

SUPERIOR COURT MOE

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: \$1,520,150
Net County Cost: \$(668,867)

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: \$424,000
Total Revenue: \$0
Net County Cost: \$424,000

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.

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Indigent Defense

Contract Attorneys: 10

Total Appropriations: \$1,189,000

Total Revenue: \$0

Net County Cost: \$1,189,000

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.

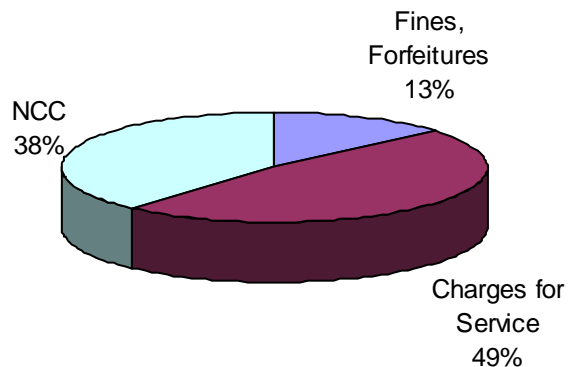
The program consists of 10 attorneys (7 West Slope and 3 South Lake Tahoe) at \$6,612 per month per attorney. In addition, this budget includes funding for court ordered services associated with the defense of indigent clients.

Source of Funds

Fine, Forfeiture & Penalties (\$332,000): Includes vehicle fines (\$7,000), Court fines (\$300,000), and other miscellaneous fines (\$25,000).

Charges for Service (\$1,187,150): Primarily comprised of Court fees associated with traffic school fees (\$850,000), County share of State Penalty fees (\$325,000).

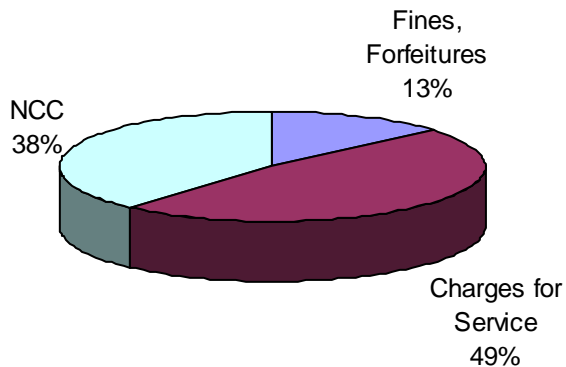
Miscellaneous Revenue (\$1,000)



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Use of Funds

Services & Supplies (\$1,263,000): Primarily comprised of the contractual service program for court appointed attorneys (\$794,000), professional and specialized services for indigent defense services (\$275,000), 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 10 attorneys for indigent defense services.

Chief Administrative Office Comments

The Proposed Budget for the Court Maintenance of Effort department reflects changes made during FY2008-09 and maintains all other on-going adjustments identified at mid-year 2008-09.

The Court facilities budget with Department 20 has been adjusted to reflect the full year funding for the County Facility Payment (CFP) as required by AB1491.

The appropriation for the conflict panel remains the same as FY2008-09 at this time. Agreements with the conflict attorney's have been in place since July 1, 2008; however, due to continuing economic decline, the level of compensation is under review to determine an equitable proportionate reduction 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. One of the two death penalty cases is currently scheduled for trial in September 2009. It is uncertain at this time how long that trial will last once it starts.

The second death penalty case is a "cold case" involving triple homicide. 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

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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.

Another area under review involving the conflict panel is revenue generation associated with determining a clients "ability to pay" for court appointed counsel. This subject is being reviewed as part of the Public Defender's budget as well as the conflict panel. Discussions have taken place with the Judges, and both parties concur that a process needs to be established for 1) determining ability to pay; and 2) collection once the Courts order the amount. Staff from County Counsel, the Chief Administrative Office and Revenue Recovery (division of Child Support Services) are working with the Courts to ensure that fees for services will be ordered by the Judges whenever it is determined that a client has the ability to pay. In addition, an administration fee is recommended to cover the cost of staff time in Revenue Recovery associated with determining ability to pay and time associated with collections. 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.

