



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager



Date: April 6, 2015
Board Meeting Date: April 28, 2015
Special Notice / Hearing: None
Vote Required: 4/5ths

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager

Subject: Second Installment to Private Defender Program for Operation Sunny Day cases

RECOMMENDATION:

Adopt a resolution authorizing an Appropriation Transfer Request in the amount of \$500,000 from Non-Departmental Excess ERAF Reserves to the Private Defender Program budget unit for the purpose of reimbursing the PDP for costs incurred to date for the cases filed under *People v. Marvin Ware, et al.*

BACKGROUND:

The County of San Mateo is obligated to provide legal representation for those persons accused of crimes and subject to certain criminal proceedings who are determined by the courts to be indigent and therefore entitled to the appointment of counsel at public expense. At the June 4, 2013 Board of Supervisors meeting, the Board approved a two-year contract between the County of San Mateo and the San Mateo County Bar Association for services rendered by the Association's Private Defender Program (PDP) for a term of July 1, 2013 through June 30, 2015.

On December 9, 2014 the Board approved an amendment to the PDP agreement to cover special litigation costs up to a not-to-exceed amount of \$5 million related to the cases filed under *People v. Marvin Ware, et al, San Mateo Superior Court Nos. SC080432, SC080433, and SC080434* (aka "Operation Sunny Day"). At that time the Board also approved an Appropriation Transfer Request (ATR) for \$500,000 representing the first installment to reimburse the PDP for defense costs associated with these cases.

DISCUSSION:

As of March 31, 2015 the PDP has spent \$944,748.74 with an outstanding balance of \$444,748.74 (see table below). It is determined to be in the best interest of the County and the PDP to exercise the second installment at this time.

PDP PROJECT "OPERATION SUNNY DAY"						
RECEIVABLE FROM COUNTY OF SAN MATEO						
FROM PROJECT INCEPTION THROUGH MARCH 31, 2015						
			OTHER COSTS		PAYMENTS	RUNNING
	ATTORNEYS	INVESTIGATORS	DUPLICATION	RECORDS RESEARCH	RECEIVED	BALANCE
APRIL, 2014	14,735.50	48.00	-	-	-	14,783.50
MAY, 2014	43,908.40	3,018.59	-	-	-	61,710.49
JUNE, 2014	52,562.75	2,378.91	13,866.97	1,174.50	-	131,693.62
JULY, 2014	84,839.10	19,667.13	1,326.12	-	-	237,525.97
AUGUST, 2014	106,071.10	18,748.19	146.74	-	-	362,492.00
SEPTEMBER, 2014	77,130.40	10,361.85	-	-	-	449,984.25
OCTOBER, 2014	91,006.80	21,326.10	3,121.44	-	-	565,438.59
NOVEMBER, 2014	61,748.25	14,801.54	160.44	-	-	642,148.82
DECEMBER, 2014	48,183.40	8,822.80	1.19	-	-	699,156.21
JANUARY, 2015	60,358.75	11,575.27	-	-	(500,000.00)	271,090.23
FEBRUARY, 2015	63,343.50	18,290.66	-	-	-	352,724.39
MARCH, 2015	58,947.00	33,077.35	-	-	-	444,748.74
	762,834.95	162,116.39	18,622.90	1,174.50	(500,000.00)	444,748.74

Approval of this ATR contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring that all residents who cannot afford an attorney receive effective, efficient and high quality legal representation.

FISCAL IMPACT:

This ATR transfers Non-Departmental Excess ERAF reserves of \$500,000 to the PDP budget unit, from which the payment to the PDP will be made. All payments related to this matter represent one-time net county cost.