

**Child Support Services (1380 206)**

Jim Kucharek, Child Support Services Director

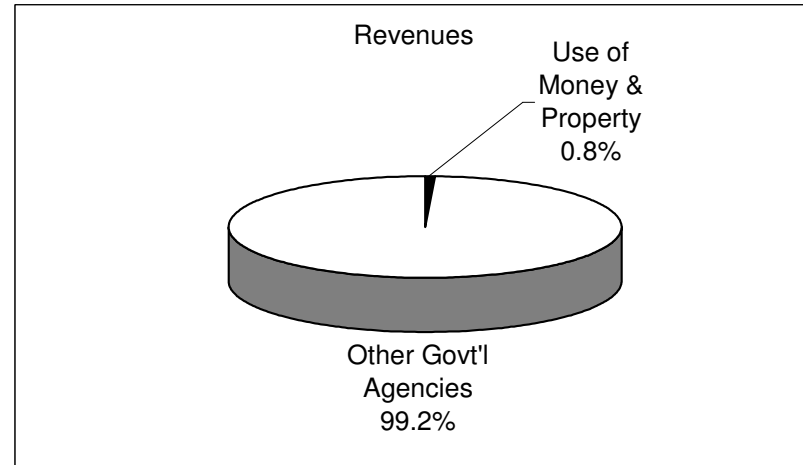
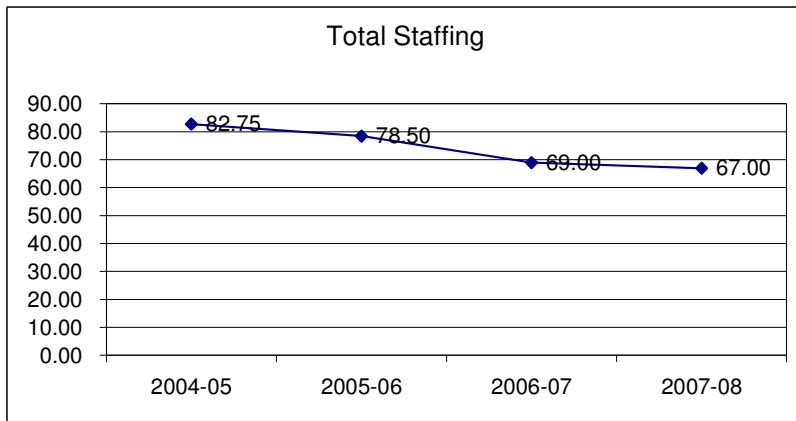
<b>1380 - Child Support Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
Use of Money & Property	\$26,897	\$41,059	\$60,851	\$42,433	\$42,433	(\$18,418)
Other Govt'l Agencies	4,932,304	5,227,725	4,777,891	5,014,616	5,014,616	236,725
Charges for Services	795	1,055	(343)	0	0	343
Other Revenues	20	91	127	0	0	(127)
(To)/From Non-GF Fund Balance	10,475	(375,136)	(9,331)	0	0	9,331
<b>Total Revenues</b>	<b>\$4,970,491</b>	<b>\$4,894,794</b>	<b>\$4,829,195</b>	<b>\$5,057,049</b>	<b>\$5,057,049</b>	<b>\$227,854</b>
<b>Expenditures</b>						
Salaries & Benefits	\$3,801,899	\$3,836,811	\$3,844,364	\$4,118,665	\$4,118,665	\$274,301
Supplies & Services	1,007,132	875,275	792,853	759,521	759,521	(33,332)
Other Charges	122,560	124,248	175,758	178,863	178,863	3,105
Fixed Assets	38,901	58,460	16,219	0	0	(16,219)
<b>Total Expenditures</b>	<b>\$4,970,491</b>	<b>\$4,894,794</b>	<b>\$4,829,195</b>	<b>\$5,057,049</b>	<b>\$5,057,049</b>	<b>\$227,854</b>
<hr/>						
Allocated Positions	82.50	78.50	69.00	67.00	67.00	(2.00)
Temporary (FTE)	0.25	0.00	0.00	0.00	0.00	0.00
<b>Total Staffing</b>	<b>82.75</b>	<b>78.50</b>	<b>69.00</b>	<b>67.00</b>	<b>67.00</b>	<b>(2.00)</b>

## Purpose

Since 1975, Federal law has mandated that all states operate a child support enforcement program. To ensure uniformity of effort statewide, each California county is required to enter into a plan of cooperation with the State's Department of Child Support Services

## Mission

The mission of the California Child Support Program is to promote the well-being of children and the self-sufficiency of families by delivering first-rate child support establishment, collection, and distribution services that help both parents meet the financial, medical, and emotional needs of their children.



## Major Budget Changes

### Salaries & Employee Benefits

- \$56,640 Net general salary and benefits adjustments. (The Department is eliminating two positions and 19 employees are taking furlough time to reduce salary expenses.)

### Services & Supplies

- (\$83,829) Decreased cost of insurance.
- \$13,389 Increase in rental cost for building.

### **Program Discussion**

The Department of Child Support Services takes the necessary legal actions to establish paternity and establish and enforce child support orders. The Department's child support collections for Federal FY 2005-06 were \$12,821,527, about \$280,000 lower than in FFY 2004-05.

The Department has traditionally received all of its funding from the State. For FY 2007-08, the Department's funding allocation will remain virtually unchanged from 2006-07. Unfortunately, costs for running the program have continued to rise. As a result, the Department will eliminate two vacant positions in order to reduce its operating expenses. In addition, 19 employees are participating in voluntary furloughs to further reduce costs.

For FY 2006-07, the Department has been able to balance its expenditures with revenues. With the proposed position eliminations, personnel costs will be maintained at close to the same levels as FY 2006-07. The only other significant changes in the Department's line items are in rent and centrally allocated costs such as insurance and mailroom charges.

Starting in December 2007, the Department will begin its conversion to the California Child Support Automated System (CCSAS). It is currently planned that all California child support agencies will convert to the CCSAS system by the end of 2008. The conversion process will begin in certain designated pilot counties in May 2007.

Prior to conversion, intensive conversion efforts will be necessary and there will be no funding available to permit the Department to hire additional staff members to perform these tasks. As a result, it will be necessary to divert several staff members from hands-on child support work to transition tasks necessary to effectuate a successful computer conversion.

### **2006-07 Accomplishments**

1. Passed the federal audit for data reliability.
2. Passed all State compliance audits for the year.
3. Continued as one of the top-performing counties in the State of California. The Department actually improved its overall performance, moving from 4<sup>th</sup> to 3<sup>rd</sup> within the State.
4. Continued to far exceed the statewide averages for the five federal performance measurements for the percent of cases with paternity established; the percent of cases with a child support order; percent of current support collected; percent of collections of cases with arrears; and cost-effectiveness performance level.

### **2007-08 Objectives**

1. To successfully pass the Federal audit for data reliability.

2. To successfully pass all State compliance audits for the year.
3. To continue as one of California’s top-performing child-support departments.
4. To continue to far exceed the statewide average for the federal performance measurements.

**Goals**

1. Make a successful conversion to the statewide automated computer system known as CCSAS.
2. Reach a stable staffing level that is accepted by both the State and the County as the necessary number of employees required to accomplish the child-support tasks that the State mandates the Department to undertake.

