



RESOLUTION No. 17-244

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO ESTABLISH AND ADOPT A REVISED FEE SCHEDULE FOR THE PUBLIC DEFENDER'S OFFICE

WHEREAS, the Public Defender's Office has the statutory and Constitutional obligation to defend indigent persons accused of committing criminal offenses; and

WHEREAS, Penal Code Section 987.4, 987.5, 987.8 and Welfare and Institutions Code Sections 659, 903.1, 903.15, 903.45 permit the court to order the reimbursement to the county for the costs of the appointment of the Public Defender's Office; and

WHEREAS, the Public Defender's Office has gathered information on the cost of providing its various services and has proposed a fee schedule based on those costs; and

WHEREAS, the actual average cost to the county of providing indigent defense services exceeds the fee schedule; and

WHEREAS, the County of Nevada desires these fees to be fair and equitable to the recipients of such services and County taxpayers; and

WHEREAS, many of the fees have not been adjusted since 2011 when Resolution 11-225 was adopted, which established fees based on the cost of services at that time; and

WHEREAS, the County of Nevada desires to adjust these fees to recover or partially offset increased costs of providing these services; and

WHEREAS, notice of a public hearing was duly published on or about May 25, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada as follows:

1. Income eligibility for legal representation by the Public Defender shall be based on current federal HHS Poverty Guidelines; criminal defendants and the parents of minors that are the subject of a delinquency petition filed under Welfare and Institutions Code Section 602 whose income does not exceed 200% of said guidelines shall be eligible for appointment of the Public Defender.
2. That the Public Defender's Office fees as set forth in Exhibit "A" attached hereto are hereby adopted.
3. All defendants shall be entitled to a hearing regarding their ability to pay any or all of the fees set forth in Exhibit "A" consistent with California Penal Code Section 987.81.
4. If the fee is paid in installments, including first paying the registration fee and subsequently paying the remaining balance in one payment, a \$35 installment payment fee shall be added. Should the entire amount be paid within 30 days of the date counsel is appointed, the installment payment fee shall be waived.

BE IT FURTHER RESOLVED that Resolution 11-225 is hereby rescinded in its entirety.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 6th day of June, 2017, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

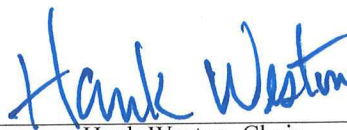
Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____



Hank Weston, Chair

6/06/2017 cc:

PD*
CEO*
AC*

Exhibit A

Proposed Public Defender Flat Rate Fee Schedule			
Amount	Description	Breakdown	Reference
\$250*	Misdemeanor Flat Rate	\$220 Indigent Defense Fee \$ 30 Collections Fee**	Penal Code §§ 987.5, 987.8, 1463.007; BOS Resolution 10-408
\$400*	Juvenile Flat Rate	\$370 Indigent Defense Fee \$ 30 Collections Fee **	Penal Code §§ 987.4, 987.8, 1463.007; Welfare and Institutions Code §§ 659, 903.1, 903.15, 903.45; BOS Resolution 10-408
\$450*	Felony Flat Rate	\$420 Indigent Defense Fee \$ 30 Collections Fee**	Penal Code 987.5, 987.8, 1463.007; BOS Resolution 10-408
<p>*includes \$50 Registration Fee [Penal Code 987.5(a)¹ and BOS Resolution 10-040] **or \$35 if turns to installment account [Penal Code 1205(d) and BOS Resolution 96-460]</p>			

¹Penal Code 987.5(a): "Every defendant shall be assessed a registration fee not to exceed fifty dollars (\$50) when represented by appointed counsel. Notwithstanding this subdivision, no fee shall be required of any defendant that is financially unable to pay the fee."

	# of Cases	Attorney staff	% of attorney staff	15/16 actual salary/b	Salary and Benefits by % of Attorney	15/16 Actual Ancillary	Ancillary costs by % of Attorney	costs per case
Misdemeanors	1300	3.5	43.75%	1874267.88	819,992.20	351,032.05	153,576.52	748.90
Felonies (not AB109 or VOP)	300	3.5	43.75%	1874267.88	819,992.20	351,032.05	153,576.52	3245.23
Juvenile	55	0.5	6.25%	1874267.88	117,141.74	351,032.05	21,939.50	2528.75

Exhibit B

Public Defender Flat Rate Fee Schedule			
Amount	Description	Breakdown	Reference
\$200*	Misdemeanor Flat Rate	\$170 Indigent Defense Fee \$ 30 Collections Fee**	Penal Code §§ 987.5, 987.8, 1463.007; BOS Resolution 10-408
\$400*	Juvenile Flat Rate	\$370 Indigent Defense Fee \$ 30 Collections Fee **	Penal Code §§ 987.4, 987.8, 1463.007; Welfare and Institutions Code §§ 659, 903.1, 903.15, 903.45; BOS Resolution 10-408
\$400*	Felony Flat Rate	\$370 Indigent Defense Fee \$ 30 Collections Fee**	Penal Code 987.5, 987.8, 1463.007; BOS Resolution 10-408
<p>*includes \$50 Registration Fee [Penal Code 987.5(a)¹ and BOS Resolution 10-040] **or \$35 if turns to installment account [Penal Code 1205(d) and BOS Resolution 96-460]</p>			

¹Penal Code 987.5(a): "Every defendant shall be assessed a registration fee not to exceed fifty dollars (\$50) when represented by appointed counsel. Notwithstanding this subdivision, no fee shall be required of any defendant that is financially unable to pay the fee."