

COUNTY'S COURT MAINTENANCE OF EFFORT (MOE)

Mission

The mission of the County's Superior Court 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.

The County is required to provide "adequate and suitable facilities" for the court to fulfill its constitutional obligations, until such time as AB1491 (formerly SB1732), the State Trial Court Facilities Act, is fully implemented. The implementation of AB1491 is scheduled to be accomplished by September 2008 and will result in the transfer of Court occupied facilities and properties to the State either by title or responsibility.

Upon transfer of facilities and properties, a new, annual "court facilities payment" financial obligation will be established, requiring the County to sustain a level of financial support for the ongoing maintenance and utilities of the State's court facilities. The County continues to discuss and review the transfer agreements for all court facilities and the new court facilities payment with the Administration of the Courts.

Counties also continue to be responsible for the provision of indigent defense services (court appointed counsel for indigents) and court facilities (i.e., building maintenance and utilities).

Program Summaries

Total Maintenance of Effort
Positions: 0.0 FTE

Total Appropriations: \$2,475,283
Net County Cost: \$955,133

The total maintenance of effort reflects the total appropriations for Department #20, which includes: Superior Court Maintenance of Effort, Court Facilities and Indigent Defense.

Superior Court Maintenance of Effort - \$851,283

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.)

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Court Facilities - \$435,000

County Counsel administers this budget unit on behalf of the County. Appropriations are provided in compliance with statutory requirements that the County pay for the operation and maintenance of Court facilities. This unit provides funding for utilities and refuse disposal. (Building maintenance costs are included in the Department of General Services' budget.)

Indigent Defense - \$1,189,000

The Indigent Defense program consists of Court appointed private attorneys serving as indigent conflict counsel for those cases where the County Public Defender has determined a conflict exists. The program consists of 10 attorneys (7 West Slope and 3 South Lake Tahoe) at \$6,612 per month per attorney.

Fiscal Year 2007-08 Major Accomplishments

- Renegotiated Conflict Panel agreements for a new three year term.

Fiscal Year 2008-09 Goals and Objectives

- Complete negotiations for the new, annual "court facilities payment" that will in perpetuity be the County's fixed financial obligation to the State's court facilities costs.
- Complete Transfer all court facilities, either in responsibility or title, to the State Administration of the Courts.

Chief Administrative Office Comments

The Proposed Budget reflects a Net County Cost increase for Court MOE by \$474,600 for FY 2008-09. Revenues are projected to increase by \$15,400. Appropriations are increasing by \$490,000. Expenditure modifications are the result of the following factors:

- \$175,000 has been budgeted to cover costs associated with attorney costs for murder trials and other special circumstance trials not covered by the monthly flat rate. These costs are difficult to anticipate and costs continue to rise as more murder and special circumstance trials are filed in the County.
- Costs for utilities and refuse services have increased by \$5,000 over last year due to rising energy costs.
- \$310,000 for the annual Court Facility Payment (CFP) that will begin upon execution of the court facility transfers to the State Administration of the Courts (AOC) which are expected to be completed by September 2008.

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The appropriation for the conflict panel remains the same as FY 2007-08. New agreements have been drafted starting July 1, 2008 with the monthly flat rate remaining the same as FY 2007-08 at \$6,612 per month per attorney. Should economic conditions improve in future years, the agreements allow for the opportunity to re-evaluate the monthly flat rate.

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Financial Information by Fund Type

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

		PRIOR YR ACTUAL	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
TYPE: R REVENUE						
CLASS	CLASS TITLE					
03	REV: FINE, FORFEITURE & PENALTIES	309,141	330,000	332,000	332,000	2,000
13	REV: CHARGE FOR SERVICES	1,135,528	1,174,750	1,187,150	1,187,150	12,400
19	REV: MISCELLANEOUS	1,540	0	1,000	1,000	1,000
TYPE: R SUBTOTAL		1,446,209	1,504,750	1,520,150	1,520,150	15,400
TYPE: E EXPENDITURE						
CLASS	CLASS TITLE					
40	SERVICE & SUPPLIES	1,471,551	1,134,000	1,314,000	1,314,000	180,000
50	OTHER CHARGES	964,928	851,283	851,283	1,161,283	310,000
72	INTRAFUND TRANSFERS	25	0	0	0	0
TYPE: E SUBTOTAL		2,436,504	1,985,283	2,165,283	2,475,283	490,000
FUND TYPE:	10 SUBTOTAL	990,295	480,533	645,133	955,133	474,600
DEPARTMENT:	20 SUBTOTAL	990,295	480,533	645,133	955,133	474,600

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Superior Court MOE