

**LEGAL**

**SECTION K**

E X E C U T I V E   S U M M A R Y

DEPT HEAD: RCN ERICKSON

UNIT: COUNTY COUNSEL

FUND: GENERAL

0001 1-301

	ACTUAL EXPENDITURE 2006-07	ACTUAL EXPENDITURE 4-30-08	ADOPTED BUDGET 2007-08	DEPARTMENT REQUEST 2008-09	CAO RECOMMEND 2008-09	% CHANGE OVER 2007-08
EXPENDITURES						
SALARIES AND EMPLOYEE BENEFITS	809,321	715,158	906,428	970,019	970,019	7.0
SERVICES AND SUPPLIES	123,491	81,223	158,000	158,675	158,675	.4
OTHER CHARGES	16,175	6,851	15,927	15,958	16,555	3.9
* GROSS BUDGET	948,987	803,232	1,080,355	1,144,652	1,145,249	6.0
INTRAFUND TRANSFERS	3,702	2,308	4,146	3,576	3,576	13.7-
* NET BUDGET	952,689	805,540	1,084,501	1,148,228	1,148,825	5.9
OTHER REVENUES						
USER PAY REVENUES	15,785	27,374	16,000	40,000	40,000	150.0
GOVERNMENTAL REVENUES	0	0	0	0	0	.0
TOTAL OTHER REVENUES	15,785	27,374	16,000	40,000	40,000	150.0
* UNREIMBURSED COSTS	936,904	778,166	1,068,501	1,108,228	1,108,825	3.8
ALLOCATED POSITIONS	6.50	6.50	6.50	6.50	6.50	.0

**DESCRIPTION:**            Budget Unit 1-301 County Counsel

The County Counsel serves as the chief civil law lawyer for the County of Sutter with duties prescribed by state statute and local ordinance. County Counsel is responsible for attending meetings of the Board of Supervisors, the County Planning Commission, the Local Agency Formation Commission, and the Assessment Appeals Board. The office represents the Public Guardian in establishing and renewing conservatorships and the Child Protective Services Division of the Welfare and Social Services Department in juvenile court proceedings. The office renders legal opinions in writing and orally in response to requests from the Board of Supervisors, county officers, department heads, Gilsizer County Drainage District, Feather River Air Quality Management District, and other special districts. The County Counsel prosecutes and defends lawsuits on behalf of the County including those related to planning and zoning, the California Environmental Quality Act, code enforcement, bail bond forfeitures, writs of mandate, personnel arbitrations and court cases, tax matters, and other complex litigation. As well, the office coordinates with the Risk Manager regarding claims against the County and tort defense by selected outside counsel.

**DEPARTMENT REQUEST:**

Requested Net Expenditures for FY 2008-09 total \$1,148,228. This is an increase of \$ 63,727 (5.9%) from the FY 2007-08 Adopted Budget. Departmental Revenues are requested to total \$40,000, which is an increase of \$24,000 (150%) over the FY 2007-08 Adopted Budget. Therefore, the requested Unreimbursed Cost of this budget is \$1,108,228, which is \$39,727 (3.7%) higher than last year.

The request for salaries and benefits increased by \$63,591 (7%) over the FY 2007-08 adopted budget. This increase includes the modification of the two (2) existing Deputy County Counsel III positions and one (1) existing Deputy County Counsel IV position into three (3) flexibly-staffed Deputy County Counsel I-IV positions. This will allow the employment of attorneys based on experience and qualifications ranging from the recent law school graduate to a seasoned public law attorney with several years experience. No new positions have been added.

Total departmental revenue requested is \$40,000, which is an increase of \$24,000 (150%) compared to the FY 2007-08 Adopted Budget. This is primarily due to fees from private mental health facilities and bail bond forfeitures.

CAO RECOMMENDATION:

This budget is recommended at \$1,148,825 which is \$597 more than requested. Revenues are recommended as requested. The Unreimbursed Cost of this budget is \$1,108,825, which is \$40,324 (3.8%) greater than the FY 2007-08 Adopted Budget.

Salaries and Benefits are recommended as requested.

Services and Supplies are recommended as requested.

Other Charges are recommended at \$16,555 which is \$597 more than requested. This is primarily due to a decrease in Interfund Information Technology charges.

Intrafund charges are recommended as requested.

Revenues are recommended as requested.

The County Counsel concurs with the recommended budget.

