



## Legislation Details (With Board Report)

**File #:** A 23-253      **Name:** (ADO) FY24 Amendment 1 - S. Kelly  
**Type:** BoS Agreement      **Status:** Passed  
**File created:** 6/2/2023      **In control:** Board of Supervisors  
**On agenda:** 6/13/2023      **Final action:** 6/13/2023  
**Title:** Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 1 to the Agreement with Shane Kelly for legal representation in indigent adult criminal cases, through the Alternate Defender’s Office, extending the term of the Professional Services Agreement by one year, for a total revised term of September 1, 2022 through June 30, 2024, and adding the amount of \$119,543; for a total contract liability of \$210,106.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Board Order FY23 (Original PSA), 3. (ADO) FY24 Amendment 1 - S. Kelly, 4. Completed Board Order Item No. 45

Date	Ver.	Action By	Action	Result
6/13/2023	1	Board of Supervisors		

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**RECOMMENDATION:**

Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to execute Amendment No. 1 to the Agreement with Shane Kelly for legal representation in indigent adult criminal cases, through the Alternate Defender’s Office, extending the term of the Professional Services Agreement by one year, for a total revised term of September 1, 2022 through June 30, 2024, and adding the amount of \$119,543; for a total contract liability of \$210,106.

**SUMMARY:**

Monterey County has a Constitutional obligation to provide legal representation for indigent persons accused of criminal violations, and in certain civil proceedings (i.e. juvenile, mental health, truancy, sexually violent predator prosecutions), in which the Monterey County Public Defender has declared a conflict of interest. In attorneys enable Monterey County to meet its constitutional obligations in conflict of interest cases.

**DISCUSSION:**

The County faces tough competition in recruiting and retaining qualified attorneys to handle representation in cases where the Public Defender has a conflict of interest. As a result, the Monterey County Alternate Defender’s (ADO) seeks to increase the compensation paid with its existing Alternate Defender Office (ADO) attorneys, including Shane Kelly, who represents indigent defendants in adult criminal cases where the Public Defender has a conflict of interest.

Language has been added to the proposed Amendment 1 to ensure that legal services are provided in compliance with Alternate Defender Office (ADO) policies regarding legal representation and procedures. The proposed Amendment 1 and the original Professional Services Agreement is 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 this Amendment as to legal form and fiscal provisions respectively.

FINANCING:

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

<u>Contractor</u>	<u>Maximum Annual Amount</u>	<u>Case Type</u>
Law Office of Shane Kelly	\$119,543	Felony

Funding for the Agreement is included in the FY 2023-2024 recommend Budget and will be included in the FY 2024-25 Requested Budget, 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 will strive 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.

Prepared by: Laura Henderson, Management Analyst, ext.6054 \_\_\_\_\_

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

Attachments: 1 through 2

Attachment 1: Board Order for Original PSA FY22/23

Attachment 2: Amendment #1 Shane Kelly (Original FY23 PSA attached to Amendment #1)