



# Monterey County

**Item No.**

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

**Legistar File Number: A 22-432**

**August 23, 2022**

**Introduced:** 7/29/2022

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

- a. Approve and authorize the Contracts/Purchasing Officer to execute a Professional Services Agreement (“PSA”) with Shane M. Kelly for legal representation in indigent adult criminal cases, through the Alternate Defenders Office, with a term of September 1, 2022 through June 30, 2023, in the amount of \$90,562;
- b. Approve non-standard insurance provisions in PSA, as recommended by the Public Defender; and
- c. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments, each extending the term by one (1) fiscal year per amendment, provided the amendments do not significantly change the scope of work and do not exceed ten percent (10%) (\$9,056) of the original contract amount.

**RECOMMENDATION:**

- a. Approve and authorize the Contracts/Purchasing Officer to execute a Professional Services Agreement (“PSA”) with Shane M. Kelly for legal representation in indigent adult criminal cases, through the Alternate Defenders Office, with a term of September 1, 2022 through June 30, 2023, in the amount of \$90,562;
- b. Approve non-standard insurance provisions in PSA, as recommended by the Public Defender; and
- c. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments, each extending the term by one (1) fiscal year per amendment, provided the amendments do not significantly change the scope of work and do not exceed ten percent (10%) (\$9,056) of the original contract amount.

**SUMMARY:**

The Monterey County Alternate Defender’s Office (ADO) finds it necessary to assign qualified trial counsel to represent indigent defendants, other parties, or juvenile offenders in cases in which the Monterey County Public Defender has declared a conflict of interest and the courts appoint the ADO to serve as counsel.

To fulfill these alternate defense requirements, and to obtain qualified outside professional legal services, the ADO solicited qualifications from legal firms and/or attorneys to provide legal representation for indigent adult offenders - Request for Proposals (RFP) #10855. Following the evaluation of proposals submitted and an interview process, Shane M. Kelly was selected to provide defense services. The ADO recommends that the Board authorize the Contracts/Purchasing Officer to execute a contract with the Law Office of Shane M. Kelly for

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criminal defense services for the fiscal year 2022/2023. The ADO further recommends that the Board authorize the Contracts/Purchasing Officer to execute up to three extensions of these agreements by amendment, for one additional year per amendment.

DISCUSSION:

Language has been added to the proposed Professional Services Agreement to ensure that legal services are provided in compliance with ADO policies regarding legal representation and procedures. The proposed Professional Services Agreement is attached to this Board report and is on file with the Clerk to the Board's Office.

OTHER AGENCY INVOLVEMENT:

The ADO worked with the Contracts/Purchasing Division during the RFP solicitation to ensure the process was fair and transparent. County Counsel and the Auditor-Controller have reviewed and approved these Agreements as to legal form and fiscal provisions respectively.

FINANCING:

The annual compensation for this contract is funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8168-Court Assigned Counsel, as follows:

<u>Contractor</u>	<u>Maximum Annual Amount</u>	<u>Case Type</u>
Law Office of Shane M. Kelly	\$90,562.50	Felony

Funding for the Agreement is included in the **FY 2022-2023** Approved Budget and will be included in the FY 2023-24 Requested Budget, Budget Unit 8168-Court Assigned Counsel. Approval of the recommended actions will have no additional impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

**PUBLIC SAFETY:** The Alternate Defender Office will strive to protect the constitutional rights of the indigent by providing them quality representation in a society free and safe from unlawful State interference, by vigorously defending individual rights where the Public Defender has a conflict of interest.

Prepared by: Laura Henderson, Management Analyst, ext.6054

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*Laura Henderson*

Approved by: Susan Chapman, Public Defender, ext.5806

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*Susan Chapman*  
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Attachment 1: Agreement Shane M. Kelly