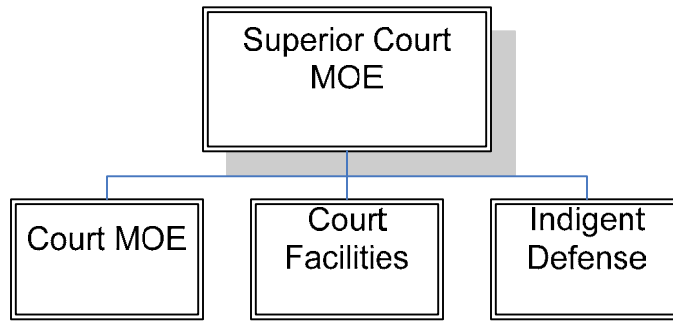
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Financial Information by Fund Type

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

	MID-YEAR PROJECTION	CURRENT YR APPROVED BUDGET	DEPARTMENT REQUEST	CAO RECOMMENDED BUDGET	DIFFERENCE
TYPE: R REVENUE					
SUBOBJ	SUBOBJ TITLE				
0300	7,000	7,000	7,000	7,000	0
0301	300,000	300,000	300,000	300,000	0
0320	25,000	25,000	25,000	25,000	0
CLASS: 03	REV: FINE, FORFEITURE & PENALTIES	332,000	332,000	332,000	0
1500	7,000	7,000	7,000	7,000	0
1510	710,000	710,000	710,000	710,000	0
1511	140,000	140,000	140,000	140,000	0
1512	5,000	5,000	5,000	5,000	0
1513	325,000	325,000	325,000	325,000	0
1517	136	0	0	0	0
1742	100	150	150	150	0
CLASS: 13	REV: CHARGE FOR SERVICES	1,187,236	1,187,150	1,187,150	0
1942	1,000	1,000	1,000	1,000	0
CLASS: 19	REV: MISCELLANEOUS	1,000	1,000	1,000	0
TYPE: R SUBTOTAL	1,520,236	1,520,150	1,520,150	1,520,150	0
TYPE: E EXPENDITURE					
SUBOBJ	SUBOBJ TITLE				
4085	5,000	5,000	5,000	4,000	-1,000
4300	275,000	275,000	275,000	275,000	0
4310	794,000	794,000	794,000	794,000	0
4316	20,000	20,000	20,000	20,000	0
4317	50,000	50,000	50,000	50,000	0
4323	50,000	50,000	50,000	50,000	0
4620	75,000	120,000	120,000	70,000	-50,000
CLASS: 40	SERVICE & SUPPLIES	1,269,000	1,314,000	1,314,000	-51,000
5240	171,334	310,000	310,000	350,000	40,000
5242	851,283	851,283	851,283	851,283	0
CLASS: 50	OTHER CHARGES	1,022,617	1,161,283	1,201,283	40,000
TYPE: E SUBTOTAL	2,291,617	2,475,283	2,475,283	2,464,283	-11,000
FUND TYPE: 10 SUBTOTAL	771,381	955,133	955,133	944,133	-11,000
DEPARTMENT: 20 SUBTOTAL	771,381	955,133	955,133	944,133	-11,000

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Ten Year History

	00/01	01/02	02/03	03/04	04/05
	Actual	Actual	Actual	Actual	Actual
Services & Supplies	48,500	641,946	759,336	1,013,823	1,132,336
Maintenance of Effort	1,110,372	1,168,027	1,268,129	1,262,226	1,647,875
Intrafund Transfers	-	-	-	-	-
Total Appropriations	1,158,872	1,809,973	2,027,465	2,276,049	2,780,211
Fines, Forfeitures	999,438	810,363	383,276	477,231	354,175
Charges for Service	1,344,932	1,170,510	1,861,673	1,130,358	1,274,465
Misc.	23,138	14,631	1,849		257
Total Revenue	2,367,508	1,995,504	2,246,798	1,607,589	1,628,897
NCC	(1,208,636)	(185,531)	(219,333)	668,460	1,151,314
FTE's	-	-	-	-	-

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	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Projected	09/10 Budget
Services & Supplies	1,300,638	1,471,551	1,513,846	1,314,000	1,263,000
Maintenance of Effort	1,143,655	964,928	1,007,797	1,161,283	1,201,283
Intrafund Transfers	110	25	-		
Total Appropriations	2,444,403	2,436,504	2,521,643	2,475,283	2,464,283
Fines, Forfeitures	356,150	309,141	329,698	332,000	332,000
Charges for Service	1,077,912	1,135,528	1,213,236	1,187,150	1,187,150
Misc.	2,305	1,540	3,139	1,000	1,000
Total Revenue	1,436,367	1,446,209	1,546,073	1,520,150	1,520,150
NCC	1,008,036	990,295	975,570	955,133	944,133
FTE's	-	-	-	-	-

10 Year Variance		
	\$ Change	% Change
Services & Supplies	1,214,500	2504%
Maintenance of Effort	90,911	8%
Total Appropriations	1,305,411	113%
Fines, Forfeitures	(667,438)	-67%
Charges for Service	(157,782)	-12%
Misc.	(22,138)	-96%
Total Revenue	(847,358)	-36%
NCC	2,152,769	178%
FTE's	-	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.