**Performance Measures**

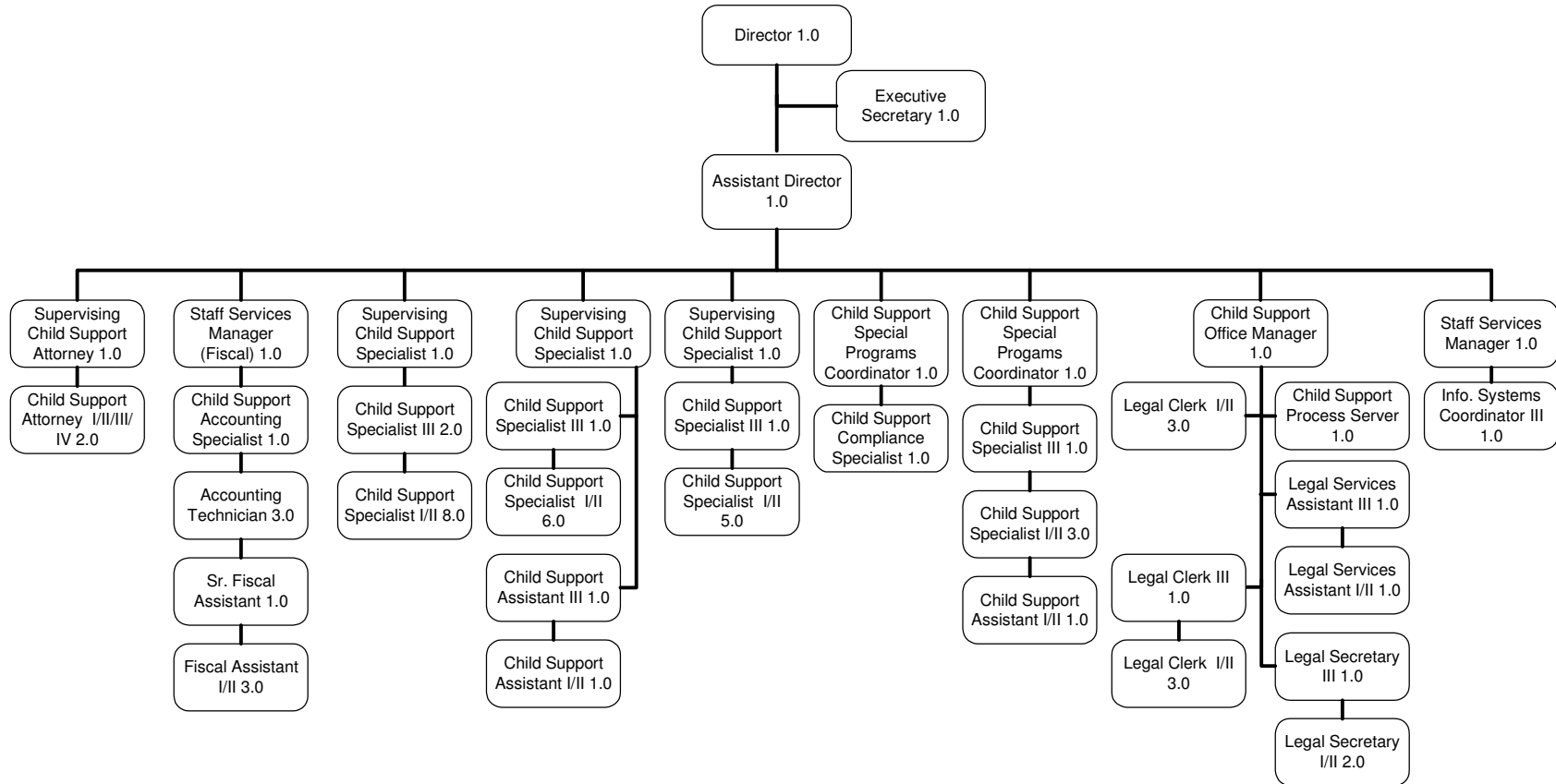
1. <i>Description of Performance Measure: Paternity Establishment</i>			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
105.8%	105.2%	98%	98%
<i>Describe why this measure is important and/or what it tells us about the performance of this department: This performance measure tells the total number of children in the caseload who have been born out of wedlock and for whom paternity has been established compared to the total number of children in the caseload at the end of the preceding fiscal year who were born out of wedlock expressed as a percentage. Child support can't be collected until the child's parents have been identified. The State average for this measure was 87.6% in 2004-05 and 86% in 2005-06.</i>			
2. <i>Description of Performance Measure: Cases with Support Orders</i>			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
92.3%	93.7%	93.5%	93.5%
<i>Describe why this measure is important and/or what it tells us about the performance of this department: This measure tells the number of cases with support orders as compared with the total caseload expressed as a percentage. Once paternity has established, the Department must immediately move ahead and get an enforceable order for support. The State average for this measure was 78.1% in 2004-05 and 80.3% in 2005-06.</i>			

## Child Support Services (1380 206)

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3. <i>Description of Performance Measure: Collections on Current Support</i>			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
65.92%	64.9%	64.5%	64.1%
<p><i>Describe why this measure is important and/or what it tells us about the performance of this department:</i> This measure tells the amount of current support collected as compared to the total amount of current support owed, expressed as a percentage. This is the single, most-important measure. It reflects how much of what is owed is being collected. The State average for this measure was 48% in 2004-05 and 49.3% in 2005-06.</p>			
4. <i>Description of Performance Measure: Collections of Cases with Arrears</i>			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
65.49%	69.2%	69.0%	68.8%
<p><i>Describe why this measure is important and/or what it tells us about the performance of this department:</i> This measure tells the number of cases paying on arrears as compared with the total number of cases within the caseload that have arrears owing. This measures how successful the Department is at obtaining against the arrears owed to the Department. The State average on this measure was 54.9% in 2004-05 and 56% in 2005-06.</p>			

**Organizational Chart:**



<b>1100 - General Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
Other Gov't Agencies	\$0	\$45,548	\$0	\$0	\$0	\$0
Charges for Services	141,288	232,429	251,191	254,783	254,783	3,592
<b>General Fund Support</b>	<b>888,108</b>	<b>891,810</b>	<b>979,871</b>	<b>1,055,750</b>	<b>1,055,750</b>	<b>75,879</b>
Total Revenues	\$1,029,395	\$1,169,787	\$1,231,062	\$1,310,533	\$1,310,533	\$79,471
<b>Expenditures</b>						
Salaries & Benefits	\$933,671	\$1,074,568	\$1,096,611	\$1,180,450	\$1,180,450	\$83,839
Supplies & Services	83,056	82,583	116,361	87,464	87,464	(28,897)
Other Charges	12,669	12,636	18,090	17,196	17,196	(894)
Fixed Assets	0	0	0	25,423	25,423	25,423
Total Expenditures	\$1,029,395	\$1,169,787	\$1,231,062	\$1,310,533	\$1,310,533	\$79,471
<b>Staffing</b>						
Allocated Positions	12.00	13.00	13.00	13.00	13.00	0.00
Temporary (FTE)	0.11	0.00	0.00	0.00	0.00	0.00
<b>Total Staffing</b>	<b>12.11</b>	<b>13.00</b>	<b>13.00</b>	<b>13.00</b>	<b>13.00</b>	<b>0.00</b>

