

PUBLIC DEFENDER

Mission

The primary mission of the Public Defender's office is to provide legal representation for indigents who are charged with criminal offenses. The Public Defender's office is committed to serving the public in a respectful and professional manner.

Program Summaries

Public Defender - Operations

Positions: Total FTE's: 19.0

Extra Help: \$92,000

Total Appropriations: \$2,791,567

Total Revenue: \$285,115

Net County Cost: \$2,506,452

The Public Defender's Office provides legal representation to adults and juveniles charged with criminal offenses. The Department also represents those who require conservatorship due to grave disability. It is estimated that the Public Defender is appointed in 80%-90% of all criminal matters prosecuted in El Dorado County. All attorneys maintain a full caseload, e.g. 450 cases per attorney.

Revenue: The primary revenue source for the Public Defender is Proposition 172 – Public Safety Sales Tax. Proposition 172 is on-going, but has declined due to economic downturn. Revenue from Charges for Services of Public Defender fees has also declined over the last few years. The Judges in the Courts order reimbursement for Public Defender services based on ability to pay. However, State legislation has slowed the receipt of such reimbursement in recent years due to the order of collection required by the legislation with restitution being first and County fees falling towards the bottom of the list. The Public Defender is working with the Judges, the Administrative Office of the Courts, and Revenue and Recovery to maximize this revenue to the Public Defender's office.

Public Defender - Trials

Positions: Total FTE's: 0

Extra Help: \$0

Total Appropriations: \$111,500

Total Revenue: \$0

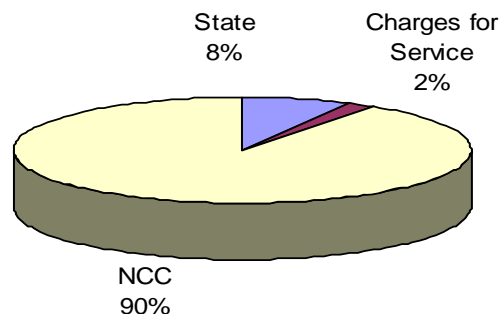
Net County Cost: \$111,500

Public Defender – Trials is a specific index code to monitor expenses related to cases which may involve extraordinary expenses.

Source of Funds

State Intergovernmental (\$228,115): Includes revenue from Proposition 172 – Public Safety Sales Tax.

Charges for Service (\$57,000): Charges for service are comprised of



PUBLIC DEFENDER

charges for Public Defender Services.

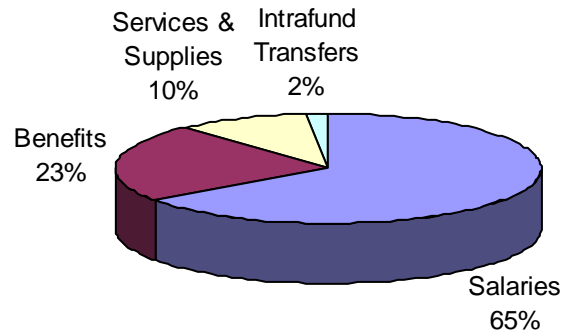
Net County Cost (\$2,617,952): The department is primarily funded with discretionary General Fund tax dollars. These revenues are collected in Department 15 – General Fund Other Operations.

Use of Funds

Salaries & Benefits (\$2,563,787):
Primarily comprised of salaries (\$1,740,817), retirement (\$316,683) and health insurance (\$192,506).

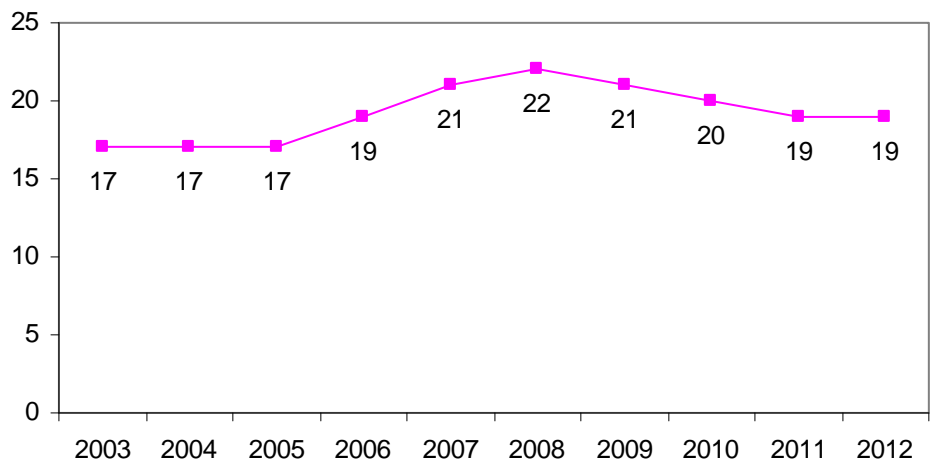
Services & Supplies (\$288,437):
Primarily comprised of building rents & leases (\$60,000), professional services (\$20,000), criminal investigation (\$31,500), psychiatric medical (\$60,000), law books, (\$13,000), utilities (\$12,000).

Intrafund Transfers (\$50,843):
Primarily comprised of charges from other departments for services such as network support (\$23,400), mainframe support (\$5,535), and telephone (\$15,000).



Staffing Trend

Staffing for the Public Defender over the past ten years has gone from 17.0 in FY 2002-03 to 19 in FY 2011-12 based on the approved budget. As defined by the organizational chart, the proposed staff allocation for FY 2011-12 includes 13.5 FTE on the West Slope and 6 FTE at South Lake Tahoe.



PUBLIC DEFENDER

Chief Administrative Office Comments

The Recommended Budget represents an overall increase of \$49,500 or 21% in revenues and a decrease of \$47,899 or 2% in appropriations when compared to the FY 2010-11 approved budget. As a result, the Net County Cost is decreased by \$97,399 or 3.5%.

Changes in revenue are attributed to a contract with Alpine County wherein the Public Defender provides services and the Department receives \$50,000 per year. Proposition 172 – Public Safety Sales Tax is projected to remain steady at the FY 2010-11 level indicating a slight increase in sales tax instead of the decline that had been experienced in previous years.

Revenue for Public Defender services remains fairly steady. 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 and the Public Defender’s office. 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. 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, we have started to see a slight increase in revenue collections. In this budget, the revenue for Court appointed service is approximately \$7,000. This is an increase of about \$3,500 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 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.

The Recommended Budget maintains the same staffing level as FY 2010-11 with a total allocation of 19.0. The Department is managing the investigative workload with the use of extra help as well as using an extra help attorney in South Lake Tahoe and part-time extra help clerical in Placerville. Support services are provided by the Chief Administrative office at no cost to the Public Defenders department. These services include fiscal accounting, budgeting, contracts and other clerical related work.

Overall salaries and benefits are increasing by \$49,742 which includes a \$46,298 reduction in retirement due to the anticipated employee partial pick-up of retirement costs and an increase in extra help funding for investigation. Services and supplies have been reduced overall by \$84,616 mainly in professional services, psychiatric medical and criminal investigation which has been offset under the extra help category. Intrafund transfers are decreasing by \$13,025, primarily in the areas of Information Technology cost applied charges for network and mainframe.

PUBLIC DEFENDER

Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 23 PUBLIC DEFENDER

| | | MID-YEAR | CURRENT YR | DEPARTMENT | CAO | |
|-------------------------|-------------------------------------|------------|------------|------------|-------------|------------|
| | | PROJECTION | APPROVED | REQUEST | RECOMMENDED | DIFFERENCE |
| | | | BUDGET | | BUDGET | |
| TYPE: R REVENUE | | | | | | |
| SUBOBJ | SUBOBJ TITLE | | | | | |
| 0860 | ST: PUBLIC SAFETY SALES TAX | 220,915 | 228,115 | 228,115 | 228,115 | 0 |
| CLASS: 05 | REV: STATE INTERGOVERNMENTAL | 220,915 | 228,115 | 228,115 | 228,115 | 0 |
| 1381 | PUBLIC DEFENDER: INDIGENTS | 6,500 | 7,500 | 7,000 | 7,000 | -500 |
| 1740 | CHARGES FOR SERVICES | 25,000 | 0 | 50,000 | 50,000 | 50,000 |
| CLASS: 13 | REV: CHARGE FOR SERVICES | 31,500 | 7,500 | 57,000 | 57,000 | 49,500 |
| TYPE: R SUBTOTAL | | 252,415 | 235,615 | 285,115 | 285,115 | 49,500 |

