

# Court Maintenance of Effort (MOE) & Indigent Defense

RECOMMENDED BUDGET • FY 2018 – 19

## MISSION

The purpose 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. Fines and forfeitures 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). This County function is represented in this Department.

## DEPARTMENT BUDGET SUMMARY

	16-17 Actual	17-18 Budget	18-19 Dept Request	18-19 CAO Recommend	Change from Budget to Recommend	% Change
Fines, Forfeitures	\$ 349,997	\$ 401,074	\$ 299,191	\$ 299,191	\$ (101,883)	-25.4%
Charges for Service	\$ 531,515	\$ 619,723	\$ 558,428	\$ 558,428	\$ (61,295)	-9.9%
Miscellaneous	\$ 5,882	\$ 10,000	\$ 10,000	\$ 10,000	\$ -	0.0%
<b>Total Revenue</b>	<b>\$ 887,394</b>	<b>\$ 1,030,797</b>	<b>\$ 867,619</b>	<b>\$ 867,619</b>	<b>\$ (163,178)</b>	<b>-15.8%</b>
Services & Supplies	\$ 1,433,894	\$ 1,178,725	\$ 1,220,794	\$ 1,220,794	\$ 42,069	3.6%
Maintenance of Effort	\$ 1,066,970	\$ 1,275,000	\$ 1,069,000	\$ 1,069,000	\$ (206,000)	-16.2%
<b>Total Appropriations</b>	<b>\$ 2,500,864</b>	<b>\$ 2,453,725</b>	<b>\$ 2,289,794</b>	<b>\$ 2,289,794</b>	<b>\$ (163,931)</b>	<b>-6.7%</b>
<b>Net County Cost</b>	<b>\$ 1,613,470</b>	<b>\$ 1,422,928</b>	<b>\$ 1,422,175</b>	<b>\$ 1,422,175</b>	<b>\$ (753)</b>	<b>-0.1%</b>
FTEs	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%

## MAJOR BUDGET CHANGES

### Revenues

#### *Fines, Forfeitures*

(\$101,883)      Decrease based on downward trend in this revenue over the previous two years.

### Appropriations

#### *Services and Supplies*

\$42,069      Anticipated increase in court ordered services related to indigent defense conflict services.

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## *Maintenance of Effort*

(\$206,000) Decrease due to declining court collections, resulting in payment of only the base maintenance of effort amount.

## PROGRAM SUMMARIES

### *Court Facilities*

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.

### *Indigent Defense*

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 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 includes a contract with a local law firm to coordinate a panel of attorneys. In addition, this budget includes funding for court ordered services associated with the defense of indigent clients.

### *Superior Court Maintenance of Effort*

The Court Maintenance of Effort budget unit reflects the County's share of fines and forfeitures 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.)

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## BUDGET SUMMARY BY PROGRAM

	Appropriations	Revenues	Net County Cost	Staffing
Court Facilities	\$ 335,000	\$ -	\$ 335,000	0
Indigent Defense	\$ 1,220,794	\$ 10,000	\$ 1,210,794	0
Maintenance of Effort	\$ 734,000	\$ 857,619	\$ (123,619)	0
<b>Total</b>	<b>\$ 2,289,794</b>	<b>\$ 867,619</b>	<b>\$ 1,422,175</b>	<b>0</b>

## RECOMMENDED BUDGET

This Budget is recommended at \$2,289,794, which is a decrease of \$163,931 (6.7%) when compared to the FY 2017-18 Adopted Budget. The General Fund provides 62% of the funding for the department, and is increased by \$753 (0.1%) when compared to the FY 2017-18 Adopted Budget. The increased General Fund support is attributed to indigent defense costs.

### Sources & Uses of Funds

The County receives a share of fines, including vehicle and court fines (\$299,191), and fees and penalties, mostly associated with traffic bail and fees for traffic school (\$558,428), which are collected by the Courts.