**Purpose**

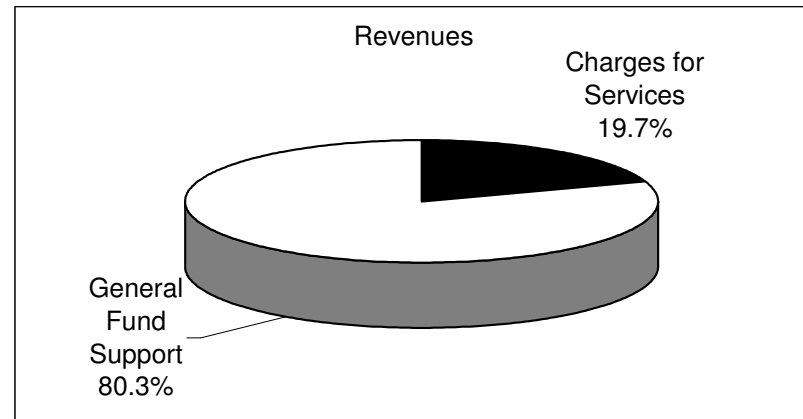
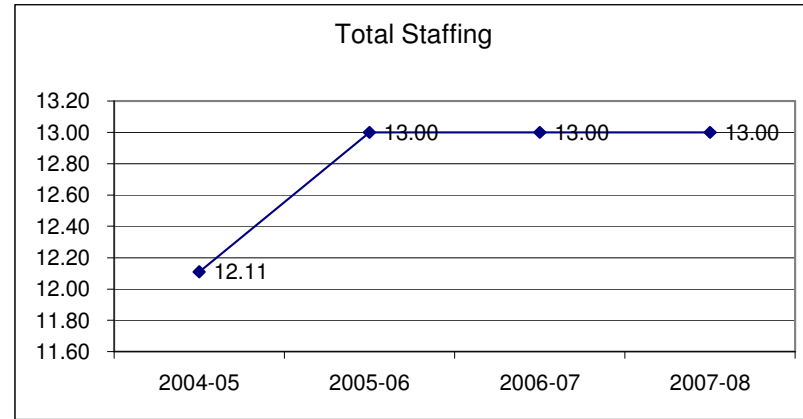
Conflict Counsel and Alternate Counsel provide indigent defense services to the courts in criminal and juvenile cases.

While the courts bear the responsibility for providing counsel to indigents, such counsel must receive a reasonable sum for compensation, and such compensation is to be paid from the general fund of the county (Penal Code § 987.2). While the amount of compensation paid to attorneys is to be determined by the court (Penal Code § 987.2), the County does have some discretion as to cost in that the Board of Supervisors can provide for indigent criminal defense through establishment of an office of Public Defender (Government Code § 27700). In cases for which there exists a conflict of interest as to the Public Defender’s Office, the court must appoint other counsel. In those counties that have established a second public defender, appointment in cases of conflict of interest should be made to that office (Penal Code § 987.2(e)).

**Major Budget Changes**

**Salaries & Employee Benefits**

- \$13,006 General salary and benefit adjustments.



**Services & Supplies**

- \$2,076 Increase in computer software expenses to provide new software for three new computers in Alternate Counsel and four new computers in Conflict Counsel.



- \$1,860 Increase in equipment rental costs due to new lease for copier/fax in Conflict Counsel office.
- (\$1,346) Decreased insurance costs.

**Fixed Assets**

- \$8,799 Four new computers for Conflict Counsel and three new computers for Alternate Counsel
- \$3,232 New telephone system for Conflict Counsel offices

**Revenues**

- \$15,321 Increase in reimbursement from Courts for child dependency cases.

**Program Discussion**

The Office of Conflict Counsel was established by the Board of Supervisors as the County’s second public defender in order to provide for some control over, and stability in, the costs of appointed counsel in conflict cases. The office began operations in September 1994.

Because of the success of Conflict Counsel in reducing costs in conflict cases, during FY 1997-98, the Board of Supervisors authorized an expansion of the role of Conflict Counsel in the

handling of conflict cases through the establishment of the Alternate Counsel’s Office. This office operates under the management of Conflict Counsel and is directed at cutting costs associated with second level conflicts.

As a result of this organizational arrangement Humboldt County has three separate “in-house” public defender offices available to provide services to indigents in criminal and juvenile cases, drastically reducing the higher costs arising when private counsel must be appointed to provide representation in these cases. The primary financial benefit to the County in this arrangement is in reduced costs for the provision of a mandated service.

Conflict Counsel and Alternate Counsel provide services to the courts in four major areas:

- Felony criminal cases
- Misdemeanor criminal cases
- Juvenile delinquency cases
- Juvenile dependency cases

While the Public Defender’s Office provides primary services in three of the five criminal courts in Humboldt County, Conflict Counsel and Alternate Counsel each provides primary indigent defense services in one of the five criminal courts. Additionally each Conflict Counsel office provides conflict services in the other criminal courts as well as in juvenile dependency and delinquency cases whenever there is a conflict of interest that precludes the Public Defender’s Office from providing representation.

The adopted budget includes for FY 2007-08 additional funding for the purchase of new computers and software for both offices. Each office requested replacement for all of its current computer systems.

### **1100-246 Conflict Counsel**

The adopted budget for this office for FY 2007-08 is \$764,436.

### **1100-253 Alternate Counsel**

The adopted budget for this office for FY 2007-08 is \$546,097.

## **2006-07 Accomplishments**

1. Continued to handle the caseload in both offices in the face of a serious disruption in staffing. The Board of Supervisors at the beginning of the fiscal year appointed the Supervising Attorney for Alternate Counsel to the position of Public Defender, and the office continued operations for a significant time period down one attorney and under the direction of an interim supervisor. During that time Conflict Counsel absorbed new felony cases that would have been assigned to Alternate Counsel allowing Alternate Counsel to focus efforts on existing felony caseload so as to avoid a disruption of services. One other attorney and the investigator also left unexpectedly during this fiscal year but again through the combined efforts of both offices disruption of services to the courts and to clients was avoided.