STATE CONTROLLER COUNTY OF SUTTER UNIT TITLE: COUNTY COUNSEL DEPT 1-301  
 COUNTY BUDGET ACT STATE OF CALIFORNIA  
 (1985) BUDGET UNIT FINANCING USES DETAIL FUNCTION: GENERAL  
 SCHEDULE 9 FOR FISCAL YEAR 2008-09 ACTIVITY: COUNSEL FUND 0001

FINANCING USES CLASSIFICATION	ACTUAL EXPEND. 2006-07	ACTUAL EXPEND. 4-30-08	ADOPTED BUDGET 2007-08	ADJUSTED BUDGET 4-30-08	DEPARTMENT REQUEST 2008-09	CAO RECOMMEND 2008-09
<b>SALARIES AND EMPLOYEE BENEFITS</b>						
51010 Permanent Salaries	561,406	497,051	631,680	631,680	677,216	677,216
51013 Special Pay	2,243	2,057	2,500	2,500	2,500	2,500
51014 Other Pay	4,220	8,558	10,000	10,000	10,000	10,000
51030 Overtime	284		2,000	2,000	500	500
51100 County Contribution FICA	38,867	32,655	41,791	41,791	45,326	45,326
51110 County Contribution Retirement	89,755	81,263	97,969	97,969	111,162	111,162
51111 Retirement Allowance	44,228	39,238	47,267	47,267	53,048	53,048
51120 Co Contribution-Group Insuranc	65,773	52,192	71,077	71,077	69,102	69,102
51150 Interfund Workers Compensation	2,545	2,144	2,144	2,144	1,165	1,165
TOTAL SALARIES AND EMPLOYEE BENEFITS	* 809,321	715,158	906,428	906,428	970,019	970,019 *
<b>SERVICES AND SUPPLIES</b>						
52060 Communications	1,130	814	1,500	1,500	1,500	1,500
52120 Maintenance Equipment	286	375	600	600	600	600
52150 Memberships	5,350	5,843	6,700	6,700	6,855	6,855
52170 Office Expenses	1,873	1,323	2,000	2,000	2,400	2,400
52173 Subscription-Publication	35,586	27,268	36,000	36,000	43,000	43,000
52180 Professional/Specialized Svcs	71,612	38,139	100,000	100,000	90,000	90,000
52210 Rents/Leases Structures/Ground	1,329	1,159	1,200	1,200	1,320	1,320
52250 Transportation & Travel	6,325	6,302	10,000	10,000	13,000	13,000
TOTAL SERVICES AND SUPPLIES	* 123,491	81,223	158,000	158,000	158,675	158,675 *
<b>OTHER CHARGES</b>						
53601 Interfund Ins ISF Premium	561	1,815	1,815	1,815	1,885	1,884
53620 Interfd Information Technology	15,542	5,036	14,038	14,038	14,038	14,636
53623 Interfund Fingerprints	25		39	39		
53685 Interfund Office Expense	13					
53689 Interfund Physical/Drug	34		35	35	35	35
TOTAL OTHER CHARGES	* 16,175	6,851	15,927	15,927	15,958	16,555 *
TOTAL GROSS BUDGET	** 948,987	803,232	1,080,355	1,080,355	1,144,652	1,145,249 *
<b>INTRAFUND TRANSFERS</b>						
55202 Intrafund Postage	1,255	888	1,688	1,688	1,456	1,456
55203 Intrafund Printing	513	78	270	270	172	172
55204 Intrafund Copier Rental	1,369	1,027	1,506	1,506	1,507	1,507
55205 Intrafund Gen Insurance/Bonds	168	161	294	294	179	179
55206 Intrafund Paper and Supplies	365	154	349	349	223	223
55211 Intrafund Fingerprints	32		39	39	39	39
TOTAL INTRAFUND TRANSFERS	* 3,702	2,308	4,146	4,146	3,576	3,576 *
TOTAL NET BUDGET	** 952,689	805,540	1,084,501	1,084,501	1,148,228	1,148,825 *
<b>USER PAY REVENUES</b>						
46103 IAFCD Contracts	2,296	3,260	10,000	10,000	10,000	10,000
46334 Legal Services	12,975	24,114	6,000	6,000	30,000	30,000
47500 Other Revenue	514					
TOTAL USER PAY REVENUES	* 15,785	27,374	16,000	16,000	40,000	40,000 *

STATE CONTROLLER COUNTY OF SUTTER UNIT TITLE: COUNTY COUNSEL DEPT 1-301  
COUNTY BUDGET ACT STATE OF CALIFORNIA (CONTINUED)  
(1985) BUDGET UNIT FINANCING USES DETAIL FUNCTION: GENERAL  
SCHEDULE 9 FOR FISCAL YEAR 2008-09 ACTIVITY: COUNSEL FUND 0001

FINANCING USES CLASSIFICATION	ACTUAL EXPEND. 2006-07	ACTUAL EXPEND. 4-30-08	ADOPTED BUDGET 2007-08	ADJUSTED BUDGET 4-30-08	DEPARTMENT REQUEST 2008-09	CAO RECOMMEND 2008-09
TOTAL GOVERNMENTAL REVENUES	*					*
TOTAL REVENUES	** 15,785	27,374	16,000	16,000	40,000	40,000 *
UNREIMBURSED COSTS	** 936,904	778,166	1,068,501	1,068,501	1,108,228	1,108,825 *
ALLOCATED POS. FINANCED BY THIS BUDGET UNIT						
COC0 County Counsel 13-2205 M	1.00	1.00	1.00	1.00	1.00	1.00
ASCC Assistant County Counsel 8270- 57 M	1.00	1.00	1.00	1.00	1.00	1.00
DEC4 Deputy County Counsel IV 7488-9124 M	1.00	1.00	1.00	1.00	3.00	3.00
OR						
DEC3 Deputy County Counsel III 6781-8270 M						
OR						
DEC2 Deputy County Counsel II 6112-7488 M						
OR						
DEC1 Deputy County Counsel I 5558-6781 M						
DEC3 Deputy County Counsel III 6781-8270 M	2.00	2.00	2.00	2.00		
AACC Admin Asst to County Counsel 3845-4674 C	1.00	1.00	1.00	1.00	1.00	1.00
LE2C Legal Secretary II-C 3104-3845 C	.50	.50	.50	.50	.50	.50
TOTAL BUDGET UNIT POSITIONS	** 6.50	6.50	6.50	6.50	6.50	6.50 *

EXECUTIVE SUMMARY

DEPT HEAD: MARK VAN DEN HEUVEL

UNIT: PUBLIC DEFENDER

FUND: TRIAL COURT

0014 2-106

	ACTUAL EXPENDITURE 2006-07	ACTUAL EXPENDITURE 4-30-08	ADOPTED BUDGET 2007-08	DEPARTMENT REQUEST 2008-09	CAO RECOMMEND 2008-09	% CHANGE OVER 2007-08
EXPENDITURES						
SALARIES AND EMPLOYEE BENEFITS	109,496	92,685	115,423	121,112	121,112	4.9
SERVICES AND SUPPLIES	415,154	352,386	425,400	542,200	542,200	27.5
OTHER CHARGES	7,325	1,585	6,095	6,168	8,486	39.2
* GROSS BUDGET	531,975	446,656	546,918	669,480	671,798	22.8
INTRAFUND TRANSFERS	0	0	0	0	0	.0
* NET BUDGET	531,975	446,656	546,918	669,480	671,798	22.8
OTHER REVENUES						
USER PAY REVENUES	3,523	1,794	5,000	9,740	9,740	94.8
GOVERNMENTAL REVENUES	0	0	0	0	0	.0
TOTAL OTHER REVENUES	3,523	1,794	5,000	9,740	9,740	94.8
* UNREIMBURSED COSTS	528,452	444,862	541,918	659,740	662,058	22.2
ALLOCATED POSITIONS	1.00	1.00	1.00	1.00	1.00	.0

**DESCRIPTION:** Budget Unit 2-106 Public Defender

The Public Defender's Office, when appointed by the Court, represents defendants charged with crimes committed in Sutter County who cannot afford their own attorney, including juveniles. When the Welfare Division takes children into custody, the Public Defender may be appointed to represent parents of the minors. Mental Health, through the County Counsel's office, files Petitions for Appointment of Conservators, and the Public Defender is appointed to represent those people, along with Writs of Habeas Corpus filed by not only residents of Sutter County, but also Yuba County residents who are held in the Bi-County Mental Health facility. On civil matters, when the Department of Child Support Services and private attorneys file complaint charges for non-support against indigent persons, a Public Defender may be appointed as well.

**DEPARTMENT REQUEST:**

Requested Net Expenditures for FY 2008-09 total \$669,480, which is an increase of \$122,562 (22.4%) from the FY 2007-08 Adopted Budget. Revenues are requested at \$9,740, which is an increase of \$4,740 from the FY 2007-08 Adopted Budget. Therefore, the requested Unreimbursed Cost of this budget is \$659,740, which is an increase of \$117,822 (21.7%) from the prior year.

