



## Legislation Text

**File #:** 14-0801, **Version:** 1

Approve an extension from January 1, 2015 through December 31, 2015 to the revenue contract with the Administrative Office of the Courts under which the Public Defender and Alternate Public Defender represent adult clients in Juvenile Dependency Proceedings; Authorize the County Administrator to execute the agreement; Approve an Appropriation Transfer Request of \$172,227 in unanticipated revenue under the contract extension (4/5 vote required); and Adopt a resolution amending the List of Numbers and Classifications of Positions to extend 2.0 FTE (LT) Deputy Public Defender from January 1, 2015 through December 31, 2015

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

### **DEPARTMENTAL RECOMMENDATION:**

The Public Defender recommends that the Board of Supervisors:

1. Approve an extension from January 1, 2015 through December 31, 2015 to the revenue contract with the Administrative Office of the Courts under which the Public Defender and Alternate Public Defender represent adult clients in Juvenile Dependency Proceedings;
2. Authorize the County Administrator to execute the agreement;
3. Approve an Appropriation Transfer Request of \$172,227 in unanticipated revenue under the contract extension from January 1, 2015 through June 30, 2015 (4/5 vote required) and an additional \$172,227 will be budgeted in FY2015/16 to cover July 1, 2015 through December 31, 2015; and,
4. Adopt a resolution amending the List of Numbers and Classifications of Positions to extend 2.0 FTE (LT) Deputy Public Defender from January 1, 2015 through December 31, 2015.

### **SUMMARY:**

In April 2008, the local Court Executive Officer advised the Administrative Office of the Courts (AOC) of its intention to terminate its Memorandum of Understanding (MOU) with the County for services provided by the Public Defender and Alternate Public Defender for representation of adult clients in juvenile dependency proceedings. The provision of this service was contracted directly with AOC thereafter.

On June 24, 2008 the Board approved a contract with the AOC for the period July 1, 2008 through September 30, 2008. The AOC intended to issue a Request for Proposal but the local courts requested an extension of the existing contract between Solano County Public Defender and the AOC.

On November 4, 2008 the Board approved the contract extension for the period July 1, 2008 through June 30, 2009. Since that time the Board has approved extensions of the contract annually and most recently through December 31, 2014

On October 14, 2014 the AOC sent a proposed contract extension to the county, an extension from January 1, 2015 through December 31, 2015 for provision of services by the Public Defender and Alternate Public

Defender for representation of adult clients in juvenile dependency proceedings.

Currently the offices of the Public Defender and the Alternate Public Defender provide two (2) full-time Limited-Term Deputy Public Defenders and two (2) part-time Extra Help Social Workers to perform the duties required within the scope of this contract; one in each office. Along with approval of the contract extension, the office requests extension of two limited-term positions through December 31, 2015.

**FINANCIAL IMPACT:**

The Department's FY2014/15 Adopted Budget includes provisions for these services and offsetting revenue through December 31, 2014. Services under the contract for the remaining of fiscal year are funded by this contract. The Public Defender recommends approval of an Appropriation Transfer Request of \$172,227 in unanticipated revenue under the contract extension from January 1, 2015 through June 30, 2015. The remaining funding of \$172,227 included in the contract for July 1, 2015 through December 31, 2015 will be included in the FY2015/16 Recommended Budget. The contract extension now before the Board is fully funded by revenue from the AOC, and will have no impact on the County General Fund.

**DISCUSSION:**

Historically, the offices of the Public Defender and Alternate Public Defender have been appointed to represent adults in juvenile dependency proceedings. Enactment of the 1997 Trial Court Funding Act recognized that this arrangement had historically been the procedure in most of the 30 counties with statutory (Government Code section 27706 et. seq.) Public Defender offices. From that point on, however, the individual courts contracted with the Public Defender offices at the same level of representation, until one of the parties gave notice of their desire to terminate that arrangement. Until 2008, Solano County and our Solano Superior Courts had done so within the confines of a MOU with the local Court in an agreement which covers this and other issues.

On April 1, 2008, the local Court formally notified the County of their intent to terminate this agreement and advised that the AOC was taking over the role of arranging for attorney representation. The County provided historical data to the AOC concerning caseloads and operating costs, which was the basis for the current agreement between the local court and County. Utilizing their model for determining compensation, the AOC offered, and the Board authorized, a contract for FY2009/10. The AOC also negotiated with the provider of children's representation in these cases, Stahnke and Associates. This board has approved extensions of the contract since then with the AOC. The AOC has contracted with the County to provide services to adults in juvenile dependency cases since that time.

**ALTERNATIVES:**

The Board could choose not to approve the contract. This is not recommended because it is within the County's best interest to approve this extension. The representation of these adults in juvenile dependency proceedings, presently being serviced by the Public Defender and the Alternate Public Defender could suffer as a result of such a decision.

**OTHER AGENCY INVOLVEMENT:**

There has been some discussion between the local Court and the AOC to support continuation of the Public Defender and Alternate Public Defenders representation in these proceedings. County Counsel has reviewed the prior contract and had approved it as to form. The County Administrator's Office concurs with the recommendation.

**CAO RECOMMENDATION:**

## APPROVE DEPARTMENTAL RECOMMENDATION