

## **AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN FRANK W DICE AND THE COUNTY OF MONTEREY**

This Amendment No. 2 is made and entered into by and between the County of Monterey, a political subdivision of the State of California, (hereinafter, "COUNTY"), and **FRANK W DICE** (hereinafter, "CONTRACTOR").

**WHEREAS**, on August 26, 2014, the Board of Supervisors of Monterey County authorized the Public Defender to execute a Professional Services Agreement with CONTRACTOR to provide case management and case supervision for the Alternate Defender Office, including authority to extend the agreement up to three times, for one year per extension; and

**WHEREAS**, pursuant to Board order, COUNTY and CONTRACTOR previously executed a Professional Services Agreement by which CONTRACTOR was to provide COUNTY with services as Chief Attorney of the County of Monterey Alternate Defender Office, for the period of July 1, 2014 through June 30, 2015; and

**WHEREAS**, pursuant to Board order, COUNTY and CONTRACTOR previously executed a Professional Services Agreement by which CONTRACTOR was to provide COUNTY with services as Chief Attorney of the County of Monterey Alternate Defender Office, for the period of July 1, 2015 through June 30, 2016; and

**WHEREAS**, COUNTY and CONTRACTOR previously executed Amendment No. 1 to the Professional Services Agreement executed by CONTRACTOR to extend his services as Chief Attorney of the Monterey County Alternate Defender Office for the period of July 1, 2016 through June 30, 2017 at the same monthly compensation; and

**WHEREAS**, CONTRACTOR has accepted an appointment from COUNTY to serve as the Interim County Public Defender, effective June 16, 2016; and

**WHEREAS**, COUNTY and CONTRACTOR intend to suspend CONTRACTOR's current Professional Services Agreement and the recent Amendment No. 1 to serve as Chief Attorney of the County of Monterey Alternate Defender Office during such time as he serves as Interim County Public Defender;

**NOW THEREFORE**, the COUNTY and CONTRACTOR hereby enter into this Amendment No. 2 to Professional Service Agreement in the following manner:

1. Part 3.0 "TERM OF AGREEMENT" is amended to add Section 3.03 to read as follows:

"This Agreement, and all extensions thereof, shall be suspended effective June 15, 2016 and shall remain suspended through and including such time as CONTRACTOR serves as Interim Public Defender of Monterey County, which term is currently set to extend through October 31, 2016. During the period of suspension, CONTRACTOR shall not perform the duties of this Agreement nor shall CONTRACTOR be compensated for performance of such duties.

This Agreement shall resume, and CONTRACTOR shall resume his duties as Chief Attorney of the Alternate Defender Office, on the day after CONTRACTOR's appointment as Interim Public Defender of Monterey County expires. CONTRACTOR's resumption of the duties as Chief Attorney of the Alternate Defender Office is currently set as November 1, 2016."

3. Except as provided herein, all remaining terms, conditions and provisions of the Agreement are unchanged and unaffected by this AMENDMENT.
4. A copy of this Amendment No. 2 shall be attached to the original Agreement, along with Amendment No. 1.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT No. 2 on the day and year written below.

MONTEREY COUNTY

CONTRACTOR

\_\_\_\_\_  
**Assistant County Administrative Officer**

By: \_\_\_\_\_  
**FRANK W DICE**  
ATTORNEY AT LAW

Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

*Approved as to Fiscal Provisions:*

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
**Deputy Auditor/Controller**

Dated: \_\_\_\_\_

*Approved as to Liability Provisions:*

\_\_\_\_\_  
**Risk Management**

Dated: \_\_\_\_\_

*Approved as to Form:*

\_\_\_\_\_  
**Deputy County Counsel**

Dated: \_\_\_\_\_