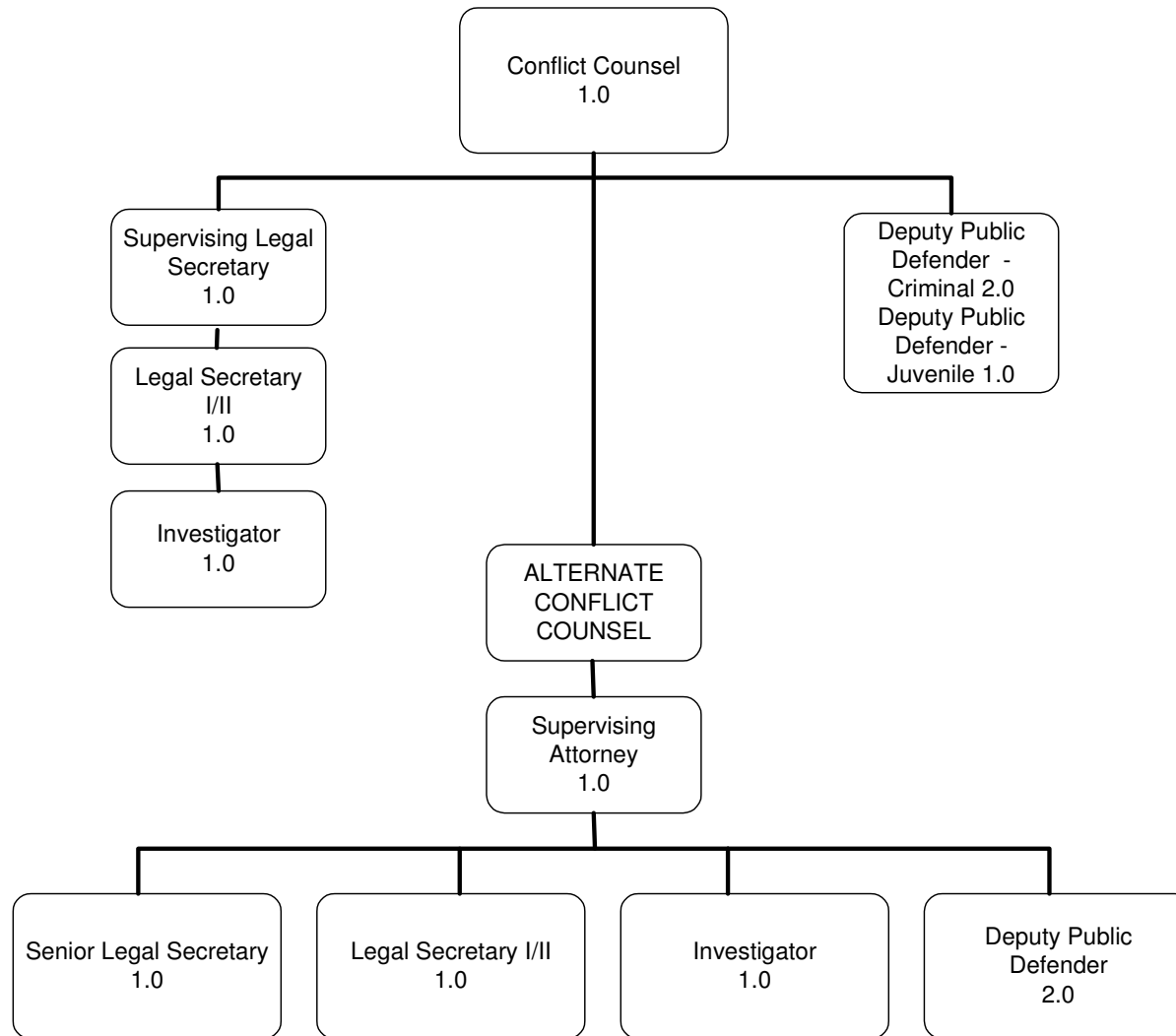
## **2007-08 Objectives**

1. To assist the County in efforts to improve cost effectiveness and efficiency in the delivery of indigent defense services. Every effort will be made to optimize the use of the three public defender offices so as to minimize the need for appointment of private counsel to provide indigent defense services. The offices will work with the courts to explore ways of providing services that are responsive to changes in the judicial structure.
2. To cooperate in efforts by the County to obtain reimbursement from clients for the costs of providing appointed counsel. The offices will provide information as needed to assist the County in obtaining State reimbursement for the costs of providing appointed counsel in homicide and other qualified cases, and will continue to work with the courts and the County Administrative Office to obtain trial court funding for reimbursement in exchange for the services provided to the court in dependency cases.
3. To continue to provide quality, competent legal services to clients and the courts so that citizens who become involved in the criminal and juvenile justice system in this County will receive a fair and just resolution of their cases. Providing competent representation in the delivery of these services will also serve to protect the County from financial losses as a result of civil liability and/or reversal of cases on appeal.

**Performance Measures**

1. <i>Description of Performance Measure:</i> Number of cases in which other counsel was appointed, case was reversed upon appeal or civil liability resulted from a showing of failure to provide competent counsel.			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
0	0	0	0
<i>Describe why this measure is important and/or what it tells us about the performance of this department:</i> If the Department fails to provide competent legal representation the results can include (1) Appointment of other counsel to provide representation at cost to the County; (2) Reversal of convictions on appeal at cost to the County; (3) Civil liability for the County.			
2. <i>Description of Performance Measure:</i> Number of cases handled by both offices during the year.			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
463 felony cases; >2,000 misdemeanor cases; >400 juvenile cases	465 felony cases; >2,000 misdemeanor cases; >400 juvenile cases	485 felony cases; >2,000 misdemeanor cases; >400 juvenile cases	>450 felony cases; >2,000 misdemeanor cases; >400 juvenile cases
<i>Describe why this measure is important and/or what it tells us about the performance of this department:</i> The Department strives to provide representation up to the maximum number of cases that will permit competent representation and within caseload standards set by nationally recognized standards. The office continues to handle a heavy caseload that exceeds caseload standards without additional staff.			

**Organizational Chart:**

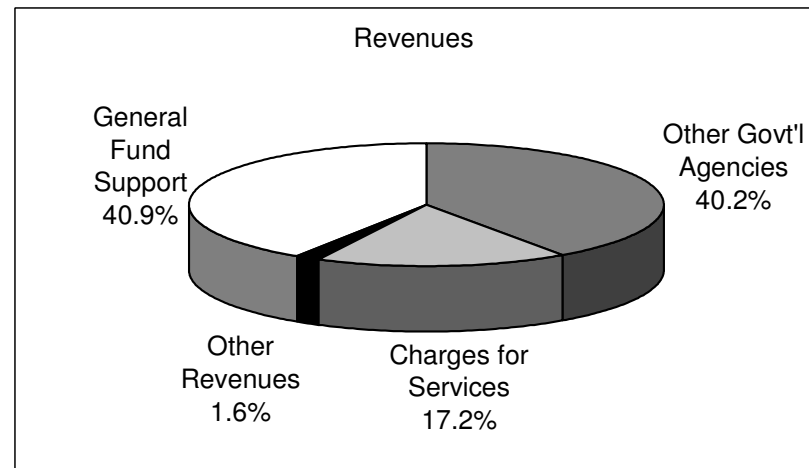
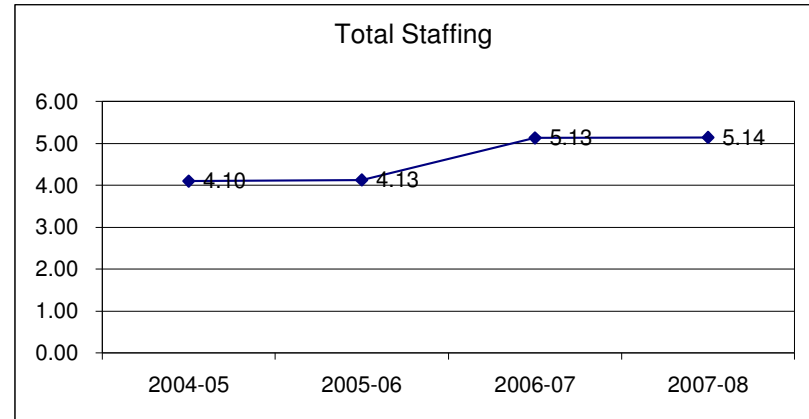


