



Monterey County

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

Board Report

Legistar File Number: 19-0551

July 16, 2019

Introduced: 7/8/2019

Version: 1

Current Status: Criminal Justice - Consent

Matter Type: General Agenda Item

Approve and authorize the Contracts/Purchasing Officer to sign, Amendment No. 3 to the Professional Service Agreement with Jan Lindberg for providing legal representation of indigent criminal defendants through the Alternate Defender's Office, extending the terms by one year, retroactive from July 1, 2019 to June 30, 2020 and adding \$96,000 for a total agreement amount of \$336,000.00.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer to sign, Amendment No. 3 to the Professional Service Agreement with Jan Lindberg for providing legal representation of indigent criminal defendants through the Alternate Defender's Office, extending the terms by one year, retroactive from July 1, 2019 to June 30, 2020 and adding \$96,000 for a total agreement amount of \$336,000.00.

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. Professional Services Agreements with selected attorneys enable Monterey County to meet its constitutional obligations in conflict of interest cases.

DISCUSSION:

Recently, in June 2019, a contract attorney providing criminal defense services through the Alternate Defender's Office (ADO) advised the Public Defender that he was not going to renew his contract for fiscal year 2019-2020.

Accordingly, the Public Defender recommends providing for coverage of this attorney's caseload by amending its Agreement with Jan Lindberg to provide services for the additional assigned cases and increase compensation. Amendment No. 3 to the Jan Lindberg Agreement would increase the cases assigned from 100 maximum to 150 maximum. Amendment No. 3 would increase the yearly compensation paid to attorney Jan Lindberg from \$72,000 to \$96,000. Given the last minute nature of the notice provided by the departing ADO attorney to the Public Defender, the Board's approval of this amendment retroactive to a start date of July 1, 2019 is requested.

The Lindberg Professional Service Agreement, Amendment No. 1 and No. 2, and proposed

Amendment No. 3 are attached to this Board report and are on file with the Clerk to the Board's Office. In Amendment No. 2, the Board approved non-standard insurance provisions. The non-standard terms previously approved by the Board are not changed by proposed Amendment No. 3.

OTHER AGENCY INVOLVEMENT:

County Counsel and the Auditor-Controller have reviewed and approved the Amendment as to legal form and fiscal provisions respectively. County Counsel cannot approve continuance of non-standard insurance provisions.

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:

Contractor	Case Type	FY 2019 Contract	FY 2020 Contract
Law Office of Jan Lindberg	LIGHT FELONY	\$72,000.00	\$96,000.00

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: The Alternate Defender Office strives 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. Acceptance of the recommendations ensures the continuation of criminal defense services to the indigent.

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

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

Attachments:

- Professional Services Agreement with Jan Lindberg
- Amendment No.1 and No. 2 with Jan Lindberg
- Proposed Amendment No. 3 to the Professional Service Agreement with Jan Lindberg