



Monterey County

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

Board Report

Legistar File Number: 19-0542

July 16, 2019

Introduced: 7/2/2019

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with Frank Dice, Attorney-At-Law, to provide case management and case supervision for the Alternate Defender's Office, extending the term by four months, retroactive from July 1, 2019 to October 31, 2019 and adding \$32,000 for a total agreement amount of \$128,000.

RECOMMENDATION:

- a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with Frank Dice, Attorney-At-Law, to provide case management and case supervision for the Alternate Defender's Office, extending the term by four months, retroactive from July 1, 2019 to October 31, 2019 and adding \$32,000 for a total agreement amount of \$128,000.

SUMMARY:

Monterey County has a constitutional obligation to provide legal representation for indigent persons accused of criminal violations, and in certain civil proceedings, in which the Monterey County Public Defender has declared a conflict of interest. In these cases, the courts appoint the Monterey County Alternate Defender's Office (ADO) to serve as counsel.

Pursuant to a Professional Services Agreement, the Chief Alternate Defender maintains operational responsibility for the ADO office, manages ADO attorney contracts, supervises ADO attorney performance, and assigns ADO attorneys to cases. The proposed amendment provides for continuity in ADO operations while the Public Defender solicits criminal defense attorneys interested in providing ADO oversight and supervision as Chief Alternate Defender.

DISCUSSION:

For several years, the County has contracted with attorney Frank Dice to serve as Chief Alternate Defender. Attorney Frank Dice's contract for these services expired by its terms on June 30, 2019. The County is currently publicly soliciting and evaluating criminal defense attorneys who are interested in serving as the Chief Alternate Defender. No Chief Alternate Defender has yet been selected for service beginning on July 1, 2019.

Accordingly, the Public Defender recommends extending the agreement with Frank Dice to ensure continuity in constitutionally mandated ADO functions. The proposed amendment would extend the term of Mr. Dice's agreement by four months, retroactive from July 1 through October 31, 2019, and it would increase the total amount of the Agreement by \$32,000 to compensate him for services rendered during this time.

During the four-month period, the process of soliciting proposals from attorneys interested in serving as the Chief Alternate Defender will continue. Should a selection be made before October 31, 2019, the proposed amendment provides for early termination of the extended Agreement, and pro rata compensation for services rendered to date.

The Dice Professional Service Agreement, and proposed Amendment No. 1 are attached to this Board report and are on file with the Clerk to the Board's Office.

OTHER AGENCY INVOLVEMENT:

County Counsel and the Auditor-Controller have reviewed and approved the Amendment as to legal form and fiscal provisions respectively.

FINANCING:

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

**Law Office of Frank Dice - Case Management & Supervision
FY 2020 - Amend No. 1 (\$32,000.00)**

Funding for the Agreement is included in the **FY 2019-2020** Approved 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 AND ADMINISTRATION: The Alternate Defender Office provides constitutionally mandated legal services in cases where the Public Defender has a conflict of interest. The Board's approval of the proposed amendment ensures the orderly administration of indigent legal services.

Prepared by: Latasha Ellis, Management Analyst, ext.5082

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

Attachments: Professional Services Agreement with Frank Dice
Proposed Amendment No. 1 to the Professional Service Agreement with Frank Dice