<b>1100 - General Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
Other Gov't'l Agencies	\$227,176	\$242,415	\$218,173	\$256,695	\$256,695	\$38,522
Charges for Services	109,627	107,033	105,332	110,000	110,000	4,668
Other Revenues	0	0	0	0	10,000	10,000
<b>General Fund Support</b>	<b>144,898</b>	<b>153,641</b>	<b>313,528</b>	<b>271,069</b>	<b>261,069</b>	<b>(52,459)</b>
Total Revenues	\$481,700	\$503,090	\$637,033	\$637,764	\$637,764	\$731
<b>Expenditures</b>						
Salaries & Benefits	\$322,540	\$319,327	\$428,142	\$414,877	\$414,877	(\$13,265)
Supplies & Services	150,769	166,859	176,633	200,659	200,659	24,026
Other Charges	8,391	8,079	18,484	9,228	9,228	(9,256)
Fixed Assets	0	8,825	13,774	13,000	13,000	(774)
Total Expenditures	\$481,700	\$503,090	\$637,033	\$637,764	\$637,764	\$731
<b>Staffing</b>						
Allocated Positions	4.00	4.00	5.00	5.00	5.00	0.00
Temporary (FTE)	0.10	0.13	0.13	0.14	0.14	0.01
<b>Total Staffing</b>	<b>4.10</b>	<b>4.13</b>	<b>5.13</b>	<b>5.14</b>	<b>5.14</b>	<b>0.01</b>

**Purpose**

The office of the Coroner-Public Administrator is an elected constitutional office. The duties and responsibilities are well defined in statutes including the Penal Code, Probate Code, Government Code, and Health and Safety Code. The general duties and responsibilities are to investigate and determine the manner and cause of death, protect the property of the decedent, ensure that the decedent is properly interred, and administer the decedent's estate where appropriate. The coroner's investigation is called an inquest, the results of which are public information. The Coroner signs the death certificate, listing the manner and cause of death, as a result of the inquest. The Coroner can recover costs from the decedent's estate. Where appropriate, the Public Administrator will administer the estate of a decedent. This can occur when there is no known next of kin, or when the next of kin declines to act. It can also occur where there is no will, or when the Public Administrator is appointed by the Court.

The Coroner's Office is a police agency as defined in Penal Code § 830.35. The Coroner and Deputy Coroners have police powers under Penal Code § 836. In addition to these general duties, there are many specific responsibilities mandated to the Coroner-Public Administrator. Some examples: Section 27469 of the Government Code, which states in part that in any action or proceeding in which the Sheriff is a party, the Coroner shall discharge the duties of the Sheriff. The Coroner is notified and coordinates tissue and organ transplants from decedents. The Coroner co-chairs the child death review team within this County.



**Major Budget Changes**

**Salaries & Employee Benefits**

- \$43,142 General salary and benefits adjustments.

- \$3,000 Increase in overtime due to recent trends.

**Services & Supplies**

- (\$10,000) Decrease in special departmental expense used to replenish back-up supplies.
- (\$9,000) Decrease in professional services due to continued decline in number of autopsies performed.
- (\$7,611) Decreased cost of insurance.

**Fixed Assets**

- \$10,000 One power-lift gurney
- \$3,000 One replacement computer

**Revenues**

- \$5,000 Increase in fee revenue due to number of large estate cases projected to be realized in FY 2007-08.

**Program Discussion**

The Coroner's Office serves the people of Humboldt County by providing professional death investigation of all unattended

and unnatural violent deaths. The office is on call 24 hours each day of the year to respond anywhere in Humboldt County. As Public Administrator, the office assists attorneys and private citizens with management of estates. In addition to these mandated duties, the Coroner is involved in teaching and public awareness presentations to the medical community, law enforcement, and local schools.

The adopted budget includes \$10,000 for the purchase of an oversized power-lift gurney to reduce the risk of back injuries due to lifting of overweight bodies.

One of the significant challenges that continues to face the Coroner is securing the services of a qualified forensic pathologist. This contract position is key to performance of the Office's duties, and the current pathologist is expected to retire within the next couple of years. Because of Humboldt County's nature as a rural and remote county, finding a doctor who is willing to fill this role is challenging. The Office has taken a number of steps to address this, including ongoing discussions with pathologists at the local hospital and contracting with out-of-County physician groups. More recently, the Coroner has entered into discussions with the Coroner in Del Norte County about the two agencies working together to find a forensic pathologist to work for both counties. This would allow the two agencies to share costs and have enough workload to be attractive to a potential doctor.

**2006-07 Accomplishments**

- 1. Encouraged families to consent for the deceased to be tissue donors.
- 2. Continued to reduce traffic accident deaths through community awareness programs such as “Every 15 Minutes”.
- 3. Continued to hold down the number of autopsies needed due to the Office’s close working relationship with local hospitals and doctors.

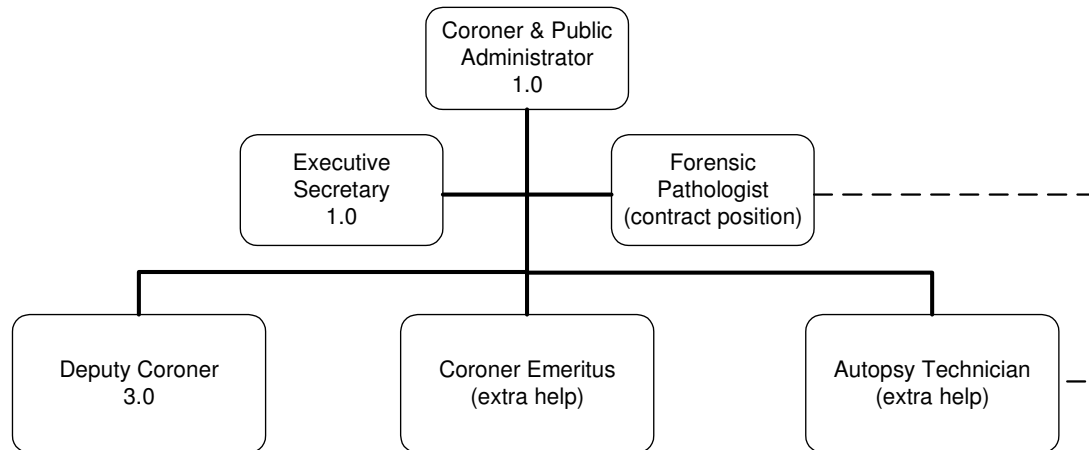
**2007-08 Objectives**

- 1. To continue working with the Northern California Transplant Bank and encourage family members to provide consent for the decedent to be a tissue donor.
- 2. To continue participation in the Child Death Review and Drug and Alcohol Review Death Team.

**Goals**

- 1. Secure the services of a qualified forensic pathologist.
- 2. Develop a policy and procedure manual for this Department.

