilities in November 2008 with the transfer becoming effective January 2, 2009. Upon transfer of the facilities and properties an annual County Facilities Payment (CFP) was established requiring the County to sustain a level of financial support for the on-going maintenance and utilities of the State's court facilities. This budget also includes

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revenue from the State to cover costs associated with those shared facilities where the County manages the building.

### **Indigent Defense**

**Contract Attorneys: 10**

**Total Appropriations: \$1,205,583**

**Total Revenue: \$2,500**

**Net County Cost: \$1,203,083**

The Indigent Defense program consists of Court appointed private attorneys serving as indigent conflict counsel for those cases where either the Judge or the County Public Defender has determined a conflict exists. Conflicts can exist for a number of different reasons. Examples include a case where the Public Defender may already be defending a client on a different case or where a client is linked to circumstances in a different client's case. Conflict panel attorneys can also be assigned by the Judges to cases where there are multiple defendants in a case or where special circumstances exist such as the death penalty which requires, by law, a minimum of two attorneys, one of which would come from the conflict panel.

The program consists of 8 attorneys (5 West Slope and 3 South Lake Tahoe) at \$5,951 per month. This monthly compensation is a decrease of \$661 per month per attorney or approximately \$63,000 annually from the original contracted compensation. In addition, this budget includes funding for court ordered services associated with the defense of indigent clients.

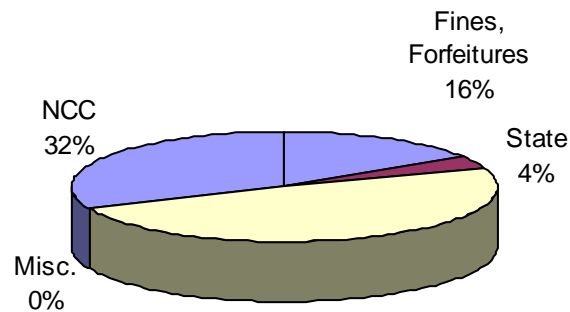
### **Source of Funds**

Fine, Forfeiture & Penalties (\$380,000): Includes vehicle fines (\$5,000), Court fines (\$350,000), and other miscellaneous fines (\$25,000).

State Intergovernmental (\$90,000): All comprised of State Other (\$90,000).

Charges for Service (\$1,172,150): Primarily comprised of Court fees associated with traffic school fees (\$835,000), County share of State Penalty fees (\$325,000).

Miscellaneous Revenue (\$2,500)

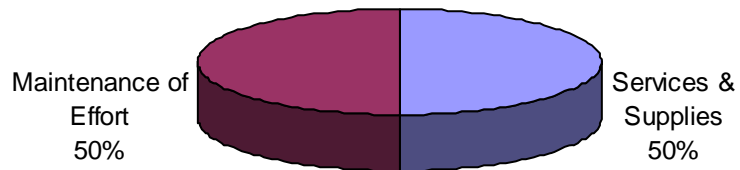


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### Use of Funds

Services & Supplies (\$1,205,583): Primarily comprised of the contractual service program for court appointed attorneys (\$735,583), professional and specialized services for indigent defense services (\$350,000), criminal investigation for indigent defense cases (\$50,000) and psychiatric medical for indigent defense cases (\$50,000).



### Staffing Trend

There is no staffing within this Department. There are contractual agreements with 8 attorneys for indigent defense services.

### Chief Administrative Office Comments

The Recommended Budget for the Court Maintenance of Effort department reflects changes made during FY 2009-10 and reduces overall Net County Cost by \$123,500.

The Court facilities budget with Department 20 continues to reflect the full year funding for the County Facility Payment (CFP) as required by AB1491. In addition, the budget has been adjusted to reflect revenue from the State for costs incurred by the County for building where the County and the Courts share space, but the County manages the buildings. This revenue is estimated at \$90,000 for the year.

The appropriation for the conflict panel has been held to the same as FY 2009-10 even though the panel is currently reduced by two attorneys. Even though two attorneys have left the panel, the County still continues to incur costs for cases that had been assigned. In addition, the Judges have contacted the County expressing a need to add back at least one attorney. Discussions have taken place that would provide for an "entry level" attorney who would work on misdemeanors or other lower level cases. This entry level attorney would be paid at a reduced rate. Agreements with the conflict attorney's have been in place since July 1, 2008 and were amended in 2009 to reduce the monthly compensation in order to meet necessary budget cuts. The current agreements expire on June 30, 2011. The County's fiscal condition will have to be taken into account at the time of renewal and an equitable level of compensation will be

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considered in line with the reductions made in the Public Defender's office and the County general fund.

Similar to the Public Defender's Office, murder trials continue to significantly impact the indigent defense budget. Two of the current murder trials also involve the death penalty. All murder cases require more staff time and resources, however, death penalty cases are significantly more resource intensive and expensive, often requiring significant expenditures for investigation and expert witnesses. The budget has been modified by adding additional funding to allow for expenses associated with these cases. This will hopefully be sufficient to cover the annual costs without having to come back to the Board for a transfer from Contingency later in the year.