The request for services and supplies increased by \$116,800 (27.5%) over the FY 2007-08 adopted budget. This is primarily due to an increase in Professional and Specialized Services. This account is budgeted for three felony attorneys who exclusively handle felonies and violation of probation cases and two misdemeanor attorneys who handle the weekly misdemeanor calendar. The request is due to an increase in case load, severity of crimes, increase in trials and cost of living adjustments. The attorneys are contracted with the Public Defender.

**CAO RECOMMENDATION:**

This budget is recommended at \$671,798 which is \$2,318 more than requested. Revenues are recommended as requested. The Unreimbursed Cost of this budget is \$662,058, which is \$120,140 (22.2%) greater than the FY 2007-08 Adopted Budget.

Salaries and Benefits are recommended as requested.

Services and Supplies are recommended as requested.

Other Charges are recommended at \$8,486 which is \$2,318 more than requested. This is due to an increase in Interfund Information Technology charges.

Revenues are recommended as requested.

The Public Defender concurs with the recommended budget.

STATE CONTROLLER COUNTY BUDGET ACT (1985) SCHEDULE 9		C O U N T Y O F S U T T E R STATE OF CALIFORNIA BUDGET UNIT FINANCING USES DETAIL FOR FISCAL YEAR 2008-09		UNIT TITLE: PUBLIC DEFENDER	PUBLIC PROTECTION JUDICIAL		DEPT 2-106 FUND 0014
FINANCING USES CLASSIFICATION		ACTUAL EXPEND. 2006-07	ACTUAL EXPEND. 4-30-08	ADOPTED BUDGET 2007-08	ADJUSTED BUDGET 4-30-08	DEPARTMENT REQUEST 2008-09	CAO RECOMMEND 2008-09
SALARIES AND EMPLOYEE BENEFITS							
51010 Permanent Salaries		74,604	63,262	79,305	79,305	82,952	82,952
51100 County Contribution FICA		5,521	4,688	5,866	5,866	6,145	6,145
51110 County Contribution Retirement		11,880	10,300	12,905	12,905	13,701	13,701
51111 Retirement Allowance		5,841	4,961	6,217	6,217	6,509	6,509
51120 Co Contribution-Group Insuranc		11,322	9,203	11,130	11,130	11,662	11,662
51150 Interfund Workers Compensation		328	271			143	143
TOTAL SALARIES AND EMPLOYEE BENEFITS	*	109,496	92,685	115,423	115,423	121,112	121,112 *
SERVICES AND SUPPLIES							
52060 Communications		173	122	500	500	500	500
52110 Criminal Jury Witness Fees		1,976		2,000	2,000	2,000	2,000
52150 Memberships				200	200	200	200
52170 Office Expenses		26,876	22,000	26,400	26,400	26,400	26,400
52180 Professional/Specialized Svcs		380,659	325,561	388,000	388,000	504,800	504,800
52181 Juvenile Depond Prood/Physician		5,335	4,703	7,800	7,800	7,800	7,800
52250 Transportation & Travel		135		500	500	500	500
TOTAL SERVICES AND SUPPLIES	*	415,154	352,386	425,400	425,400	542,200	542,200 *
OTHER CHARGES							
53601 Interfund Ins ISF Premium		72	231	231	231	304	304
53602 Interfund Gen Insurance & Bond		7	8	8	8	8	8
53620 Interfd Information Technology		7,246	1,346	5,856	5,856	5,856	8,174
TOTAL OTHER CHARGES	*	7,325	1,585	6,095	6,095	6,168	8,486 *
TOTAL GROSS BUDGET	**	531,975	446,656	546,918	546,918	669,480	671,798 *
TOTAL NET BUDGET	**	531,975	446,656	546,918	546,918	669,480	671,798 *
USER PAY REVENUES							
46130 Public Defender Fees		3,523	234	5,000	5,000	3,500	3,500
47500 Other Revenue			1,560			6,240	6,240
TOTAL USER PAY REVENUES	*	3,523	1,794	5,000	5,000	9,740	9,740 *
TOTAL GOVERNMENTAL REVENUES	*						*
TOTAL REVENUES	**	3,523	1,794	5,000	5,000	9,740	9,740 *
UNREIMBURSED COSTS	**	528,452	444,862	541,918	541,918	659,740	662,058 *
ALLOCATED POS. FINANCED BY THIS BUDGET UNIT							
PUDE Public Defender	ELAT 6886 M	1.00	1.00	1.00	1.00	1.00	1.00
TOTAL BUDGET UNIT POSITIONS	**	1.00	1.00	1.00	1.00	1.00	1.00 *