**Organizational Chart:**





<b>1100 - General Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
Fines, Forfeits & Penalties	\$1,298,188	\$1,282,945	\$1,425,636	\$1,334,440	\$1,334,440	(\$91,196)
Charges for Services	196,756	18,149	948	1,248	1,248	\$300
Other Revenues	956	9,008	0	0	0	\$0
<b>General Fund Support</b>	<b>203,778</b>	<b>213,774</b>	<b>369,789</b>	<b>306,000</b>	<b>306,000</b>	<b>(63,789)</b>
Total Revenues	\$1,699,678	\$1,523,876	\$1,796,373	\$1,641,688	\$1,641,688	(\$154,685)
<b>Expenditures</b>						
Supplies & Services	\$530,002	\$502,084	\$362,648	\$502,160	\$502,160	\$139,512
Other Charges	1,169,676	1,021,792	1,433,725	1,139,528	1,139,528	(294,197)
Total Expenditures	\$1,699,678	\$1,523,876	\$1,796,373	\$1,641,688	\$1,641,688	(\$154,685)

**Purpose**

This budget unit includes the required County contribution of \$993,701, which is a fixed direct payment to the State toward operation of the court system. Also included are appropriations for outside counsel, investigators and experts for indigent defense that could not be assigned to the Offices of the Public Defender, Alternate Counsel, or Conflict Counsel. Some of these costs are offset by that portion of court fine and forfeiture revenues that are allocated to the County.

**Major Budget Changes**

**Other Charges**

- (\$29,798) Decrease in mandated “undesigned revenue” shift to State.

**Revenues**

- \$50,840 Increase in Trial Court realignment revenues based on historical experience.

- (\$13,752) Continued decrease in vehicle fines and forfeitures revenue, plus Superior Court filing fee revenue, based on historical experience.

### **Program Discussion**

The County and Superior Court are entering into the eleventh year of transition which began with the passage of the Trial Court Funding Act of 1997. The two transition issues which continue to face the County are the Court Facilities Act of 2002 and the passage of State legislation in 2005 that resolves the disposition of court revenues left unaddressed by the Trial Court Funding Act. In addition, the County and the local Superior Court resolved long standing issues related to which entity should receive certain court-generated revenues, and about payment for services provided to the Court by the County. Finally, the County and the Court updated the master Memorandum of Understanding (MOU) that governs their relationship with each other. These issues are discussed in more detail as follows.

#### **Court Facilities Act of 2002**

The Trial Court Funding Act of 1997 created the Task Force on Trial Court Facilities to deal with the lingering issue concerning which entity should have responsibility for the provision of court facilities. The Task Force's recommendations were incorporated into the Court Facilities Act of 2002.

The key provision of the Court Facilities Act is that there will be a transition of responsibility for trial court facilities from the counties to the State. If County-owned facilities meet specified seismic and safety standards, then counties can transfer responsibility for those facilities to the State. The County will still be required to make an annual maintenance-of-effort payment to the State equivalent to its recent historical expenditures for maintenance of any transferred building, and a proportionate share of the County's unobligated balance in its Courthouse Construction Fund will transfer to the State. However, the County will then be permanently relieved of its responsibility to maintain, renovate, and replace the transferred court facility.

The County has its main courthouse in Eureka, and small branch courts in Hoopa and Garberville.

To implement the Court Facilities Act, counties are expected to enter into negotiations with the State to determine which buildings will be transferred, and on what terms. Humboldt County's transition team has been in negotiations with the Administrative Office of the Courts regarding transfer of responsibility for the Eureka courthouse. The CAO anticipates bringing a transfer agreement before the Board of Supervisors for its consideration in June 2007. The Hoopa and Garberville facilities are expected to be addressed through continuing-use MOU's.

### **Undesignated Revenues**

The Trial Court Funding Act specified which court-generated revenues should be retained by the State, and which should remain with the counties. However, several dozen court-generated revenue sources were left unaddressed by the Trial Court Funding Act. By necessity, county-by-county negotiations occurred since the passage of the Trial Court Funding Act to determine the disposition of these “undesignated revenues.” Some court-generated revenues have accrued to the local Superior Court, but others have accrued to the County. Civil assessment revenues represent the largest single undesignated revenue source that were under dispute.

In FY 2003-04, in order to balance the State budget, the legislature passed AB 1759, which swept all undesignated revenues except civil assessments to the State. The implementation mechanism in AB 1759 resulted in an allocation formula that diverted \$31 million statewide (\$113,631 in Humboldt County) to the State in FY 2003-04 and FY 2004-05.

Many years of controversy over allocation of these undesignated revenues was finally resolved in 2005 with the passage of Assembly Bills 139 and 145 (Chapters 74 and 75, respectively, Laws of 2005). AB 139 specifies that all undesignated revenues, including civil assessments, will accrue to the Court. In compensation, Counties were given a reduction in their annual MOE payments to the State equivalent to their civil assessment revenue collections in FY 2003-04.

AB 139 also enacted a provision that phases out the \$31 million undesignated revenue payment from counties to the State over a four-year period. It was reduced to \$20 million for FY 2005-06 and reduced again to \$15 million for FY 2006-07. Humboldt County’s share of the \$31 million undesignated revenue shift has dropped from \$113,631 in FYs 2003-04 and 2004-05 to \$29,828 in FY 2007-08. The County will then see additional an additional reduction in FYs 2008-09 to \$14,914 before the undesignated revenue shift is finally eliminated altogether in FY 2009-10.

AB 145 enacted a uniform statewide civil filing fee structure, and also compensates counties for the non-civil assessment undesignated revenues that have been shifted to the State by reducing the County’s MOE payment in an amount equivalent to those undesignated revenues retained by the County in FY 2003-04. Between these two pieces of legislation, the County’s required MOE payment has dropped from \$1,025,583 in FY 2004-05 to \$933,701 for FY 2005-06 and beyond.

### **Court Debts**

The Trial Court Funding Act specified that local Superior Courts shall pay for services provided by its county to the local court. Each county was required to enter into a Memorandum of Understanding (MOU) with its local court that outlines what services will be provided, and how payment will be made. As described earlier, county-by-county negotiations were made to determine which entity should retain the various types of undesignated revenues. Humboldt County officials were in

## ***Courts - County Contribution (1100 250)***

Loretta Nickolaus, County Administrative Officer

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dispute with Superior Court officials regarding the disposition of these revenues since FY 1999-00.

In FY 2002-03, Superior Court began withholding payments legitimately owed to the County for services provided by the County to the court. In FY 2004-05 Court and County officials worked together to resolve their disputes and reached agreement on amounts owed for FYs 2002-03 and 2003-04. An agreement was approved by the Board of Supervisors that the County owed Superior Court approximately \$757,281, and the Court owed the County approximately \$1,476,693. Thus, for the two-year period specified above, Superior Court owed the County approximately \$719,412. In March 2006, these debts were finally repaid in full. The County and the Court have resolved revenue and service charges issues related to FY 2004-05 and FY 2005-06. The last of the settlement payments, will be a check for \$347,052 from the General Fund to the Superior Court, with no offsetting revenue from the Court. This amount represents old Court Clerk Fee revenues received from FYs 2002-03 through 2005-06 which were deposited in the General Fund but should have been credited to the Superior Court. With this last transaction, all old court-county financial issues will have been settled, and the County will have made a net gain of \$487,632 (\$294,577 General Fund) in the process.