One of the death penalty case's is a "cold case" involving triple homicide. It is expected to go to trial in the summer and into the fall. A "cold case" is a case that has never been solved from years past. In many situations these cases may have been investigated, yet lack resolution. Reasons for lack of resolution can include situations where there may have been insufficient evidence to make an arrest or perhaps it was a case in which no perpetrator has been identified. These cases can go back many years which makes investigation extremely difficult due to the span of years, potential witnesses may no longer be alive to interview, or any number of other reasons. Preparation for trial in this cold case triple homicide is expected to generate significant expense in the upcoming year for investigation, expert witnesses, and many other specialized services that will be required due to the nature of the case and the fact that three homicides are involved.

The conflict panel budget currently includes \$20,000 for appointed counsel, and \$100,000 for criminal investigation and psychiatric medical for use in the defense of both of these cases, however, it is not yet known if that will be sufficient funding to cover court ordered costs. It should be noted that these expenses are difficult to predict and in previous years have required the Chief Administrative Office to return to the Board requesting contingency transfers.

During FY 2009-10 the County conducted a review of both conflict panel and Public Defender services revenue generation associated with determining a clients "ability to pay" for court appointed counsel. In early FY 2009-10 the county Department of Child Support Services, Revenue Recovery division conducted a pilot program in conjunction with the Courts. The pilot was done in one Court in South Lake Tahoe and reviewed the process of determining a client's ability to pay. After several months it was determined that there was a correct process in place and that the Judges were ordering clients to pay for court appointed services in any instance where the person had the ability to pay. As a result, for the period July 1, 2009 to May 2010, the Courts have ordered in excess of \$100,000 in fees for court appointed counsel. Most of those fees are in the \$50 - \$100 range; however, in a number of instances fees exceeded the basic range.

As a result of the Courts ordering fees, there has been a slight increase in revenue collections. In this budget, the revenue for Court appointed service is approximately \$10,000. This is an increase of about \$6,000 from the previous year. While the dollar amount is not currently significant, it is important to the process in that once the fees are ordered, the County stands a much greater chance of recouping costs for services where in the past the revenue did not exist. It should also be noted that State legislation now requires that charges ordered by the Judge are collected by the Courts and there is an order of collection which the County has no control over. Under this order of collection, when money is received by the Courts it is applied first to areas such as restitution and applied to County fees last. Clients can no longer pay their fees

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directly to the County. Because County fees are the last to be collected, it can take months or longer before the County will benefit from the revenue.

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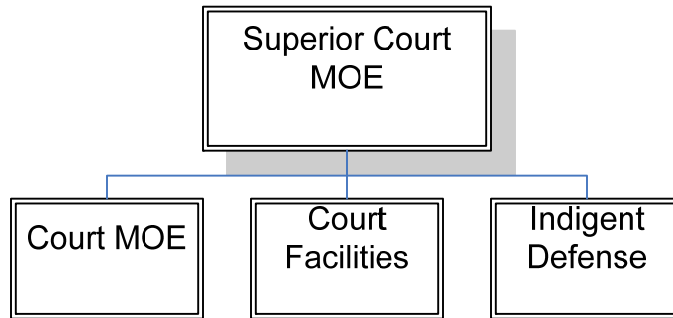
## Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND  
 DEPARTMENT: 20 SUPERIOR COURT MOE

		MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
<b>TYPE: R REVENUE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
0300	VEHICLE CODE: FINES	3,000	7,000	5,000	5,000	-2,000
0301	VEHICLE CODE: COURT FINES	300,000	300,000	350,000	350,000	50,000
0320	COURT FINE: OTHER	25,000	25,000	25,000	25,000	0
0322	COURT FINE: CRIMINAL JUSTICE	56	0	0	0	0
<b>CLASS: 03</b>	<b>REV: FINE, FORFEITURE &amp; PENALTIES</b>	328,056	332,000	380,000	380,000	48,000
0880	ST: OTHER	79,161	0	90,000	90,000	90,000
<b>CLASS: 05</b>	<b>REV: STATE INTERGOVERNMENTAL</b>	79,161	0	90,000	90,000	90,000
1500	COURT: FEES & COSTS	4,000	7,000	7,000	7,000	0
1501	COURT: FEE	0	0	710,000	0	0
1504	COURT: SUMMARY JUDGMENT	7,760	0	0	0	0
1510	COURT: TRAFFIC BAIL SCHOOL VC42007	710,000	710,000	0	710,000	0
1511	COURT: TRAFFIC SCHOOL VC42007.1	140,000	140,000	125,000	125,000	-15,000
1512	COURT: CITE/OWN RECOG PC1463.07	5,000	5,000	5,000	5,000	0
1513	COURT: AB233 CNTY SHARE ST PENALTY	325,000	325,000	325,000	325,000	0
1517	COURT: CONFLICT ATTORNEY	539	0	0	0	0
1742	MISC: COPY FEES	150	150	150	150	0
<b>CLASS: 13</b>	<b>REV: CHARGE FOR SERVICES</b>	1,192,449	1,187,150	1,172,150	1,172,150	-15,000
1942	MISC: REIMBURSEMENT	4,623	1,000	2,500	2,500	1,500
<b>CLASS: 19</b>	<b>REV: MISCELLANEOUS</b>	4,623	1,000	2,500	2,500	1,500
<b>TYPE: R SUBTOTAL</b>		1,604,289	1,520,150	1,644,650	1,644,650	124,500
<b>TYPE: E EXPENDITURE</b>						
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>					
4085	REFUSE DISPOSAL	0	4,000	0	0	-4,000
4300	PROFESSIONAL & SPECIALIZED SERVICES	275,000	275,000	350,000	350,000	75,000
4310	CONTRACTUAL SERVICE PROGRAM	735,583	735,583	735,583	735,583	0
4316	APPOINT COUNSEL: JUVENILES	20,000	20,000	20,000	20,000	0
4317	CRIMINAL INVESTIGATION	50,000	50,000	50,000	50,000	0
4323	PSYCHIATRIC MEDICAL SERVICES	50,000	50,000	50,000	50,000	0
4620	UTILITIES	0	70,000	0	0	-70,000
<b>CLASS: 40</b>	<b>SERVICE &amp; SUPPLIES</b>	1,130,583	1,204,583	1,205,583	1,205,583	1,000
5240	CONTRIB: NON-CNTY GOVERNMENTAL	350,000	350,000	350,000	350,000	0
5242	AB233: MOE COURT REVENUE	851,283	851,283	851,283	851,283	0
<b>CLASS: 50</b>	<b>OTHER CHARGES</b>	1,201,283	1,201,283	1,201,283	1,201,283	0
<b>TYPE: E SUBTOTAL</b>		2,331,866	2,405,866	2,406,866	2,406,866	1,000
<b>FUND TYPE: 10</b>	<b>SUBTOTAL</b>	727,577	885,716	762,216	762,216	-123,500
<b>DEPARTMENT: 20</b>	<b>SUBTOTAL</b>	727,577	885,716	762,216	762,216	-123,500

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### Ten Year History

	01/02 Actual	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual
Fines, Forfeitures	810,363	383,276	477,231	354,175	356,150
State	-	-	-	-	-
Charges for Service	1,170,510	1,861,673	1,130,358	1,274,465	1,077,912
Misc.	14,631	1,849	-	257	2,305
<b>Total Revenue</b>	<b>1,995,504</b>	<b>2,246,798</b>	<b>1,607,589</b>	<b>1,628,897</b>	<b>1,436,367</b>
Services & Supplies	641,946	759,336	1,013,823	1,132,336	1,300,638
Maintenance of Effort	1,168,027	1,268,129	1,262,226	1,647,875	1,143,655
Intrafund Transfers	-	-	-	-	110
<b>Total Appropriations</b>	<b>1,809,973</b>	<b>2,027,465</b>	<b>2,276,049</b>	<b>2,780,211</b>	<b>2,444,403</b>
<b>NCC</b>	<b>(185,531)</b>	<b>(219,333)</b>	<b>668,460</b>	<b>1,151,314</b>	<b>1,008,036</b>
<b>FTE's</b>	-	-	-	-	-



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### Ten Year History

	06/07 Actual	07/08 Actual	08/09 Actual	09/10 Projected	10/11 Budget
Fines, Forfeitures	309,141	329,698	415,132	398,043	380,000
State	-	-	-	79,163	90,000
Charges for Service	1,135,528	1,213,236	1,275,072	1,166,352	1,172,150
Misc.	1,540	3,139	3,420	9,652	2,500
<b>Total Revenue</b>	<b>1,446,209</b>	<b>1,546,073</b>	<b>1,693,624</b>	<b>1,653,210</b>	<b>1,644,650</b>
Services & Supplies	1,471,551	1,513,846	1,392,678	1,394,778	1,205,583
Maintenance of Effort	964,928	1,007,797	1,164,643	1,201,283	1,201,283
Intrafund Transfers	25	-	-	-	-
<b>Total Appropriations</b>	<b>2,436,504</b>	<b>2,521,643</b>	<b>2,557,321</b>	<b>2,596,061</b>	<b>2,406,866</b>
<b>NCC</b>	<b>990,295</b>	<b>975,570</b>	<b>863,697</b>	<b>942,851</b>	<b>762,216</b>
<b>FTE's</b>	-	-	-	-	-

10 Year Variance		
	\$ Change	% Change
Fines, Forfeitures	(430,363)	-53%
State	90,000	N/A
Charges for Service	1,640	0%
Misc.	(12,131)	-83%
<b>Total Revenue</b>	<b>(350,854)</b>	<b>-18%</b>
Services & Supplies	563,637	88%
Maintenance of Effort	33,256	3%
<b>Total Appropriations</b>	<b>596,893</b>	<b>33%</b>
<b>NCC</b>	<b>947,747</b>	<b>511%</b>
<b>FTE's</b>	-	N/A

#### Notes

Services & supplies have grown over the years primarily due to growth in the indigent defense budget and Court occupied space in County facilities.