



Board Agenda Item 28

DATE: June 10, 2025

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, County Administrative Officer

SUBJECT: Budget Resolutions for Public Defender Org 2880 and Alternate Indigent Defense Org 2875

RECOMMENDED ACTION(S):

- 1. Adopt Budget Resolution decreasing FY 2024-25 appropriations for Public Defender Org 2880 in the amount of \$200,000 (4/5 vote);**
- 2. Adopt Budget Resolution increasing FY 2024-25 appropriations for Alternate Indigent Defense Org 2875 in the amount of \$200,000 (4/5 vote); and**
- 3. Adopt Budget Resolution increasing the FY 2024-25 appropriations and estimated revenues for Alternate Indigent Defense Org 2875 in the amount of \$561,403 (4/5 vote).**

Approval of the recommended actions will allow an increase of appropriations to the Alternate Indigent Defense (AID) Org 2875 without an increase of Net County Cost (NCC) as the appropriations will be re-budgeted from the Public Defender (PD) Org 2880 due to savings accrued within FY 2024-25 from their budgeted NCC provided out of the General Fund. The recommended budget resolutions are necessary to provide funding for additional service needs in the AID budget to cover costs associated with Public Defense case declinations in the current year. The current Alternate Indigent provider, Fitzgerald, Alvarez & Ciummo, a Professional Law Corporation (FAC), is providing representation for cases that were declined by the PD. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, funding will not be provided for additional conflict defense services and PD case declinations.

FISCAL IMPACT:

There is no increase in NCC associated with the recommended actions. Approval of the first and second recommended actions will decrease the PD Org 2880 Account 6100 (Regular Salaries) budgeted appropriations by \$200,000 resulting in a release of \$200,000 of NCC, to allow the re-budgeting of appropriations to the AID Org 2875 in FY 2024-25. The third recommended action will increase appropriations and estimated revenues in FY 2024-25 for AID Org 2875 in the amount of \$561,403. All funds to increase AID Org 2875 appropriations by \$561,403 will be fully offset by unanticipated refunds received in attorney court claim fees in the FY 2024-25 Adopted Budget.

DISCUSSION:

Penal Code section 987.2 requires that the County pay a reasonable sum for compensation and for necessary expenses, out of the County general fund, for assigned counsel for indigent defendants, including one or more responsible attorneys contracted for by the County in the event of unavailability or conflict of the PD.

The AID Org 2875 encompasses all costs associated with providing representation for indigent defendants in the event of unavailability or conflict of the PD which includes, but is not limited to, the current AID contract with FAC.

On June 21, 2022, the Board approved an agreement with FAC to provide AID services for a period of three years, commencing on July 1, 2022, through June 30, 2025, with two optional one-year extensions. The agreement provides representation of up to seven conflict indigent defendants in a single case before the Fresno County Superior Court. Due to changes in legislation and an increase in the level and seriousness of crimes committed by the defendants represented, there has been an increase across in costs pertaining to the cases covered by FAC and court appointed claims.

The first and second recommend actions reduce appropriations in PD Org 2880 by \$200,000, due to savings accrued during FY 2024-25, releasing \$200,000 in NCC for re-budgeting to the AID Org 2875 in FY 2024-25 appropriations.

The third recommended action increases appropriations in AID Org 2875 by \$561,403, fully offset by \$561,403 in unanticipated revenues received in FY 2024-25 from unexpected refunds related to previously paid attorney court claims.

The recommended actions are necessary in order to provide sufficient appropriations and estimated revenues for the increase in attorney and ancillary costs associated with court appointed claims.

REFERENCE MATERIAL:

BAI #24, February 7, 2023
BAI #30, June 21, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Budget Resolution (Org 2880)
On file with Clerk - Budget Resolution (Org 2875)
On file with Clerk - Budget Resolution (Org 2875 Appropriations and Revenues)

CAO ANALYST:

Maria Valencia