File #: 26-798, **Version:** 1

Approve an update to the Conflict Indigent Defense Attorney Services Rate Table to establish a misdemeanor appeals category with an hourly rate of $100, effective October 6, 2026

Published Notice Required? Yes ___ No _X_
Public Hearing Required? Yes ___ No _X_

DEPARTMENTAL RECOMMENDATION:

The County Administrator's Office recommends that the Board of Supervisors approve an update to the Conflict Indigent Defense Attorney Services Rate Table to establish a misdemeanor appeals category with an hourly rate of $100, effective October 6, 2026.

SUMMARY:

The Solano County Superior Court, in coordination with the County Administrator, is recommending the addition of a new rate category for misdemeanor appeals for court-appointed attorneys providing conflict indigent defense. The new category is being recommended due to the high volume of misdemeanor appeals and the additional work required for an appeal. Previously, misdemeanor appeals were paid under the misdemeanor rate category. The current misdemeanor rate of $90 per hour was last updated in 2023. The recommended rate for the newly established misdemeanor appeals category is $100 per hour, effective October 6, 2026.

FINANCIAL IMPACT:

Court-appointed attorney services for conflict indigent defense are a County cost paid from the General Fund through the Other Public Defense budget. The following rate table shows the current hourly rate and the recommended hourly rate by case type.

Attorney Services Fee Table (Adult)

Type of Case	Current Hrly Rate	Proposed Hrly Rate
Misdemeanor	$90.00	$90.00
Misdemeanor Appeals	NEW	$100.00
Felony	$95.00	$95.00
3rd Strike/Sex Life Top Case	$112.00	$112.00
Homicide Cases	$130.00	$130.00
Special Circumstances/Death Penalty	$140.00	$140.00

Attorney Services Rate Table (Juvenile)

Type of Case	Current Hrly Rate	Proposed Hrly Rate
All Case Types	$95.00	$95.00

Investigator Services Rate Table

Type of Case	Current Hrly Rate	Proposed Hrly Rate
General Cases	$65.00	$65.00
Homicide Cases (Adult)	$65.00	$65.00

The recommended rate for misdemeanor appeals represents an 11% increase over current misdemeanor rate.

In any given year, the total costs of conflict indigent defense is determined by the number of cases requiring the appointment of outside counsel and may vary from year to year. Based on the average number of appeals, the projected cost increase for FY2026/27 resulting from the recommended rate is approximately $10,000 to the Other Public Defense budget.

The actual cost increase will be dependent on several factors, including case volume, case type, and complexity. These costs will be closely monitored by the Auditor-Controller, County Administrator, and the Court. It is anticipated that there is sufficient funding in the FY2026/27 Working Budget to cover this cost increase.

DISCUSSION:

Under Penal Code §987.2, the County is obligated to pay for the costs associated with the representation of indigent defendants. Defendants are first referred to the Public Defender. When representation of a defendant by the Public Defender would be a conflict of interest, or for any other reason the Public Defender cannot accept a case, the Alternate Public Defender performs a similar review. If the Alternate Public Defender is unable to represent an indigent defendant, then outside counsel must be appointed.

The Superior Court appoints outside counsel when necessary to represent an indigent defendant. Court-appointed counsel is entitled to reasonable compensation and reimbursement of necessary expenses, which are paid from the County General Fund.

The current rate tables were last updated in 2023 when the Superior Court, in coordination with your Board, set the rates as noted above.

In July 2026, the Solano County Administrator received a request from the Solano County Superior Court for a new misdemeanor appeals rate category. The proposed rate was reviewed by the County Administrator in coordination with the Superior Court. The new rate is intended to compensate outside attorneys for direct services and related overhead costs incurred in the delivery of those services, such as staff, office supplies, insurance, and other expenses. The County Administrator concurs with the Court's recommendation.

ALTERNATIVES:

The Board of Supervisors could choose to:

1. Not approve the recommended update to the rate table. This alternative is not recommended because the Court and County have reviewed the proposed rate and determined that the new misdemeanor appeals category is appropriate to compensate appointed counsel for the additional work associated with appeals.

2. Approve the updated rate table with a different effective date. This alternative is not recommended because the new rate has been identified as necessary effective October 6, 2026.

OTHER AGENCY INVOLVEMENT:

The request for an update to attorney rates was received by the Solano County Superior Court Presiding Judge and Court Executive Officer in coordination with a review by the County Administrator's Office.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION