

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Defender

BOARD AGENDA:6.B.10
AGENDA DATE: July 31, 2018

SUBJECT:

Authorization for the Auditor-Controller, on Behalf of the Department of the Public Defender, to Pay a Prior Year Invoice for Services Provided in a Prior Year

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0390

On motion of Supervisor Monteith, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:



ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Defender

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CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Authorization for the Auditor-Controller, on Behalf of the Department of the Public Defender, to Pay a Prior Year Invoice for Services Provided in a Prior Year

STAFF RECOMMENDATION:

1. Authorize the Auditor-Controller, on Behalf of the Department of the Public Defender, to pay a prior year invoice for services provided in a prior year

DISCUSSION:

The Department of the Public Defender is requesting authorization to pay an invoice that is over one year old. This invoice is payable to Mr. James Mootz who provided indigent defense legal services as court appointed counsel to an indigent defendant.

On August 13, 2015, Mr. James Mootz was appointed by the Honorable Judge Scott Steffen to represent Mr. David Lara in case number 1486965. Mr. Mootz submitted his invoice to the Department on January 4, 2017 for services provided between August 11, 2015 and May 24, 2016. Once the Department received the invoice it was sent to designated review personnel which consisted of a panel defense attorney. The invoice was never returned by the reviewing individual to the Department who also did not detect this oversight timely. In March 2018, Mr. Mootz discovered that his invoice had not been paid and contacted the Department to alert it of the unintended oversight. Mr. Mootz resubmitted his invoice on March 5, 2018. The invoice was signed by Sonny Sandhu, Public Defender, for authorization of payment shortly after it was received.

Approval is requested by the Department to pay the prior year invoice in the amount of \$2,643.50. The delay in processing the invoice is due to Department error in not following up with the invoice that was lost from the reviewing individual.

Corrective actions have been implement by the Department. In March 2017, the Department worked with the Stanislaus County Superior Court to implement changes to the Indigent Defense Invoicing Procedure. The Department now contracts with an attorney to do all Panel Attorney invoice reviews and has set timelines in place for review completion. The reviewing attorney, as well as all appointed counsel, are now aware of the time limits they have in submitting and completing review of invoices.

POLICY ISSUE:

California Government Code, Title 1-General, Division 3.6-Claims and Actions Against Public Entities and Public Employees, Part 3-Claims Against Public Entities, Section 911.2(a) states that a claim "...shall be presented...not later than one year after the accrual of the cause of action." Since the invoice is more than one year old, approval for payment is requested from the Board of Supervisors.

FISCAL IMPACT:

There is no additional fiscal impact associated with this item as the Public Defender-Indigent Defense Budget has sufficient funding in the Department's Fiscal Year 2018-2019 Recommended Proposed Budget to absorb payment of this invoice.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Boards' priority of *Supporting Strong and Safe Neighborhoods* and *Delivering Efficient Public Services* by ensuring Indigent Defense Panel Attorneys are compensated for services provided.

STAFFING IMPACT:

Existing Public Defender and Auditor-Controller staff will ensure payment is made to Mr. Mootz.

CONTACT PERSON:

Sonny Sandhu, Public Defender Telephone: (209) 525-4211