



County Administrative Office  
**COUNTY OF TULARE**  
**AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** October 2, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Michael C. Spata    PHONE: (559) 636-5005

**SUBJECT:** Agreement with Superior Court of California, County of Tulare

**REQUEST(S):**

That the Board of Supervisors:

1. Approve Agreement with the Superior Court of California, County of Tulare, for the collection of a Public Defender registration fee on behalf of Tulare County, retroactive to July 1, 2018 through June 30, 2021;
2. Authorize the Chairman of the Board to sign three (3) copies each of the Agreement; and
3. Find that the Board had authority to approve this Agreement as of July 1, 2018, and that it was in the County's best interest to enter into the agreement on that date as there was a need to confirm information regarding funding and space allocation.

**SUMMARY:**

The proposed Agreement between the Public Defender's Office and Tulare County Superior Court ("Court") is necessary for the continued collection of registration fees allowed by Penal Code Section 987.5.

Previously, on October 16, 2012, the Board of Supervisors approved the establishment of a \$50 registration fee for indigent criminal defendants who would be represented by the Public Defender based upon the Court's determination of financial ability to pay the fee (Resolution No. 2012-0800).

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As a practical matter, the Public Defender's Office is not designed to collect these payments; and as such, it was determined that the Court had the necessary facilities in each courthouse and the capabilities to collect the registration fees for the Public Defender on behalf of the County. The Court has collected these fees for the past three years.

The Superior Court will provide collection services without cost to the County. In exchange for these services, the County grants a revocable license for the use of real property of 5037 square feet within the basement of the Visalia Courthouse. Thus, the County is providing the square footage for free to the Courts provided the Courts continually collect Public Defender fees through their operations which are located in this same square footage.

The following terms in the Agreement deviate substantively from standard County boilerplate: (1) The Agreement calls for mutual indemnification (§ 12), (2) Both parties must maintain their own insurance coverage (§ IV), and (3) both parties may terminate without cause upon ninety (90) days prior written notice (§ 13). The Agreement also may be signed in counterparts (§ IX.)


**FISCAL IMPACT/FINANCING:**

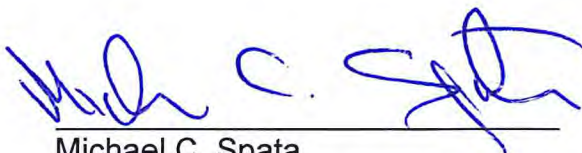
There is no Net County Cost associated with this Agreement. Revenues are budgeted within the Public Defender's operating budget. Total fees collected were \$11,903 in FY 15/16; \$33,869 in FY 16/17; and \$34,800 in FY 17/18.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Strategic Business Plan includes the goal of Organizational Performance. The Agreement helps fulfill this goal by providing additional resources to Public Defender the defense of the citizens of Tulare County as required by law.

**ADMINISTRATIVE SIGN-OFF:**

  
Sophia Almanza, MBA  
Deputy CAO, Budget and Finance

  
Michael C. Spata  
County Administrative Officer

cc: County Administrative Office  
County Counsel

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Attachment(s):

Attachment 1 – Agreement for Public Defender Fee & Cost Collection

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVAL OF AN )  
AGREEMENT WITH THE ) Resolution No. \_\_\_\_\_  
SUPERIOR COURT OF CALIFORNIA, ) Agreement No. \_\_\_\_\_  
COUNTY OF TULARE )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD October 2, 2018, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

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2. Authorized the Chairman of the Board to sign three (3) copies each of the Agreement; and
3. Found that the Board had authority to approve this Agreement as of July 1, 2018, and that it was in the County's best interest to enter into the agreement on that date as there was a need to confirm information regarding funding and space allocation.