

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-4

Urgent

Routine

CEO Concurs with Recommendation YES NO
(Information Attached)

AGENDA DATE December 6, 2011

4/5 Vote Required YES NO

SUBJECT:

Approval to Increase Appropriations by \$10,000 for the Grand Jury to Hire a Private Law Firm for a Civil Contempt Proceeding Funded by a Transfer of Appropriations for Contingencies

STAFF RECOMMENDATIONS:

1. Approve the increase in appropriations of \$10,000 for the Grand Jury to hire a private law firm for a civil contempt proceeding.
2. Authorize the transfer of \$10,000 from Appropriations for Contingencies by a 4/5 vote of the Board of Supervisors.
3. Direct the Auditor-Controller to increase appropriations as detailed in the attached Budget Journal form.

FISCAL IMPACT:

The Grand Jury is requesting to increase appropriations by \$10,000 to cover the cost of private law firm to represent the Grand Jury in a civil contempt proceeding. The increase is to be funded by a transfer from Appropriations for Contingencies. After the transfer, a total balance of \$4,410,864 will remain in Appropriations for Contingencies.

BOARD ACTION AS FOLLOWS:

No. 2011-725

On motion of Supervisor Withdraw, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withdraw, De Martini, and Chairman Monteith

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: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Increase Appropriations by \$10,000 for the Grand Jury to Hire a Private Law Firm for a Civil Contempt Proceeding Funded by a Transfer of Appropriations for Contingencies

DISCUSSION:

On November 8, 2011 the Chief Executive Office received a letter from Ricardo Cordova, Presiding Judge of the Stanislaus County Superior Court requesting a \$10,000 appropriations increase to the Grand Jury budget, which includes both the Civil and Criminal Grand Jury.

The Civil Grand Jury would like to continue to move forward a civil contempt proceeding. The Civil Grand Jury was assisted with the preliminary legal paper work for the proceeding by County Counsel, but not as the attorney of record. After separate meetings between the foreperson of the Civil Grand Jury, County Counsel and the District Attorney's Office, it was determined that County Counsel could not represent the Civil Grand Jury due to a possible conflict of interest. The District Attorney is not able to represent the Civil Grand Jury because the current case is a civil, not a criminal matter.

The Civil Grand Jury has chosen a private law firm and has determined that approximately \$10,000 will cover the expense of private counsel. The Chief Executive Office is requesting to increase Appropriations in the Grand Jury budget by \$10,000 to cover the cost of private counsel. This increase will be funded by an appropriations for contingencies transfer which requires a 4/5 vote of the Board of Supervisors.

POLICY ISSUES:

In considering this item, the Board may consider whether the recommendations are consistent with the Board of Supervisor's priority of A Safe Community and Efficient Delivery of Public Services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT INFORMATION:

Stan Risen, Assistant Executive Officer, 342-1731

County of Stanislaus: Auditor-Controller Legal Budget Journal


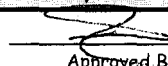
Database
Set of Books

FMSDBPRD.CO.STANISLAUS.CA.US.PROD
County of Stanislaus

Balance Type	Budget	
Category	* List - Text	Budget - Upload
Source	* List - Text	
Currency	* List - Text	USD
Budget Name	List - Text	LEGAL BUDGET
Batch Name	Text	
Journal Name	Text	
Journal Description	Text	
Journal Reference	Text	
Organization	List - Text	Stanislaus Budget Org

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations decr est revenue	(format > number > general)	decr appropriations incr est revenue			
4	7	5	7	6	6	5					Upper case MMM-YY List - Text	Text	
	0100	0052100	63630	0000000	000000	000000	00000	10000		0		NOV-11	Increase Legal Svcs
	0100	0016071	89000	0000000	000000	000000	00000	0		10000		NOV-11	Decrease Appr for Cont
Totals:								10000		10000			

Explanation:

Requesting Department	Data Entry	Auditors Office Only	
Signature:  Date: 11/15/2011	Keyed by: _____ Date: _____	Prepared By: _____ Date: _____	Approved By:  Date: 11-14-11