### **Court-County Memorandum of Understanding (MOU)**

The Trial Court Funding Act of 1997 required each County and its respective Superior Court to enter into an MOU regarding

which specific services the County would provide to the Court, and how the County would be repaid. Humboldt County entered into its first MOU with Superior Court in 1998. That document was updated in January 2007. The Sheriff-Court MOU, which is required by law to be a separate document, also originally enacted in 1998, is in need of updating. In FY 2007-08, the CAO anticipates negotiating sub-MOU's for Revenue and Recovery and Information Technology.

### **2006-07 Accomplishments**

1. Finalized the updated master Court-County MOU.
2. Resolved the remaining disputed issues between Superior Court and the County.
3. If approved by the Board in June 2007, transferred responsibility for future maintenance, and remodeling and replacement of Eureka court facilities to the State.

### **2007-08 Objectives**

1. To finalize an updated Sheriff-Court MOU.
2. To negotiate Revenue Recovery and Information Technology sub-MOU's.

<b>1100 - General Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
<b>General Fund Support</b>	34,619	35,515	48,510	56,020	56,020	7,510
Total Revenues	\$34,619	\$35,515	\$48,510	\$56,020	\$56,020	\$7,510
<b>Expenditures</b>						
Supplies & Services	\$34,514	\$35,131	\$47,480	\$53,919	\$53,919	\$6,439
Other Charges	105	135	1,030	2,101	2,101	1,071
Fixed Assets	0	249	0	0	0	0
Total Expenditures	\$34,619	\$35,515	\$48,510	\$56,020	\$56,020	\$7,510

**Purpose**

The Grand Jury is part of the judicial branch of government. Consisting of nineteen citizens, it is an arm of the court, yet an entirely independent body.

**Major Budget Changes**

**Services & Supplies**

- \$6,119 Increase in jury expense to provide increased daily fee for jurors.
- \$4,500 Increase in in-County travel to provide for travel of jurors from remote parts of County.

**Program Discussion**

The civil Grand Jury is an investigative body having for its objective the detection and correction of flaws in government. The primary function of the Grand Jury is to examine all aspects of county and city government (including special districts and joint powers agencies), to see that the monies are handled judiciously, and that all accounts are properly audited.

The Grand Jury serves as an ombudsperson for citizens of the County. It may receive and investigate complaints by individuals concerning the actions and performances of public officials. Members of the Grand Jury are sworn to secrecy and

most of the jury's work is conducted in closed session. All testimony and deliberations are confidential.

Grand jurors serve for one year. Some jurors may serve for a second year to provide an element of continuity from one jury to the next. Continuity of information is also provided by documents collected and retained in the Grand Jury library.

On March 27, 2007, the Board of Supervisors approved a \$5 increase in the daily pay for grand jurors. The daily fee had been reduced in 2004 during the County's budget crisis. This action partially restores that cut.



<b>1100 - General Fund</b>	<b>2004-05 Actual</b>	<b>2005-06 Actual</b>	<b>2006-07 Actual</b>	<b>2007-08 Request</b>	<b>2007-08 Adopted</b>	<b>Increase/ (Decrease)</b>
<b>Revenues</b>						
Other Gov't'l Agencies	\$431,934	\$476,366	\$388,158	\$456,693	\$456,693	\$68,535
Charges for Services	158,152	121,233	183,117	190,273	190,273	7,156
<b>General Fund Support</b>	<b>836,331</b>	<b>918,741</b>	<b>1,181,142</b>	<b>1,003,413</b>	<b>989,413</b>	<b>(191,729)</b>
Total Revenues	\$1,426,417	\$1,516,339	\$1,752,416	\$1,650,379	\$1,636,379	(\$116,037)
<b>Expenditures</b>						
Salaries & Benefits	\$1,279,782	\$1,379,440	\$1,591,140	\$1,513,112	\$1,513,112	(\$78,028)
Supplies & Services	132,507	116,192	103,600	114,360	100,360	(3,240)
Other Charges	14,127	14,753	23,952	22,907	22,907	(1,045)
Fixed Assets	0	5,954	33,725	0	0	(33,725)
Total Expenditures	\$1,426,417	\$1,516,339	\$1,752,416	\$1,650,379	\$1,636,379	(\$116,037)
<hr/>						
Allocated Positions	17.00	17.00	17.00	17.00	17.00	0.00
Temporary (FTE)	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Staffing</b>	<b>17.00</b>	<b>17.00</b>	<b>17.00</b>	<b>17.00</b>	<b>17.00</b>	<b>0.00</b>

**Purpose**

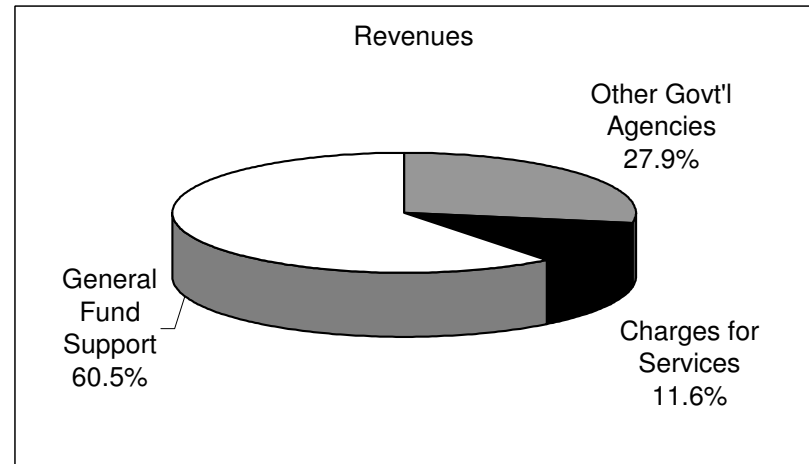
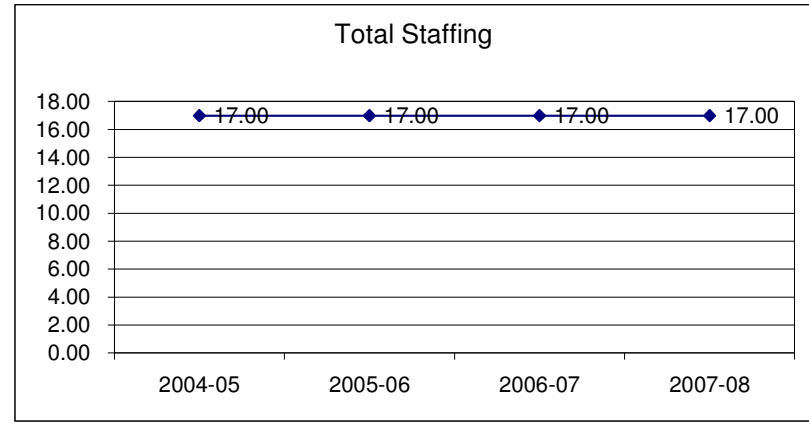
The Public Defender’s Office is the primary provider of Court-appointed legal services to indigent persons facing criminal charges or other potential deprivation of civil rights. Generally speaking, whenever a person faces the forcible deprivation of liberty, that person is entitled to representation. If the person is indigent, the County or State must provide representation. Accordingly, the Public Defender is appointed by the Superior Court to represent persons, adult or juvenile, charged with crimes. The Superior Court also appoints the Public Defender to represent persons, adult or juvenile, who are subject to proceedings where the minor is removed from the home. Furthermore, the Superior Court appoints the Public Defender to represent persons who are facing private contempt actions, who are deprived of liberty and property because they are alleged to be gravely disabled, who are the subject of extraordinary writ action before the Superior Court where the deprivation of civil liberties is alleged to be improper or illegal.

