

Court Maintenance of Effort (MOE) & Indigent Defense

RECOMMENDED BUDGET • FY 2019 – 20

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

Description	Prior Year Actual	Current Year Adopted	CAO Recommended	Difference from Adopted
Fines & Penalties	353,685	299,191	309,256	10,065
Service Charges	734,346	558,428	588,932	30,504
Miscellaneous Rev	3,369	10,000	3,543	(6,457)
Total Revenue	1,091,400	867,619	901,731	34,112
Services & Supplies	1,327,044	1,220,794	1,135,079	(85,715)
Other Charges	1,093,524	1,069,000	1,099,000	30,000
Total Appropriations	2,420,567	2,289,794	2,234,079	(55,715)
FUND 1000 GENERAL FUND TOTAL	1,329,167	1,422,175	1,332,348	(89,827)

MAJOR BUDGET CHANGES

Revenues

Fines, Forfeitures

\$30,504 Minor increase projected in court traffic fine revenue based on prior year actual receipts

Appropriations

Services and Supplies

(\$85,717) Reduction in the contract with the conflict indigent defense attorney panel of \$98,000, offset by an increase in psychiatric medical services based on prior year actual expenditures

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Maintenance of Effort

\$30,000 Increase due to anticipated increase in court traffic fine revenue, which must be passed along to the State.

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	\$ 1,135,079	\$ 3,543	\$ 1,131,536	0
Maintenance of Effort	\$ 764,000	\$ 898,188	\$ (134,188)	0
Total	\$ 2,234,079	\$ 901,731	\$ 1,332,348	0

RECOMMENDED BUDGET

This Budget is recommended at \$2,234,079, which is a decrease of \$55,715 (2.43%) when compared to the FY 2018-19 Adopted Budget. The General Fund provides 60% of the funding for the department, and is decreased by \$89,827 (6.3%) when compared to the FY 2018-19 Adopted Budget. The reduced General Fund support is attributed to a negotiated reduction in the indigent defense conflict panel contract.

Sources & Uses of Funds

The County receives a share of fines, including vehicle and court fines (\$309,256), and fees and penalties, mostly associated with traffic bail and fees for traffic school (\$588,932), 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. The County's MOE amount is projected at \$764,000 in FY 2019-20.

Indigent Defense is funded entirely from discretionary General Fund revenue.