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Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
 DEPARTMENT: 23 PUBLIC DEFENDER

| | | CURRENT YR | CAO | | | |
|----------------------------|---------------------------------------|------------------|------------------|------------------|------------------|---------------|
| | | MID-YEAR | DEPARTMENT | RECOMMENDED | DIFFERENCE | |
| | | PROJECTION | REQUEST | BUDGET | | |
| | | APPROVED | | | | |
| | | BUDGET | | | | |
| TYPE: E EXPENDITURE | | | | | | |
| SUBOBJ | SUBOBJ TITLE | | | | | |
| 3000 | PERMANENT EMPLOYEES / ELECTED | 1,730,771 | 1,733,317 | 1,740,817 | 1,740,817 | 7,500 |
| 3001 | TEMPORARY EMPLOYEES | 84,000 | 84,000 | 92,000 | 92,000 | 8,000 |
| 3004 | OTHER COMPENSATION | 0 | 15,000 | 15,000 | 38,500 | 23,500 |
| 3005 | TAHOE DIFFERENTIAL | 12,000 | 12,000 | 12,000 | 12,000 | 0 |
| 3006 | BILINGUAL PAY | 4,192 | 3,120 | 4,160 | 4,160 | 1,040 |
| 3020 | RETIREMENT EMPLOYER SHARE | 335,483 | 335,628 | 362,981 | 316,683 | -18,945 |
| 3022 | MEDI CARE EMPLOYER SHARE | 23,672 | 22,802 | 22,925 | 22,925 | 123 |
| 3040 | HEALTH INSURANCE EMPLOYER SHARE | 149,928 | 149,928 | 192,506 | 192,506 | 42,578 |
| 3041 | UNEMPLOYMENT INSURANCE EMPLOYER | 14,490 | 14,490 | 14,490 | 14,490 | 0 |
| 3042 | LONG TERM DISABILITY EMPLOYER SHARE | 6,240 | 6,240 | 6,253 | 6,253 | 13 |
| 3043 | DEFERRED COMPENSATION EMPLOYER | 20,500 | 33,753 | 21,661 | 21,661 | -12,092 |
| 3046 | RETIREE HEALTH: DEFINED CONTRIBUTIONS | 19,529 | 19,529 | 19,529 | 19,529 | 0 |
| 3060 | WORKERS' COMPENSATION EMPLOYER | 6,239 | 6,239 | 4,263 | 4,263 | -1,976 |
| 3080 | FLEXIBLE BENEFITS | 78,000 | 78,000 | 78,000 | 78,000 | 0 |
| CLASS: 30 | SALARY & EMPLOYEE BENEFITS | 2,485,043 | 2,514,045 | 2,586,585 | 2,563,787 | 49,742 |
| 4020 | CLOTHING & PERSONAL SUPPLIES | 0 | 50 | 0 | 0 | -50 |
| 4040 | TELEPHONE COMPANY VENDOR PAYMENTS | 65 | 100 | 100 | 100 | 0 |
| 4041 | COUNTY PASS THRU TELEPHONE CHARGES | 1,200 | 1,500 | 1,200 | 1,200 | -300 |
| 4086 | JANITORIAL / CUSTODIAL SERVICES | 4,380 | 4,380 | 4,380 | 4,380 | 0 |
| 4100 | INSURANCE: PREMIUM | 9,842 | 9,842 | 16,857 | 16,857 | 7,015 |
| 4120 | JURY & WITNESS EXPENSE | 1,500 | 4,500 | 2,500 | 2,500 | -2,000 |
| 4123 | JURY EXP: MEALS | 500 | 500 | 0 | 0 | -500 |
| 4124 | WITNESS FEE | 0 | 650 | 500 | 500 | -150 |
| 4128 | WITNESS MILEAGE | 0 | 0 | 100 | 100 | 100 |
| 4141 | MAINT: OFFICE EQUIPMENT | 0 | 500 | 250 | 250 | -250 |
| 4220 | MEMBERSHIPS | 6,500 | 6,800 | 6,800 | 6,800 | 0 |
| 4260 | OFFICE EXPENSE | 9,500 | 10,000 | 10,000 | 10,000 | 0 |
| 4261 | POSTAGE | 1,000 | 850 | 1,000 | 1,000 | 150 |
| 4263 | SUBSCRIPTION / NEWSPAPER / JOURNALS | 14,000 | 10,000 | 6,000 | 6,000 | -4,000 |
| 4264 | BOOKS / MANUALS | 0 | 100 | 0 | 0 | -100 |
| 4265 | LAW BOOKS | 11,500 | 13,000 | 13,000 | 13,000 | 0 |
| 4266 | PRINTING / DUPLICATING SERVICES | 100 | 1,500 | 1,000 | 1,000 | -500 |
| 4300 | PROFESSIONAL & SPECIALIZED SERVICES | 45,000 | 50,000 | 35,000 | 20,000 | -30,000 |
| 4317 | CRIMINAL INVESTIGATION | 40,000 | 60,000 | 40,000 | 31,500 | -28,500 |
| 4318 | INTERPRETER | 2,000 | 2,000 | 2,000 | 2,000 | 0 |
| 4320 | VERBATIM: TRANSCRIPTION | 3,500 | 4,000 | 3,500 | 3,500 | -500 |
| 4321 | MISCELLANEOUS TRIAL | 0 | 1,000 | 500 | 500 | -500 |
| 4323 | PSYCHIATRIC MEDICAL SERVICES | 65,000 | 80,000 | 60,000 | 60,000 | -20,000 |
| 4324 | MEDICAL, DENTAL, LAB & AMBULANCE SRV | 4,500 | 8,000 | 5,000 | 5,000 | -3,000 |
| 4334 | FIRE PREVENTION & INSPECTION | 100 | 100 | 100 | 100 | 0 |
| 4400 | PUBLICATION & LEGAL NOTICES | 0 | 50 | 0 | 0 | -50 |

