



Legislation Details (With Board Report)

File #: A 22-333 **Name:** ADO FY23 Amendment No. 1 to FY21/22 PSA
Type: BoS Agreement **Status:** Passed
File created: 6/8/2022 **In control:** Board of Supervisors
On agenda: 6/21/2022 **Final action:** 6/21/2022

Title: a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to each of the Professional Services Agreements (“PSA”) with the following attorneys, for legal representation in indigent adult and/or juvenile criminal cases, through the Alternate Defender’s Office, extending the term of each PSA by one year, for a total revised term of July 1, 2021 through June 30, 2023, and adding the following amounts: Jeffrey Gobell adding \$96,731; Kelly Duncan, adding \$88,200; Jan Lindberg, adding \$100,800; Tara Higgins, adding \$108,675; Richard West, adding \$108,675; and Monique Hill, adding \$108,675 for a total aggregate liability of \$1,194,381; and
b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments to these PSAs, extending the term of each by one (1) fiscal year per amendment, provided there is no significant change to the scope of work or increase in cost that exceeds ten percent (10%) of the original amount of each PSA.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Board Order FY21/22 Original PSAs, 3. Original FY21/22 PSA J. Gobell, 4. FY23 Amendment No. 1 J. Gobell, 5. Original FY21/22 PSA K. Duncan, 6. FY23 Amendment No. 1 K. Duncan, 7. Original FY21/22 PSA J. Lindberg, 8. FY23 Amendment No. 1 J. Lindberg, 9. Original FY21/22 PSA T. Higgins, 10. FY23 Amendment No. 1 T. Higgins, 11. Original FY21/22 PSA R. West, 12. FY23 Amendment No. 1 R. West, 13. Original FY21/22 PSA M. Hill, 14. FY23 Amendment No. 1 M. Hill, 15. Completed Board Order Item No. 65

Date	Ver.	Action By	Action	Result
6/21/2022	1	Board of Supervisors	approved	Pass

a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to each of the Professional Services Agreements (“PSA”) with the following attorneys, for legal representation in indigent adult and/or juvenile criminal cases, through the Alternate Defender’s Office, extending the term of each PSA by one year, for a total revised term of July 1, 2021 through June 30, 2023, and adding the following amounts: Jeffrey Gobell adding \$96,731; Kelly Duncan, adding \$88,200; Jan Lindberg, adding \$100,800; Tara Higgins, adding \$108,675; Richard West, adding \$108,675; and Monique Hill, adding \$108,675 for a total aggregate liability of \$1,194,381; and
b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments to these PSAs, extending the term of each by one (1) fiscal year per amendment, provided there is no significant change to the scope of work or increase in cost that exceeds ten percent (10%) of the original amount of each PSA.

RECOMMENDATION:

a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to each of the Professional Services Agreements (“PSA”) with the following attorneys, for legal representation in indigent adult and/or juvenile criminal cases, through the Alternate Defender’s Office, extending the term of each PSA by one year, for a total revised term of July 1, 2021 through June 30, 2023, and adding the following amounts: Jeffrey Gobell adding \$96,731, for a total liability of **\$188,856**; Kelly Duncan, adding \$88,200, for a total liability of **\$172,200**; Jan Lindberg, adding \$100,800 for a total liability of **\$196,800**; Tara Higgins,

adding \$108,675, for a total liability of \$212,175; Richard West, adding \$108,675, for a total liability of \$212,175; and Monique Hill, adding \$108,675, for a total liability of \$212,175;

- and
- b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments to these PSAs, extending the term of each by one (1) fiscal year per amendment, provided there is no significant change to the scope of work or increase in cost that exceeds ten percent (10%) of the original amount of each PSA.

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. Alternate Defender Attorneys enable Monterey County to meet its constitutional obligations in conflict of interest cases.

DISCUSSION:

Due to difficulty of recruiting, employment negotiations and employee retention, the Monterey County Alternate Defender’s Office (ADO) finds it necessary to amend the Agreements for legal representation of indigent defendants in adult and juvenile criminal cases that it entered into with attorneys Jeffrey Gobell, Kelly Duncan, Jan Lindberg, Tara Higgins, Richard West and Monique Hill.

Language has been added to the proposed Amendment 1 to ensure that legal services are provided in compliance with ADO policies regarding legal representation and procedures. The proposed Amendment 1 and the original Professional Services Agreements are 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 these Amendments as to legal form and fiscal provisions respectively. All the insurance and indemnifications are compliant with the standard requirements set forth by the Risk Manager.

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	Maximum Annual Amount	Case Type
Law Office of Jeffrey Gobell	\$96,731.00	Juvenile
Law Office of Kelly Duncan	\$88,200.00	Misdemeanor
Law Office of Jan Lindberg	\$100,800.00	Felony (excluding life exposure) ;Misdemeanor
Law Office of Tara Higgins	\$108,675.00	Felony
Law Office of Richard West	\$108,675.00	Felony
Law Office of Monique Hill	\$108,675.00	Felony

Funding for the Agreement is included in the FY 2022-2023 Adopted Budget and will be included in the FY 2023-24 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 13

Attachment 1: Board Order for Original PSAs FY21/22

Attachment 2: Original FY 21/22 PSA Jeffrey Gobell

Attachment 3: Amendment No. 1 Jeffrey Gobell

Attachment 4: Original FY 21/22 PSA Kelly Duncan

Attachment 5: Amendment No. 1 Kelly Duncan

Attachment 6: Original FY 21/22 PSA Jan Lindberg

Attachment 7: Amendment No. 1 Jan Lindberg

Attachment 8: Original FY 21/22 PSA Tara Higgins

Attachment 9: Amendment No. 1 Tara Higgins

Attachment 10: Original FY 21/22 PSA Richard West

Attachment 11: Amendment No. 1 Richard West

Attachment 12: Original FY 21/22 PSA Monique Hill

Attachment 13: Amendment No. 1 Monique Hill