



County of Monterey

Item No.

Board Report

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

Legistar File Number: A 24-322

June 25, 2024

Introduced: 6/13/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize the Contracts/Purchasing Officer to execute Professional Services Agreements (“PSAs”) for legal representation in indigent adult criminal cases, through the Alternate Defenders Office, each with a term of July 1, 2024, through June 30, 2025, with the following attorneys in these total contract amounts: Kelly Duncan for \$105,000; Jan Lindberg for \$115,000; Tara Higgins for \$155,000; Richard West for \$155,000; and Shane Kelly for \$155,000; and
- b. Approve and authorize the Contracts/Purchasing Officer to execute PSAs for legal representation in indigent juvenile criminal cases, through the Alternate Defenders Office, each with a term of July 1, 2024, through June 30, 2025, with the following attorneys in these total contract amounts: Elliott Sanford for \$105,000 and Jeffrey Gobell for \$120,000; and
- c. Approve non-standard insurance provisions in each of the PSAs, as recommended by the Public Defender; and
- d. Approve and authorize the Contracts/Purchasing Officer to execute up to two (2) no-cost, no-extension amendments to each of these agreements, subject to County Counsel and Auditor-Controller review and provided there is no significant change to the scope of work.

RECOMMENDATION:

- a. Approve and authorize the Contracts/Purchasing Officer to execute Professional Services Agreements (“PSA”) for legal representation in indigent adult criminal cases, through the Alternate Defenders Office, with terms of July 1, 2024, through June 30, 2025, with the following attorneys in these total contract amounts: Kelly Duncan for \$105,000; Jan Lindberg for \$115,000; Tara Higgins for \$155,000; Richard West for \$155,000; and Shane Kelly for \$155,000; and
- b. Approve and authorize the Contracts/Purchasing Officer to execute PSAs for legal representation in indigent juvenile criminal cases, through the Alternate Defenders Office, with terms of July 1, 2024, through June 30, 2025, with the following attorneys in these total contract amounts: Elliott Sanford for \$105,000 and Jeffrey Gobell for \$120,000; and
- c. Approve non-standard insurance provisions in each of the PSAs, as recommended by the Public Defender; and
- d. Approve and authorize the Contracts/Purchasing Officer to execute up to two (2) no-cost, no-extension amendments to each of these agreements, subject to County Counsel and Auditor-Controller review and provided there is no significant change to the scope of work.

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 adult criminal clients and juvenile offers - Request for Proposals (RFP) #10921 and Request for Proposals (RFP) #10922. Following the evaluation of proposals submitted and an interview process, seven attorneys were selected to provide defense services. The ADO recommends that the Board authorize the Contracts/Purchasing Officer to execute contracts with the Law Office of Elliott Sanford, Law Office of Jeffrey Gobell, Law Office of Kelly Duncan, Law Office of Jan Lindberg, Law Office of Tara Higgins, Law Office of Richard West, and Law Office of Shane Kelly for criminal defense services for the fiscal year 2024/2025. The ADO further recommends that the Board authorize the Contracts/Purchasing Officer to execute up to extensions of two (2) these agreements by amendment, for one additional year per amendment.

DISCUSSION:

Language has been added to the proposed Professional Services Agreements to ensure that legal services are provided in compliance with ADO policies regarding legal representation and procedures. The proposed Professional Services Agreements are attached to this Board report and are 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. All the insurance and indemnifications are compliant with the standard requirements set forth by the Risk Manager.

FINANCING:

The annual compensation for each of the contracts 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 Elliott Sanford	\$105,000.00	Juvenile
Law Office of Jeffrey Gobell	\$120,000.00	Juvenile Coordinator
Law Office of Kelly Duncan	\$105,000.00	Misdemeanor
Law Office of Jan Lindberg	\$115,000.00	Felony (excluding life exposure); Misdemeanor
Law Office of Tara Higgins	\$155,000.00	Felony
Law Office of Richard West	\$155,000.00	Felony
Law Office of Shane Kelly	\$155,000.00	Felony

Funding for the Agreements are included in the **FY 2024-2025** Approved Budget and will be included in the FY 2025-26 Requested Budget, Budget Unit 8168-Court Assigned Counsel. Approval of the recommended actions will have no additional impact on the County General Fund.

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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

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

DocuSigned by:

Laura Henderson

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DocuSigned by:

Jeremy Dzubay

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Chief Assistant Public Defender

Attachments: 1 through 7

Attachment 1: Agreement Elliott Sanford

Attachment 2: Agreement Jeffrey Gobell

Attachment 3: Agreement Kelly Duncan

Attachment 4: Agreement Jan Lindberg

Attachment 5: Agreement Tara Higgins

Attachment 6: Agreement Richard West

Attachment 7: Agreement Shane Kelly