PUBLIC DEFENDER

Financial Information by Fund Type

FUND TYPE: 10 GENERAL FUND
DEPARTMENT: 23 PUBLIC DEFENDER

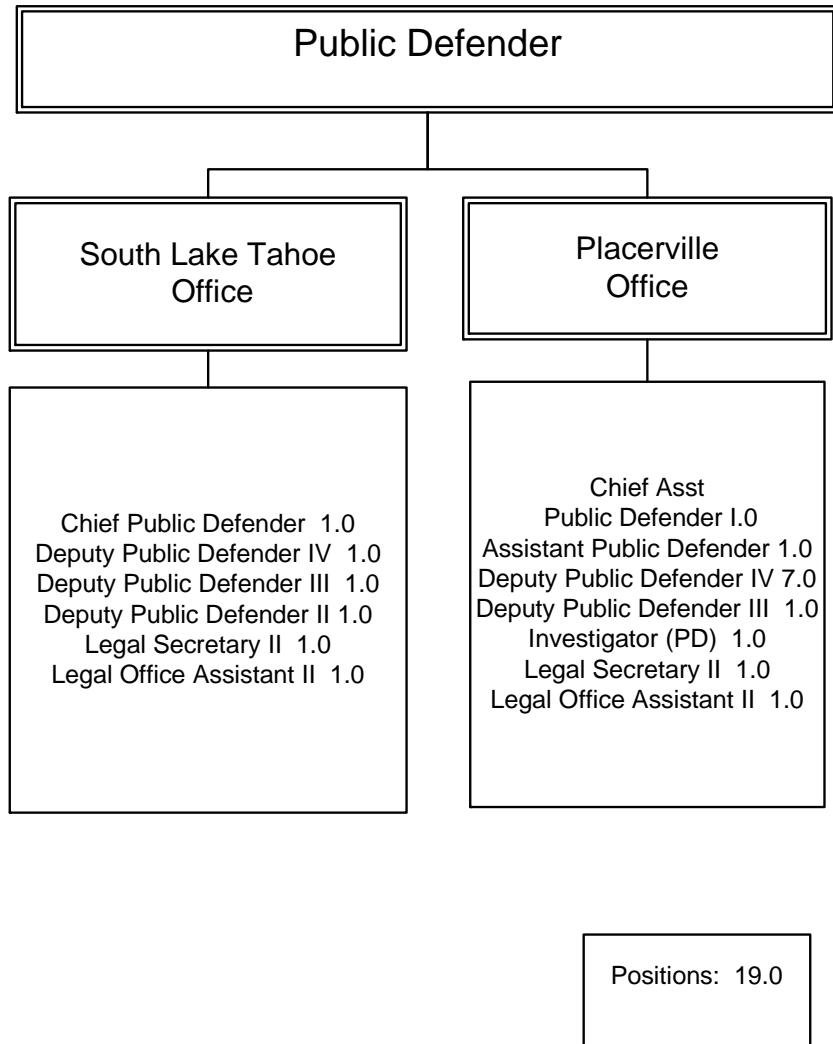
| | | CURRENT YR | | CAO | | |
|-------------------------|---------------------------------------|------------------|------------------|------------------|------------------|----------------|
| | | MID-YEAR | APPROVED | DEPARTMENT | RECOMMENDED | |
| | | PROJECTION | BUDGET | REQUEST | BUDGET | DIFFERENCE |
| 4420 | RENT & LEASE: EQUIPMENT | 8,000 | 5,629 | 8,000 | 8,000 | 2,371 |
| 4440 | RENT & LEASE: BUILDING & IMPROVEMENTS | 60,000 | 63,352 | 60,000 | 60,000 | -3,352 |
| 4503 | STAFF DEVELOPMENT | 3,000 | 10,000 | 12,000 | 12,000 | 2,000 |
| 4506 | FILM DEVELOPMENT & PHOTOGRAPHY | 0 | 150 | 0 | 0 | -150 |
| 4529 | SOFTWARE LICENSE | 3,248 | 0 | 150 | 150 | 150 |
| 4600 | TRANSPORTATION & TRAVEL | 4,000 | 5,000 | 4,000 | 4,000 | -1,000 |
| 4602 | MILEAGE: EMPLOYEE PRIVATE AUTO | 5,500 | 7,500 | 6,000 | 6,000 | -1,500 |
| 4620 | UTILITIES | 12,000 | 12,000 | 12,000 | 12,000 | 0 |
