



# Solano County

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## Legislation Text

File #: 19-300, Version: 1

Approve an Appropriation Transfer Request recognizing \$150,000 in unanticipated State revenue reimbursement for California Medical Facility cases to fund increases in anticipated court appointed attorney costs in excess of the FY2018/19 California Medical Facility Cases budget within the Fund 901 (4/5 vote required)

Published Notice Required? Yes ☐ No ☒  
Public Hearing Required? Yes ☐ No ☒

### **DEPARTMENTAL RECOMMENDATION:**

The County Administrator recommends the Board Approve an Appropriation Transfer Request recognizing \$150,000 in unanticipated State revenue reimbursement for California Medical Facility cases to fund increases in anticipated court appointed attorney costs in excess of the FY2018/19 California Medical Facility Cases budget within the Fund 901 (4/5 vote required).

### **SUMMARY/DISCUSSION:**

The California Medical Facility cases budget funds the cost of indigent defense in cases where the crimes occurs within California Department of Corrections and Rehabilitation facilities in Solano County. The California Department of Corrections and Rehabilitation operates two institutions within Solano County, the California Medical Facility and Solano State Prison, which together house more than 5,000 inmates. The District Attorney prosecutes crimes committed on the grounds of the facilities, while the County is also responsible for ensuring the accused's defense.

The Superior Court, serving as lead agency in this matter, has entered into agreements with private attorneys to provide defense services to inmates at the County's cost. The agreements also include the provision of investigative, psychological and transcription services in connection with the assigned case when required. Pursuant to California Penal Code Section 4750, these costs are, in turn, eligible for almost full reimbursement by the State. Countywide Administrative Overhead, interest expense, and certain treatment costs covered under PC §2970 are not reimbursed by the State.

The FY2018/19 Working Budget for California Medical Facility cases does not reflect sufficient appropriations to cover projected expenditures through the end of the fiscal year. The Mid-year financial projections included increases in expenditures beyond the Working Budget to address increased costs for California Medical Facility cases. The County Administrator recommends approval of an Appropriation Transfer Request recognizing \$150,000 in unanticipated State revenue reimbursement for California Medical Facility cases to fund increased costs for anticipated court appointed attorney costs in excess of the FY2018/19 California Medical Facility Cases budget within the Fund 901.

### **FINANCIAL IMPACT:**

The California Medical Facility cases budget is reflected in Fund 901 and is primarily offset by State reimbursement. Per Penal Code 4750 payments advanced for the preparation and / or presentation of the defense in an existing indigent case connected with state prisons or prisoners under certain conditions are subject to State reimbursement for expenses incurred.

The total expenditures for California Medical Facility cases is unpredictable and is dependent on the cases in any given year. Overall costs have continued to increase over the past several years. In FY2014/15 the total expenditure was \$195,793, in FY2015/16 it was \$249,634, FY2016/17 climbed to \$504,840, FY2017/18 was \$362,322, and in FY2018/19 the total cost is projected to exceed the current Working Budget by up to an additional \$150,000 resulting in a revised working Budget of \$481,252. The increases are the result of increased California Medical Facility caseload and an increase in costs related to the cases.

**ALTERNATIVES:**

The Board can choose not to approve the Appropriations Transfer Request to increase the California Medical Facility cases budget appropriations; this is not recommended since this would result in the inability to pay claims for bona-fide business expenses for which the County may be liable.

**OTHER AGENCY INVOLVEMENT:**

The Auditor-Controller has been consulted regarding the recommendation.

**CAO RECOMMENDATION:**

**APPROVE DEPARTMENTAL RECOMMENDATION**