



# Monterey County

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## Board Report

Legistar File Number: 16-815

June 28, 2016

**Introduced:** 6/21/2016

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve and authorize the Assistant County Administrative Officer to execute Amendment No. 2 to the existing Professional Services Agreement with Frank Dice, and extension thereof, suspending his appointment as Chief Attorney of the County of Monterey Alternate Defender Office (ADO) during such time as he is serving as the Interim Monterey County Public Defender; and
- b. Approve and authorize the Assistant County Administrative Officer to execute a Professional Services Agreement with Susan Chapman, appointing her to act as Interim Chief Attorney of the ADO during such time as Frank Dice is serving as Interim Monterey County Public Defender.

### RECOMMENDATION:

- a. Approve and authorize the Assistant County Administrative Officer to execute Amendment No. 2 to the existing Professional Services Agreement with Frank Dice, and extension thereof, suspending his appointment as Chief Attorney of the County of Monterey Alternate Defender Office during such time as he is serving as the Interim Monterey County Public Defender; and
- b. Approve and authorize the Assistant County Administrative Officer to execute a Professional Services Agreement with Susan Chapman, appointing her to act as Interim Chief Attorney of the ADO during such time as Frank Dice is serving as Interim Monterey County Public Defender.

### SUMMARY:

On June 15, 2016, the Board appointed Frank Dice, attorney at law, to fill the vacant position of Public Defender for Monterey County, effective June 20, 2016 through October 31, 2016, on an interim basis. The Board is asked to consider and approve (1) suspension of the professional services agreement, and extensions, by which Mr. Dice provides services to the County as Chief Attorney of the ADO and (2) appointment of Susan Chapman, attorney at law, as Interim Chief Attorney of the ADO during the period in which Mr. Dice serves as Interim Monterey County Public Defender.

### DISCUSSION:

Pursuant to Board appointment, Mr. Dice recently filled the position of Interim Public Defender of Monterey County, effective June 20, 2016 through October 31, 2016. At the time of this appointment, Mr. Dice was serving as Chief Attorney of the County of Monterey ADO. The ADO represents indigent defendants, other parties, and 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 for such individuals. To avoid conflicts of interest that could arise if the same individual simultaneously serves as both the County Public Defender and Chief Attorney of the ADO, it is recommended that the Board appoint Ms. Chapman to serve as Interim Chief Attorney of the ADO during such time as Mr. Dice is serving as the Interim

Monterey County Public Defender.

Ms. Chapman is currently providing legal services to adult criminal and juvenile offenders, through the ADO, pursuant to a professional services agreement. She would continue to perform these duties and would also perform the managerial duties of Chief Attorney of the ADO. In addition to her compensation as an attorney with the ADO, she would be compensated at the equivalent monthly rate as currently paid to the Chief Attorney of the ADO, \$8,000 per month. Based upon the term of Mr. Dice's appointment as Interim Public Defender through October 31, 2016, and assuming appointment effective June 28, 2016, additional compensation to be paid to Ms. Chapman is estimated at \$33,092.00.

It is also recommended that the Board approve an amendment to Mr. Dice's existing professional services agreement and the current extension thereof, to suspend his duties and compensation as Chief Attorney of the ADO during the time period in which he serves as the Interim Monterey County Public Defender

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the Professional Services Agreement for Ms. Chapman's services as Interim Chief Attorney of the ADO, and amendment No. 2 to the Professional Services Agreement and extension with Mr. Dice, suspending his duties and compensation as Chief Attorney of the ADO.

FINANCING:

The compensation for the contract with Mr. Dice will be funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8169. The contract for Ms. Chapman will be funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8168 Court Assigned Counsel. Because Mr. Dice will be compensated at 80% of the Monterey County Public Defender Salary, step 7, and because Ms. Chapman will be compensated at the existing rate, pro-rated, for the Chief Attorney of the ADO, approval of the recommended actions will have no additional impact on the County General Fund and may result in savings.

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Approved by: Manuel T. González, Assistant County Administrative Officer

Attachments:

- No. 1: Proposed Professional Services Agreement for appointment of Susan Chapman as Interim Chief Attorney of the ADO
- No. 2: Professional Services Agreements with Frank Dice for appointment as Chief Attorney of the ADO and Amendment No. 1
- No. 3: Proposed Amendment No. 2 to Professional Services Agreement with Frank Dice for appointment as Chief Attorney of the ADO, suspending duties and compensation during his appointment as Interim Monterey County Public Defender

