

Title

Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Professional Services Agreement with Eric Dumars for legal representation of indigent defendants in adult and juvenile criminal cases, modifying insurance provisions.

..Report**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Professional Services Agreement with Eric Dumars for legal representation of indigent defendants in adult and juvenile criminal cases, modifying insurance provisions.

SUMMARY/DISCUSSION:

On July 25, 2017, the Board of Supervisors approved a Professional Services Agreement with attorney Eric Dumars for legal representation of indigent defendants in adult and juvenile criminal cases, working through the Monterey County Alternate Defender's Office. On July 17, 2018, the Board approved Amendment No. 1 to the Dumars Professional Services Agreement, extending the agreement through June 30, 2019.

Amendment No. 2 to this agreement is now before the Board for its consideration. Attorney Dumars has met the insurance requirements imposed by his Professional Services Agreement, with the exception of providing endorsements to his general commercial liability and his automobile insurance policies, naming the County as an additional insured. Attorney Dumars has provided the County with proof of general commercial liability and automobile insurance coverage in the required amounts; his insurers, however, will not provide the endorsements in question. Proposed Amendment No. 2 deletes the endorsement requirements.

Monterey County has a constitutional obligation to provide legal representation for indigent persons accused of criminal violations in which the Monterey County Public Defender has declared a conflict of interest. Attorney Dumar's services are needed to fulfill this constitutional obligation. Conversely, the risk posed to the County by proceeding with the Agreement without being named as an additional insured on his general commercial and automobile insurance policies is assessed as low.

Accordingly, the Public Defender recommends that the Board approve Amendment 2 in order to retain Attorney Dumar's services and to meet the County's constitutional obligations to provide indigent legal defense services.

All other terms and conditions of Attorney Dumar's Professional Services agreement, previously approved by the Board, remain unchanged by Amendment No. 2.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed Amendment No. 2 as to form.

FINANCING:

Funding for the Professional Services Agreement is included in the FY 2018-2019 Approved Budget and will be included in the FY 2019-20 Requested Budget, Budget Unit 8168-Court

Assigned Counsel. Proposed Amendment No. 2 has no impact on the funding previously approved by the Board and will have no additional impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

PUBLIC SAFETY: Acceptance of the recommendations in this report ensures the continuation of criminal defense services to the indigent.

X Public Safety

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

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

Handwritten signatures of Latasha Ellis and Susan Chapman. The signature of Latasha Ellis is on the top line, and the signature of Susan Chapman is on the bottom line. Both signatures are in blue ink.

Attachments:

Professional Services Agreement with Eric Dumars

Amendment No.1 to Professional Services Agreement with Eric Dumars

Proposed Amendment No. 2 to Professional Services Agreement with Eric Dumars