



# 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:** March 7, 2023 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	Yes
Agreement(s) attached	Yes

CONTACT PERSON: Erin Brooks PHONE: 559-636-4500

**SUBJECT:** Approve a Governing Board Resolution with the California Board of Community Corrections and Personnel Resolution

**REQUEST(S):**

That the Board of Supervisors:

1. Authorize the Chair of the Board to sign the Governing Board Resolution;
2. Approve a personnel resolution to amend the Fiscal Year 2022/23 position allocation for the Public Defender's Office as follows: Delete one (1) Social Worker – Public Defender, Position No. 10847, effective March 12, 2023; and
3. Authorize the necessary budget adjustments per the attached AUD 308 (4/5ths vote required).

**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 was allocated funds in the amount of \$553,647.45 based on the county's population. Your Board approved agreement No. 30593, Resolution No. 2022-0318, with BSCC to provide grant funding to assist with providing indigent defense services in an amount not to exceed \$553,647.45 from March 1, 2022 through March 1, 2025. However, as part of the agreement, BSCC requires a Governing Board Resolution.

The Department completed a project budget modification with BSCC to reallocate a portion of funds awarded to the Department to other indigent defense providers for Tulare County. This reallocation involves a portion of the awarded funds being allotted to Tulare County's appointed conflict counsel, Allen Law Firm, Inc., which also provides defense for indigent clients. The Department will delete one (1) Social Worker – Public Defender and reduce costs for professional services as part of the reallocation process. The Allen

**SUBJECT:** Approve a Governing Board Resolution with the California Board of Community Corrections and Personnel Resolution

**DATE:** March 7, 2023

Law Firm, Inc. will receive up to \$221,459 or 40% of year-one funding, and the remaining funds will remain with the Tulare County Public Defender's Office. These funds will be used in order to provide legal defense services for indigent clients related to the above listed Penal Code sections.

**FISCAL IMPACT/FINANCING:**

The agreement with BSCC for the Public Defense Pilot Program will provide the Public Defender Department \$553,647.45 from March 1, 2022, through March 1, 2025. The Department modified its project budget with BSCC to include services provided by the County's conflict defender for legal defense for indigent clients in an amount not to exceed \$221,459.

The Department requests a budget adjustment to decrease the salary and benefits appropriation by \$157,699 from the deletion of one (1) Social Worker – Public Defender, decrease its Intra appropriation by \$20,133, and increase the services and supplies appropriation by \$177,832. 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.

**ADMINISTRATIVE SIGN-OFF:**

/s/ Erin Brooks

Erin Books  
Public Defender

Cc: County Administrative Office  
Human Resources & Development

**Attachments:**

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