Authorization for the Office of the Public Defender is set forth in Government Code §§ 27700 *et seq.*

**Mission**

The mission of the Public Defender is to provide aggressive, competent, ethical representation to indigent persons facing deprivation of liberty or other civil rights in a cost effective way. The Public Defender’s Office is charged with providing services to persons entitled to representation as determined by the Superior Court. In performing those services, the Public

Defender will provide to the community the office serves, information, representation, and respect while meeting the needs of the Superior Court and County of Humboldt.





## **Major Budget Changes**

### **Salaries & Employee Benefits**

- \$38,874 General salary and benefits adjustments.

### **Revenues**

- \$15,516 Increase in reimbursement from Courts for child dependency cases.

## **Program Discussion**

The Public Defender's Office provides appointed counsel as mandated in certain cases by the Federal and State Constitutions, statutory and case law.

The Office also provides legal representation to parents and minors involved in the juvenile dependency system. Some Superior Courts in other counties are looking into alternative methods of providing representation to juvenile dependency participants. The Public Defender intends to work closely with the Superior Court and Administrative Office of the Court to continue to provide competent representation to parties seeking to determine and implement the best interests of the minor.

The continuing increase in workload and responsibility in providing legal services to indigent persons creates challenges for the Public Defender due to the work environment and staffing levels. Long term, improvements in the work environment and training regimes will allow the Public

Defender to continue to improve in its ability to effectively provide services to Humboldt County.

## **Unfunded Supplemental/Restoration Funding Requests**

The office building and grounds housing the Public Defender, Alternate Counsel, and Child Abuse Services Team create difficult working conditions for staff and are inhospitable to clients and their families. In order to evaluate the inadequacies of the working environment, supplemental funds in the amount of \$14,000 were requested for retention of an architectural firm to prepare a schematic design.

The architectural firm would prepare a schematic design of a proposed project to resolve accessibility issues of the exterior grounds and interior office areas, provide needed private offices, staff working space, library and meeting areas, and provide all required accessible areas on the ground floor to avoid installation of an elevator. Due to the impending completion of the facilities master plan, it is recommended that this project be deferred and incorporated into the County's overall facility priorities.

## **2006-07 Accomplishments**

1. Adjusted to new policies and procedures as implemented by the new Public Defender.

2. Replaced the shelving system for closed case files to allow more storage and easier access.
3. Instituted a more formalized training/continuing education program.
4. Modernized the computer system with acquisition of newer technology, including laptops and desktops.

**2007-08 Objectives**

1. To complete a staffing audit to determine if more efficient use of clerical time can be accomplished.
2. To create an accessible and complete law library.
3. To make the Public Defender a service provider of the State Bar, able to offer training sessions to the local criminal defense bar.

**Goals**

1. To implement strong and clear policy guidelines on meeting the needs of our clients.
2. To implement strong and clear policy guidelines on meeting the needs of the Superior Court and County agencies with which we interact.
3. To open avenues of communication between the criminal justice community to foster respect and communication.
4. To open avenues of communication within the dependency and delinquency community to foster respect and communication so as to articulate and effectuate the best interests of the minor.

**Performance Measures**

1. <i>Description of Performance Measure:</i> Individual attorney caseload			
<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
310 felony / 977 misdemeanor	310 felony / 978 misdemeanor	310 felony / 977 misdemeanor	315 felony / 960 misdemeanor
<i>Describe why this measure is important and/or what it tells us about the performance of this department:</i> The above measures are on a calendar year, not fiscal year basis. Individual attorney caseload shows how many new cases an attorney is assigned per year. This directly affects the amount of work required by the attorney, the clerical, and investigative staff. Although there are no "official" caseload limitations, various studies and jurisdictions have published suggested levels. For example, the National Advisory Commission on Criminal Justice Standards and Goals in 1973 published numerical standards of 150 felonies or 400 misdemeanors. In			

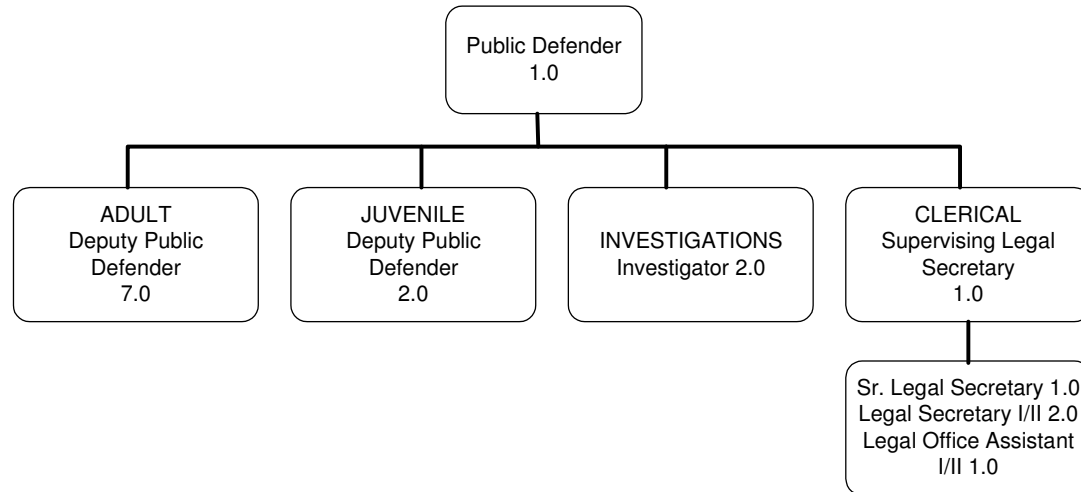
Humboldt County, the attorneys have a caseload that has remained virtually steady at double the recommended amounts. This measure does not include conservatorships (330 cases), contempt (72 cases), expungements (50 cases), writs (74 cases), delinquency cases (300 petitions) and dependency cases (84 petitions) that were assigned to the Public Defender in calendar year 2006. The performance measures give an estimate of the amount of staff support necessary for each attorney.

**2. Description of Performance Measure: Total caseload**

<i>FY 2004-05 Actual</i>	<i>FY 2005-06 Actual</i>	<i>FY 2006-07 Estimate</i>	<i>FY 2007-08 Projected</i>
4,660 Adult / 531 Juvenile	4,749 Adult / 494 Juvenile	5,101 Adult / 386 Juvenile	4,500 Adult / 412 Juvenile

*Describe why this measure is important and/or what it tells us about the performance of this department:* The total (calendar) yearly caseload provides a snapshot of the overall departmental activity from year to year. It includes all new appointments in adult felonies, misdemeanors, conservatorships, expungements, writs, contempts, and miscellaneous, as well as juvenile delinquencies and dependencies. A significant rise or drop would suggest a corresponding change in the countywide crime rate, in the arrest/prosecution rate, or some other major policy change. Total caseload has been steadily climbing for the past five years, though it showed some sign of leveling off during the first three months of 2007. The office handles over 5,000 cases or petitions per year.

**Organizational Chart:**



*Law & Justice*

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