

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 Erdbacher'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 automobile insurance policy is assessed as low.

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

All other terms and conditions of Attorney Erdbacher'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

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

Attachments:

Professional Services Agreement with Scott Erdbacher

Amendment No.1 to Professional Services Agreement with Scott Erdbacher

Proposed Amendment No. 2 to Professional Services Agreement with Scott Erdbacher