



Legislation Details (With Board Report)

**File #:** 13-0084      **Name:** PD FY 2013 AB109 Increase Revenue and Approp  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 1/22/2013      **In control:** Board of Supervisors  
**On agenda:** 2/5/2013      **Final action:** 2/5/2013

**Title:** a. Authorize the Auditor-Controller to increase revenue in the amount of \$77,887, an offset of \$63,261 from the FY 2011-12 fund balance, and increase appropriations of \$141,148 for the Public Defender Budget PUB001, Dept 2270, Unit 8169, Program AB 109 for Fiscal Year 2012-13 in support of AB 109, criminal justice realignment (4/5ths vote required) and;  
b. Authorize the County Administrative Office to add 1.0 FTE Legal Secretary, 80B22, in the Public Defender's Budget PUB001, Dept 2270, Unit 8169.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Completed Board Order

Date	Ver.	Action By	Action	Result
2/5/2013	1	Board of Supervisors	approved	

a. Authorize the Auditor-Controller to increase revenue in the amount of \$77,887, an offset of \$63,261 from the FY 2011-12 fund balance, and increase appropriations of \$141,148 for the Public Defender Budget PUB001, Dept 2270, Unit 8169, Program AB 109 for Fiscal Year 2012-13 in support of AB 109, criminal justice realignment (4/5ths vote required) and;  
b. Authorize the County Administrative Office to add 1.0 FTE Legal Secretary, 80B22, in the Public Defender's Budget PUB001, Dept 2270, Unit 8169.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Authorize the Auditor-Controller to increase revenue in the amount of \$77,887, an offset of \$63,261 from the FY 2011-12 fund balance, and increase appropriations of \$141,148 for the Public Defender Budget PUB001, Dept 2270, Unit 8169, Program AB 109 for Fiscal Year 2012-13 in support of AB 109, criminal justice realignment (4/5ths vote required) and;  
b. Authorize the County Administrative Office to add 1.0 FTE Legal Secretary, 80B22, in the Public Defender's Budget PUB001, Dept 2270, Unit 8169.

SUMMARY:

The Public Defender, as a criminal justice department in the implementation of the AB 109 Public Safety Realignment, is recommending increasing revenues and appropriations and adding 1.0 FTE Legal Secretary for Phase II implementation of AB 109 Public Safety Realignment during FY 2012-13.

DISCUSSION:

In FY 2011-12, the County of Monterey was allocated a total of \$4,406,336 for planning, startup and 9-month program to implement the provisions of AB 109 Public Safety Realignment. This amount included \$137,897 distributed equally between the District Attorney and the Public Defender.

In FY 2012-13, the County of Monterey will receive a total of \$8,087,217, an increase of \$3,680,881 over the prior year, with \$155,775 distributed equally between the District Attorney and the Public Defender, \$77,888 and \$77,887 respectively. The Board had approved Probation Department's request to increase FY 2012-13 revenue and appropriations in Fund 022 State AB109 legal account for the Public Defender and the District Attorney on 11/6/2012.

In FY 2011-12, it was unclear what personnel expenses would be incurred by the Public Defender for the implementation of realignment, and specific requests for additional staffing were deferred until a later time. A fund balance of \$63,261 remains in the Public Defender's AB 109 revenue for FY 2011-12 because only a few eligible cases were filed in its initial implementation year, requiring minimal Public Defender resources to serve the few cases processed through the judicial system. The number of cases has noticeably increased requiring additional Public Defender resources that includes not only increased lawyer time, but secretarial staff to fully assist the lawyers in processing these increased cases as well as gather statistical information and prepare reports. Therefore, it has been determined the most efficient utilization of these funds would be towards a Legal Secretary in support of the AB 109 Realignment activities, and a limited amount of hours used by individual attorneys.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office has reviewed this report.

FINANCING:

There is no additional cost to the County General Fund Contribution (GFC) with the recommended action. The Public Safety Realignment funding is allocated by legislative mandate in restricted revenue accounts and distributed by the State through monthly deposits. The Auditor-Controller's Office holds the Criminal Justice portion in dedicated legal accounts for the Public Defender and the District Attorney.

**Fund 001-Department 2270-Appropriation Unit PUB001-Units and Objects: Below**

**8169-6111 Regular Employees, \$99,773**

1.0 FTE Legal Secretary salary and benefits  
Limited Public Defender attorney hours

**8169-6383 Miscellaneous Services, \$22,425**

Including: Temp Help Legal Secretary until the requested FTE position is filled; Daily new case downloads from Superior Court to the PD database; PD Case Management system costs; IT, Telecom Charges

**8169-6384 Miscellaneous Supplies, \$1,850**

Office Supplies, Office Chair

**8169-6407-Computer Hardware and Peripherals, \$2,100**

**8168-6111 Regular Employees, \$2,500**

Alternate Defender staff hours

**8168-6606-Legal Service-External, \$12,500**

Alternate Defender attorney hours

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Attachments:

[List attachments included with this item]