

Board of Supervisors Resolution 09-050 dated May 12, 2009

RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA  
May 12, 2009

WHEREAS, California Government Code Section 29321 provides that the Board of Supervisors may establish a revolving fund for the use of any officer of the County by adopting a resolution; and

WHEREAS, the District Attorney may be required to process payments to vendors to support the investigation and prosecution of crime; and

WHEREAS, the Public Defender may be required to process payments to vendors to support the investigation and defense of its clients; and

WHEREAS, the work performed for case preparation by and for the Public Defender and District Attorney is considered attorney work product entitled to confidentiality pursuant to Section 2018.030 of the California Code of Civil Procedure and Section 1054.6 of the California Penal Code; and

WHEREAS, California Government Code Section 6254(f) provides for the confidentiality of a law enforcement agency's records of investigation; and

WHEREAS, California Government Code Section 6254(k) provides an exemption for records, the disclosure of which are exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege; and

WHEREAS, the District Attorney and the Public Defender are required to process payments through the Auditor-Controller's Office to vendors for services rendered in the course of performing their respective legal duties; and

WHEREAS, the existing County accounting system and the CAPS+ system upgrade are unable to maintain the confidentiality of the records of these payments consistent with Government Code Sections 6254, subdivisions (f) and (k), Section 2018.030 of the California Code of Civil Procedure, or Section 1054.6 of the California Penal Code; and

WHEREAS, Government Code Section 29321 authorizes the Board to establish Revolving Funds in the amount of \$250,000, one each for the District Attorney and the Public Defender, which would allow for issuing payment by those agencies to vendors in situations which require maintaining attorney work product confidentiality.

NOW, THEREFORE, BE IT RESOLVED that this Board does find that it is necessary to protect the confidentiality of attorney work product of the District Attorney and Public Defender by:

1. Establishing a District Attorney Revolving Fund, not to exceed \$250,000, to be maintained with existing District Attorney funds solely to execute payment for the investigation and prosecution of crime; and
2. Establishing a Public Defender Revolving Fund, not to exceed \$250,000, to be maintained with existing Public Defender funds solely to execute payment for providing investigation and defense to the Public Defender's clients.

BE IT FURTHER RESOLVED that the expenditures from these funds and fund replenishments will be subject to all applicable County purchasing policies and procedures, are not subject to the limits provided in Resolution 92-1008, will be replenished by the Auditor-Controller, upon request of the respective department heads or their designees, and are subject to audit by the County's Internal Auditor in accordance with upholding the confidentiality of the District Attorney's and Public Defender's work product.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on May 12, 2009, to wit:

AYES:	Supervisors:	JOHN M. W. MOORLACH, JANET NGUYEN, CHRIS NORBY PATRICIA BATES
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	BILL CAMPBELL
ABSTAINED:	Supervisor(s):	


  
 \_\_\_\_\_  
 CHAIRMAN

STATE OF CALIFORNIA )  
 )  
 COUNTY OF ORANGE )

**I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .**

**IN WITNESS WHEREOF, I have hereto set my hand and seal.**

  
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 DARLENE J. BLOOM  
 Clerk of the Board  
 County of Orange, State of California



Resolution No: 09-050  
 Agenda Date: 05/12/2009  
 Item No: 3



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
 Deputy