| CLASS: 40 | SERVICE & SUPPLIES | 315,935 | 373,053 | 311,937 | 288,437 | -84,616 |
| 7200 | INTRAFUND TRANSFERS: ONLY GENERAL | 100 | 25 | 25 | 25 | 0 |
| 7210 | INTRAFND: COLLECTIONS | 250 | 250 | 250 | 250 | 0 |
| 7220 | INTRAFND: TELEPHONE EQUIPMENT & | 15,000 | 15,000 | 15,000 | 15,000 | 0 |
| 7223 | INTRAFND: MAIL SERVICE | 1,061 | 1,061 | 1,025 | 1,025 | -36 |
| 7224 | INTRAFND: STORES SUPPORT | 1,555 | 1,555 | 1,858 | 1,858 | 303 |
| 7227 | INTRAFND: MAINFRAME SUPPORT | 7,334 | 7,334 | 5,535 | 5,535 | -1,799 |
| 7228 | INTRAFND: INTERNET CONNECT CHARGE | 0 | 750 | 750 | 750 | 0 |
| 7229 | INTRAFND: PC SUPPORT | 3,000 | 3,000 | 3,000 | 3,000 | 0 |
| 7234 | INTRAFND: NETWORK SUPPORT | 34,893 | 34,893 | 23,400 | 23,400 | -11,493 |
| CLASS: 72 | INTRAFUND TRANSFERS | 63,193 | 63,868 | 50,843 | 50,843 | -13,025 |
| TYPE: E SUBTOTAL | | 2,864,171 | 2,950,966 | 2,949,365 | 2,903,067 | -47,899 |
| FUND TYPE: 10 | SUBTOTAL | 2,611,756 | 2,715,351 | 2,664,250 | 2,617,952 | -97,399 |
| DEPARTMENT: 23 | SUBTOTAL | 2,611,756 | 2,715,351 | 2,664,250 | 2,617,952 | -97,399 |

