



February 4, 2005

Task Force on Indigent Defense
Attention: Bryan Wilson
PO Box 12066
Austin, Texas 78711

Re: Request for Comments - Formula Grant Change Procedure and Timeline

Dear Mr. Wilson:

We wish to submit the following comments regarding the Task Force on Indigent Defense Formula Grant Procedure and Timeline. We do not request that the timeline on the grant formula be changed. However, we request that the formula be modified from its current version to ensure that grant funds are allocated and distributed to counties in a fair manner.

In its current state, the grant formula provides a grant amount of \$5000 to each county who has an increase in indigent defense expenditures over the county's FY 2001 baseline expenditures. The remainder of the budgeted formula grant is divided among the eligible counties according to their percentage of the state population. However, the \$5000 allocation to counties disproportionately funds a greater percentage of the expenditures of many counties (see attached spreadsheet for details). For instance, under the current formula, the FY 05 grants covered a statewide average of 8.16% of the total FY 04 expenditures. However, the FY 05 grant to 63 counties covered greater than 25% of their total FY 04 expenditures. Many of these counties received FY 05 grants that exceeded their FY 04 expenditures.

Therefore, in order to distribute the money more equitably, Lubbock County suggests that the \$5000 base grant be dissolved and that the following formula be applied to arrive at each county's formula grant:

1. Determine who is eligible for grants based upon an increase in expenditures from the FY01 baseline.
2. Exclude the populations of those counties who are not eligible for the formula grant to arrive at the total statewide population of eligible counties.
3. Determine each eligible county's percentage of the total statewide population of eligible counties.
4. Multiply each eligible county's percentage by the total budget set aside for formula grants.
5. Distribute funds based upon that dollar amount.

The attached spreadsheet provides numerous pieces of information that show historically how the formula grant has been applied to counties, as well as how the proposed changed formula would apply to all counties. The spreadsheet provides the following specific information:

1. County Name
2. 2000 census population
3. FY01 Baseline
4. FY 05 Award
5. 2004 Total Expenditures
6. % Elig Pop - This is the county's percentage of the statewide eligible population (Eligible population is determined by subtracting the population of ineligible counties from the total statewide population).
7. Award under Prop Change - This amount applies the proposed formula (% of eligible population x the total budget for formula grants)
8. Award Inc/Dec under Prop Change - This amount compares the FY 05 Award with the award under the proposed change.
9. % Exp before change - This percentage is derived by dividing the FY 05 Award by the FY 04 Expenditures.
10. % Exp after change - This percentage is derived by dividing the Award under Prop Change by the FY 04 Expenditures.
11. Exp Inc/Dec over Baseline - This is the amount of increase or decrease from FY 01 to FY 04.
12. % of Exp Inc/Dec before change - This percentage is derived by dividing the FY 05 Award by the Expenditure Increase or Decrease described in #11 above.
13. % of Exp Inc/Dec after change - This percentage is derived by dividing the Award under Prop change by the Expenditure Increase or Decrease described in #11 above.

The proposed formula change would result in an increase in the award amount to the 36 largest counties in Texas, which accounted for 83% of the total statewide expenditures in FY 2004. Lubbock County alone would have an increase in the grant award of almost \$8,000. While this will not eliminate the stress imposed by indigent defense expenditures, it will be helpful to Lubbock County.

We believe that the proposed change in the formula grant will result in a fairer system of allocation and distribution of Task Force funds. Thank you for your consideration of our comments. Should you need to contact us regarding our comments, please feel free to contact David Slayton, Lubbock County Director of Court Administration, at 806-775-1020.

Sincerely,

James Kitten
Commissioner, Pct 2

Patti Jones
Commissioner, Pct 4

Bradley S. Underwood
Acting Local Administrative Judge

cc: Senator Robert Duncan