

The County of Yuba

County Administrator



TO: Board of Supervisors

FROM: County Administrator, Kevin Mallen

SUBJECT: Approve Resolution authorizing continued participation in the Public Defense Pilot Program for year two funding and grant authority for participation in subsequent years; Approve amendment two to public defender contract; Approve budget adjustment form.

DATE: May 9, 2023

NUMBER: 219/2023

Recommendation

It is recommended that the Board of Supervisors (“Board”):

1. Authorize the County Administrative Officer or the County Administrative Officer’s designee to enter into Amendment 1 of the State of California Board of State and Community Corrections Agreement Number BSCC-355-21 for Year Two funding of the Public Defense Pilot Program;
2. Approve Amendment 2 to the Contract for Legal Representation of Indigent Persons in the County of Yuba for Public Defender services with Brian J. Davis and authorize the Chairman of the Board to sign;
3. Approve a Public Defender budget adjustment in the amount of \$91,505.93 related to State funds allocated for Yuba County’s continued participation in the Public Defense Pilot Program. This Budget Adjustment request will appropriately budget for the incoming State revenue as well as the offsetting expense in professional services.

Background & Discussion

In March 2022, the Board of Supervisors authorized Yuba County’s County Administrative Officer or designee to apply for and enter into an agreement with the Board of State and Community Corrections (“BSCC”) grant program for funds under the Public Defender Pilot Program (“PDPP”) to provide defense representation services to indigent individuals. The full grant period ends March 1, 2025 and is applied for annually. This grant program is available noncompetitively to California Counties, and pursuant to the grant program, County funding allocations are determined by the County’s total adult

population. Year One funding for period March 1, 2022- February 28, 2023 was received and distributed to Brian J. Davis, under the PDPP in the amount of \$92,107.07. Mr. Davis utilized the funds to develop *Project Second Chance* to provide representation to those individuals meeting the criteria under the Project and under the guidelines of the PDPP.

Yuba County's Year Two funding allocation under the grant program is \$91,505.93.

A signed Resolution is required by California's Board of State and Community Corrections in order to finalize the application process and release grant funds for Year Two under the PDPP grant program.

Amendment 2 to the Contract with Yuba County's Public Defender Brian J. Davis for Legal Representation of Indigent Persons is necessary to amend the scope of services and compensation to include additional work under the Public Defender Pilot Program, Year Two.

Lastly, the Budget Adjustment Request of \$91,505.93 is to amend the Public Defender Revenue –State Other account and distribute the funds into the Public Defender- Expense Professional Services Account as related to the County's participation in the Public Defender Pilot Program.

Committee Action:

None. This request is being brought directly to the full Board of Supervisors for consideration.

Fiscal Impact:

There will be no fiscal impact to the County as the work performed by Mr. Davis under the Grant Agreement will be paid for by the County's allocated amount from the State for the Public Defender Pilot Program. Payment(s) will be forwarded to Mr. Davis once the grant funds have been received from the State.

Attachments:

- Minute Order dated April 26, 2022 (199/2002)
- Amendment 2 to Contract for Legal Representation of Indigent Persons in the County of Yuba
- Resolution of the Board of Supervisors of the County of Yuba Authorizing Continued Participation in the Public Defense Pilot Program for Year Two Funding; and Granting Signing Authority to County Administrator for Participation in Subsequent Years
- Budget Adjustment Request Form