PUBLIC DEFENDER

Personnel Allocations

| Classification Title | 2010-11 Adjusted Allocation | 2011-12 Dept Request | 2011-12 CAO Recm'd | Diff from Adjusted |
|---------------------------------|-----------------------------------|----------------------------|--------------------------|-----------------------|
| Public Defender | 1.00 | 1.00 | 1.00 | 0.00 |
| Assistant Public Defender | 1.00 | 1.00 | 1.00 | 0.00 |
| Chief Assistant Public Defender | 1.00 | 1.00 | 1.00 | 0.00 |
| Deputy Public Defender II-IV | 11.00 | 11.00 | 11.00 | 0.00 |
| Investigator (Public Defender) | 1.00 | 1.00 | 1.00 | 0.00 |
| Legal Office Assistant I/II | 2.00 | 2.00 | 2.00 | 0.00 |
| Legal Secretary I/II | 2.00 | 2.00 | 2.00 | 0.00 |
| Department Total | 19.00 | 19.00 | 19.00 | 0.00 |

PUBLIC DEFENDER



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PUBLIC DEFENDER

Ten Year History

| | 02/03 Actual | 03/04 Actual | 04/05 Actual | 05/06 Actual | 06/07 Actual |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|
| State | 240,158 | 257,812 | 301,812 | 320,676 | 300,732 |
| Charges for Service | 34,648 | 30,392 | 31,907 | 18,388 | 15,317 |
| Total Revenue | 274,806 | 288,204 | 333,719 | 339,064 | 316,049 |
| Salaries | 1,138,536 | 1,091,529 | 1,171,001 | 1,427,284 | 1,707,223 |
| Benefits | 249,059 | 318,428 | 413,795 | 555,108 | 623,368 |
| Services & Supplies | 262,361 | 152,733 | 207,948 | 282,025 | 218,454 |
| Other Charges | 150 | 250 | 175 | 259 | 900 |
| Fixed Assets | 1,873 | - | - | 14,728 | 6,900 |
| Intrafund Transfers | 26,617 | 33,240 | 33,533 | 44,479 | 47,421 |
| Total Appropriations | 1,678,596 | 1,596,180 | 1,826,452 | 2,323,883 | 2,604,266 |
| NCC | 1,403,790 | 1,307,976 | 1,492,733 | 1,984,819 | 2,288,217 |
| FTE's | 17 | 17 | 17 | 19 | 21 |

PUBLIC DEFENDER

Ten Year History

| | 07/08 Actual | 08/09 Actual | 09/10 Actual | 10/11 Projected | 11/12 Budget |
|-----------------------------|------------------|------------------|------------------|--------------------|------------------|
| State | 292,454 | 252,837 | 221,703 | 220,915 | 228,115 |
| Charges for Service | 10,665 | 7,199 | 6,641 | 31,500 | 57,000 |
| Total Revenue | 303,119 | 260,036 | 228,344 | 252,415 | 285,115 |
| Salaries | 1,912,422 | 2,012,197 | 1,841,242 | 1,830,963 | 1,887,477 |
| Benefits | 695,895 | 724,703 | 644,087 | 654,080 | 676,310 |
| Services & Supplies | 293,900 | 277,877 | 224,695 | 315,935 | 288,437 |
| Other Charges | - | - | - | - | - |
| Fixed Assets | - | - | - | - | - |
| Intrafund Transfers | 51,469 | 53,222 | 58,344 | 63,193 | 50,843 |
| Total Appropriations | 2,953,686 | 3,067,999 | 2,768,368 | 2,864,171 | 2,903,067 |
| NCC | 2,650,567 | 2,807,963 | 2,540,024 | 2,611,756 | 2,617,952 |
| FTE's | 22 | 21 | 20 | 19 | 19 |

| 10 Year Variance | | |
|-----------------------------|------------------|------------|
| | \$ Change | % Change |
| State | (12,043) | -5% |
| Charges for Service | 22,352 | 65% |
| Total Revenue | 10,309 | 4% |
| Salaries | 748,941 | 66% |
| Benefits | 427,251 | 172% |
| Services & Supplies | 26,076 | 10% |
| Other Charges | (150) | -100% |
| Fixed Assets | (1,873) | -100% |
| Intrafund Transfers | 24,226 | 91% |
| Total Appropriations | 1,224,471 | 73% |
| NCC | 1,214,162 | 86% |
| FTE's | 2 | 12% |

| Notes |
|-------|
| |