



Public Defender

COUNTY OF TULARE

AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: December 17, 2024 - REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	Yes
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Ron Westphal PHONE: 5596364500

SUBJECT: Approve an amendment to Agreement No. 30593 with the California Board of State and Community Corrections

REQUEST(S):

That the Board of Supervisors:

1. Approve an amendment to Agreement No. 30593 with the California Board of State and Community Corrections to accept year three grant funding to assist with providing indigent defense services increasing the total funding amount by \$493,012 to \$1,593,074.27, retroactive from March 1, 2022 through December 31, 2026.
2. Find that the Board had authority to enter into the proposed agreement as of March 1, 2022, and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the Chair to sign the Governing Board Resolution.
4. Authorize the Chair to sign the agreement.
5. Approve the necessary budget adjustments per the attached AUD 308 (4/5ths vote required).
6. Direct the Public Defender's office to provide a signed copy of the agreement to the Clerk of the Board.

SUMMARY:

The Budget Act of 2021 (Senate Bill 129) established the Public Defense Pilot Program. The Public Defense Pilot Program is a non-competitive grant program serviced by the Board of State and Community Corrections (BSCC) for the purpose of assisting indigent defense providers with workload associated with Penal Code Sections 1170(d)(1), 1170.95, 1473.7, and 3051. Tulare County is allocated funds based on the county's population. The Board approved agreements for No. 30593 and 30593- A, Resolutions No. 2022-0318 and 2023-0419, with BSCC to provide years 1 and 2 grant funding to assist with providing indigent defense services in an amount not to exceed \$1,100,062.27 from March 1, 2022, through March 1, 2025.

SUBJECT: Approve an amendment to an agreement with the California Board of State and Community Corrections

DATE: December 17, 2024

This amendment allows the County to receive year-3 grant funding in the amount of \$493,012 from March 1, 2022, through December 31, 2026. Additionally, as part of the amended agreement, BSCC requires a new Governing Board Resolution.

The Department will receive year-3 grant funds from BSCC and will distribute a portion of the awarded funds to other indigent defense providers for Tulare County. These funds continue to involve Tulare County's appointed conflict counsel per agreement No. 31079, Allen Law Firm, Inc., which also provides defense for indigent clients. The Allen Law Firm, Inc. will receive up to \$197,204.80 or 40% of year-three funding, and the remaining funds will remain with the Tulare County Public Defender's Office. These funds will be used to provide legal defense services for indigent clients related to the above listed Penal Code sections.

The original agreement (No. 30593) was approved as to form by County Counsel on April 06, 2022, and was approved by the Board of Supervisors on April 12, 2022. The proposed amendment does not include any additional deviations from the standard County boilerplate. The only change from the prior agreement is to increase the total dollar amount of the agreement. The price for services has not changed.

FISCAL IMPACT/FINANCING:

The proposed amendment to the agreement with BSCC for the Public Defense Pilot Program will provide the Public Defender's Office an additional \$493,012 round-3 funding from March 1, 2022, through December 31, 2026. The Department's program budget with BSCC includes services provided by the County's conflict defender for legal defense for indigent clients in an amount not to exceed \$197,204.80.

The Public Defense Pilot Program funds for year three will be divided as follows: 33% of \$493,012 to distributed to Fiscal Year 2024-25 and 66% to Fiscal Year 2025-26. The amount for Fiscal Year 2024-25 is \$162,693.96 and \$330,318.04 for Fiscal Year 2025-26. Any unspent funds from Fiscal Year 2024-25 are allowed to be rolled over into Fiscal Year 2025-26.

The department requests an AUD 308 to increase its departmental budget in expense and revenue in the amount of \$162,693.96 for the remainder of Fiscal Year 2024-25. The remaining year-three funds will be included in the Fiscal Year 2025-2026 requested budget. There will be no additional net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Amending this grant agreement meets Tulare County's goal of organizational performance by providing additional funds from outside of the general funds to help both the Public Defender and Conflict Panel meet their increased responsibility in the post-conviction cases addressed by this grant. It will also allow for more efficient and timely services in these cases as there will be staff specifically hired to work on the cases rather than having to distribute the cases to already busy attorneys.

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ADMINISTRATIVE SIGN-OFF:

/s/Ron Westphal

Ron Westphal
Assistant Public Defender

Cc: County Administrative Office

Attachments:

- 1) AUD 308
- 2) Agreement
- 3) Governing Board Resolution