

State of Idaho

County of Canyon

On this 18 day of August, 2023, I understand and agree to the foregoing terms and conditions of the FY 2024 PDC financial assistance, and hereby certify my authority to execute this Agreement on the County's behalf. I certify (or declare) under penalty of perjury pursuant to the law of the state of Idaho that the foregoing is correct. This certification or declaration is made pursuant to IDAHO CODE § 9-1406.



[SEAL]

Chris Yamamoto

(Printed Name of Clerk)

Chris Yamamoto

Chris Yamamoto (Aug 18, 2023 11:47 MDT)

(Signature of Clerk)

County Clerks must digitally attest, sign and submit the Agreement **on or before September 15, 2023.**

23-114

Canyon County FY 2024 Indigent Defense Financial Assistance Agreement

Dear Commissioners, County Clerk, and Lead Institutional/Primary Defending Attorney:

Based on the Idaho State Public Defense Commission's review of the County's FY 2024 Indigent Defense Financial Assistance applications and related materials, the Commission has approved FY 2024 financial assistance in the amounts and subject to the terms set forth below. This Agreement outlines the various financial assistance types and approved uses of each. Please contact PDC staff at info@pdc.idaho.gov or at the contact information below, if you have any questions about the financial assistance or this Agreement.

As a reminder, pursuant to Idaho Code 19-862A(6), all Annual Reports required by Idaho Code 19-864 must have been received by PDC staff, prior to distribution of financial assistance.

Summary of FY 2024 Formula Financial Assistance	
FY 2024 Awards	Prior Assistance Offset Amounts
FY 2024 Formula Award: \$696,109	<i>Formula: \$0</i>
One-Time Award: \$139,222	
FY 2024 Workload Award: \$534,371	<i>Workload: \$0</i>
Total Awards: \$1,369,702	

FY 2024 Formula Financial Assistance Award

FY 2024 Award of \$696,109

This amount must be used to pay for expenses necessary for the County to meet or improve upon [Public Defense Rules \("Rules"\)](#) and/or cure previous deficiencies in FY 2024 (see 2022 Annual Review Report and any other PDC communications regarding deficiencies).

One-Time Additional Award (20% of FY 2024 Formula Financial Assistance): \$139,222

The County is authorized to use this amount for its specific indigent defense needs and expenses to be reported in the Expenditure Report on or before December 31, 2024.

FY 2024 Workload Compliance Assistance Award

FY 2024 Award of \$534,371

These amounts must be used to pay for the following designated use/s in FY 2024

FY 2024 WL: \$534,371

Designated Use:

ATTORNEYS: \$532,456

Attorney 1: \$74,418/\$29,767

Attorney 2: \$65,869/\$26,347

Attorney 3: \$92,966/\$37,186

Attorney 4: \$73,545/\$29,418

Attorney 5: \$75,000/\$27,940 (1.0 New)

FOR WL ATTORNEYS/STAFF: \$1,915

State Bar & IDACDL Dues: \$525

Technology: \$1,390 (New attorney laptop)

Additional Terms

- **PDC financial assistance cannot be used for any purpose other than as authorized for indigent defense expenses incurred in County's FY 2024 as set forth in this Agreement.**
- PDC financial assistance must be used as set forth in this Agreement and necessary to provide for representation of indigent persons as required by applicable Idaho law and the Rules. No other use is permitted (i.e. wheelchair ramps or roof repairs would not be eligible indigent defense expenses).
- It is the County's responsibility for compliance with the specified requirements as detailed in this agreement. At a minimum, the County is required to maintain detailed and accurate records of its use of all PDC financial assistance as set forth in this Agreement including PDC financial assistance from prior year awards and report this information to the Commission with the Expenditure Report (defined below) on or before December 31 of each year. If requested, the County is required to provide supporting detail for amounts reported within the timeframe specified by the PDC or their designee. Supporting detail includes, but is not limited to, invoices, payroll reports and contracts.
- If the Commission has awarded workload compliance assistance to the County:
 - The County is required to track the workload award by position number, position title, and actual expenditures by those designations; and
 - If the County pays anything more than the awarded designated use, the County is responsible for paying such amount from the County budget, not from PDC funds; and
 - If the County pays anything less than the awarded designated use, those remaining amounts are considered unspent workload awards. Any unspent awards are expected to be reported by the County on the County's Expenditure Report.
- If the County's financial assistance application reported estimated unspent formula financial assistance remaining for the current fiscal year (FY 2023), the County is authorized to spend up to the amount of *actual remaining funds* left at the end of the current fiscal year and not the estimated amount, unless the Commission designates otherwise.
- The County is required to maintain separate accounting for Formula Financial Assistance and separate accounting for Workload Compliance Assistance and maintain detailed and accurate accounting records of expenditures and remaining funds from each account.

- The allocation of financial assistance to the County is not a determination of adequate resourcing for effective representation or equitable compensation as compared to a properly funded prosecutor. The County is responsible for adequate and equitable compensation pursuant to the Rules.
- PDC staff and/or third-party accountant or auditor may audit the County's financial records and/or otherwise request information about the County's use of PDC financial assistance at any time. The County will cooperate with any audits and promptly provide requested information.
- On or before December 31, 2023, the County must submit a final report detailing how it spent (1) FY2023 PDC financial assistance and (2) all funds from other sources used for public defense expenditures including but not limited to the payments from Idaho State Tax Commission and payments to the County for providing indigent defense services to other county(ies) ("Expenditure Report"). This information is needed in order for the Commission to report the use of State funds and indigent defense needs to the Legislature.
- The County is responsible for complying with this Agreement even if the County has assigned all or part of the PDC financial assistance to any contract Defending Attorney(s). The County must regularly communicate with contract Defending Attorneys about this Agreement and confirm indigent representation and financial assistance and records are being provided and accounted for as required herein.

Again, please contact PDC staff, if you have any questions.

Main Office – general information: info@pdc.idah.gov, (208) 332-1735

Kathleen Elliott, Executive Director, kathleen.elliott@pdc.idaho.gov, (208) 869-3124

Jared Ricks, Regional Coordinator, jared.ricks@pdc.idaho.gov, (208) 520-6453

Jennifer Roark, Regional Coordinator, jennifer.roark@pdc.idaho.gov, (208) 892-9487

Tammy Zokan, Policy and Compliance Counsel, tammy.zokan@pdc.idaho.gov, (208) 921-2245

Canyon County FY2024 Indigent Defense Financial Assistance Agreement

Board of County Commissioners Attestation and Signatures

On behalf of the County, I understand and agree to the foregoing terms and conditions of the FY2024 PDC financial assistance, and hereby certify my authority to execute this Agreement on the County's behalf. I certify (or declare) under penalty of perjury pursuant to the law of the state of Idaho that the foregoing is correct. This certification or declaration is made pursuant to IDAHO CODE § 9-1406.

Ledie Van Boeck

District 1 Commissioner – Print Name

Signature

9/5/23

Date

Brad Holton

District 2 Commissioner – Print Name

Brad Holton

Signature

9/5/2023

Date

Zach Brooks

District 3 Commissioner – Print Name

Zach Brooks

Signature

9/5/23

Date

*The signature of at least a majority of the Commissioners

Attest: Chris Yamamoto, Clerk
JROSS, Deputy Clerk