The required Superior Court Maintenance of Effort is funded with the County's share of the fine and fee revenue that the County receives. The County is required to remit to the State a 50% portion of certain fine and forfeiture revenue received in excess of the base MOE amount. In recent years, the fine and forfeiture revenue has declined. As a result, it is anticipated the County will only be obligated to pay the base MOE amount of \$734,000 in FY 2018-19.

Indigent Defense is funded entirely from discretionary General Fund revenue.

## FINANCIAL INFORMATION BY FUND TYPE

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

	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE CURR YR CAO RECMD
<b>TYPE: R REVENUE</b>				
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>			
0300	VEHICLE CODE: FINES	12,963	6,100	6,100
0301	VEHICLE CODE: COURT FINES	351,452	272,170	272,170
0320	COURT FINE: OTHER	36,659	20,921	20,921
<b>CLASS: 03</b>	<b>REV: FINE, FORFEITURE &amp;</b>	401,074	299,191	299,191
1500	COURT: FEES & COSTS	473	363	363
1504	COURT: SUMMARY JUDGMENT	8,000	8,000	8,000
1510	COURT: TRAFFIC BAIL SCHOOL VC42007	351,831	348,352	348,352
1511	COURT: TRAFFIC SCHOOL VC42007.1	77,600	61,632	61,632
1512	COURT: CITE/OWN RECOG PC1463.07	390	433	433
1513	COURT: AB233 CNTY SHARE ST PENALTY	180,429	138,809	138,809
1517	COURT: CONFLICT ATTORNEY	1,000	839	839
<b>CLASS: 13</b>	<b>REV: CHARGE FOR SERVICES</b>	619,723	558,428	558,428
1942	MISC: REIMBURSEMENT	10,000	10,000	10,000
<b>CLASS: 19</b>	<b>REV: MISCELLANEOUS</b>	10,000	10,000	10,000
<b>TYPE: R SUBTOTAL</b>		1,030,797	867,619	867,619
				-163,178

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## RECOMMENDED BUDGET • FY 2018 - 19

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### FINANCIAL INFORMATION BY FUND TYPE

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

		CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE CURR YR CAO RECMD
<b>TYPE: E EXPENDITURE</b>					
<b>SUBOBJ</b>	<b>SUBOBJ TITLE</b>				
4120	JURY & WITNESS EXPENSE	2,500	2,500	2,500	0
4122	JURY EXP: CRIMINAL	5,066	5,066	5,066	0
4126	JURY MILEAGE: CRIMINAL	4,831	5,000	5,000	169
4127	GRAND JURY EXPENSE	6,000	6,000	6,000	0
4300	PROFESSIONAL & SPECIALIZED SERVICES	10,000	10,000	10,000	0
4313	LEGAL SERVICES	163,644	219,834	219,834	56,190
4315	CONTRACT: LEGAL ATTORNEY	841,184	863,568	863,568	22,384
4317	CRIMINAL INVESTIGATION	75,000	20,120	20,120	-54,880
4318	INTERPRETER	0	5,000	5,000	5,000
4320	VERBATIM: TRANSCRIPTION	10,000	10,000	10,000	0
4323	PSYCHIATRIC MEDICAL SERVICES	60,000	73,206	73,206	13,206
4400	PUBLICATION & LEGAL NOTICES	500	500	500	0
<b>CLASS: 40</b>	<b>SERVICE &amp; SUPPLIES</b>	1,178,725	1,220,794	1,220,794	42,069
5240	CONTRIB: NON-CNTY GOVERNMENTAL	335,000	335,000	335,000	0
5242	AB233: MOE COURT REVENUE	940,000	734,000	734,000	-206,000
<b>CLASS: 50</b>	<b>OTHER CHARGES</b>	1,275,000	1,069,000	1,069,000	-206,000
<b>TYPE: E SUBTOTAL</b>		2,453,725	2,289,794	2,289,794	-163,931
<b>FUND TYPE: 10</b>	<b>SUBTOTAL</b>	1,422,928	1,422,175	1,422,175	-753
<b>DEPARTMENT: 20</b>	<b>SUBTOTAL</b>	1,422,928	1,422,175	1,422,175	-753