



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Legislation Details (With Board Report)

**File #:** 17-0630 **Name:**

**Type:** General Agenda Item **Status:** Passed

**File created:** 6/9/2017 **In control:** Board of Supervisors

**On agenda:** 6/20/2017 **Final action:** 6/20/2017

**Title:** a. Approve, retroactively, Amendment No. 4, to the Professional Services Agreements with the Alternate Defender's Office for legal representation of indigent defendants in adult and juvenile criminal cases, extending the end of the terms by six months, from December 31, 2016 to June 30, 2017, with the following attorneys: Richard West, Jan Lindberg, Kelly Duncan; and, b. Ratify the February 6, 2017 signatures of the Deputy Purchasing agent on Amendment No. 4; and, c. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 5 to these Professional Services Agreements to increase the amount of the Agreements to cover additional services rendered during the extended terms in the following amounts, by attorney: Richard West (\$23,000), Jan Lindberg (\$16,000), Kelly Duncan (\$14,000).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Board Report, 2. PSA.West.RFQ#10379, 3. R.West.Amendment#1, 4. R.West.Amendment#2, 5. R.West.Amendment#3, 6. R.West.Amendment#4, 7. R.West.Amendment#5, 8. PSA.Lindberg.#RFQ10379, 9. J.Lindberg.Amendment#1, 10. J.Lindberg.Amendment#2, 11. J.Lindberg.Amendment#3, 12. J.Lindberg.Amendment#4, 13. J.Lindberg.Amendment#5, 14. PSA.Duncan.RFQ#10379, 15. K.Duncan.Amendment#1, 16. K.Duncan.Amendment#2, 17. K.Duncan.Amendment#3, 18. K.Duncan.Amendment#4, 19. K.Duncan.Amendment#5, 20. Completed Board Order

Date	Ver.	Action By	Action	Result
6/20/2017	1	Board of Supervisors	approved	

a. Approve, retroactively, Amendment No. 4, to the Professional Services Agreements with the Alternate Defender's Office for legal representation of indigent defendants in adult and juvenile criminal cases, extending the end of the terms by six months, from December 31, 2016 to June 30, 2017, with the following attorneys: Richard West, Jan Lindberg, Kelly Duncan; and, b. Ratify the February 6, 2017 signatures of the Deputy Purchasing agent on Amendment No. 4; and, c. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 5 to these Professional Services Agreements to increase the amount of the Agreements to cover additional services rendered during the extended terms in the following amounts, by attorney: Richard West (\$23,000), Jan Lindberg (\$16,000), Kelly Duncan (\$14,000).

### RECOMMENDATION:

- Approve, retroactively, Amendment No. 4, to the Professional Services Agreements with the Alternate Defender's Office for legal representation of indigent defendants in adult and juvenile criminal cases, extending the end of the terms by six months, from December 31, 2016 to June 30, 2017, with the following attorneys: Richard West, Jan Lindberg, and Kelly Duncan; and,
- Ratify the February 6, 2017 signatures of the Deputy Purchasing agent on Amendment No.4; and,
- Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 5 to these Professional

Services Agreements to increase the amount of the Agreements to cover additional services rendered during the extended terms in the following amounts, by attorney: Richard West (\$23,000), Jan Lindberg (\$16,000), and Kelly Duncan (\$14,000).

#### SUMMARY:

The Monterey County Alternate Defender's Office (ADO) found it necessary to amend the Professional Services Agreements for legal representation of indigent defendants in adult and juvenile criminal cases that it entered into with attorneys West, Lindberg, and Duncan. The ADO needed to extend the terms of these agreements by six months to enable continuation of criminal defense services while the County conducted an RFP seeking qualified trial counsel to provide criminal defense services. Accordingly, the Board is asked to retroactively approve Amendment No. 4 extending the terms of these agreements and to approve Amendment No. 5, increasing the amount of these agreements.

#### DISCUSSION:

Amendment No. 4 extended the term of the Professional Services agreements with attorneys West, Lindberg, and Duncan for criminal defense services by six months, from a December 31, 2016 end date to a June 30, 2017 end date. These amendments were fully executed on February 6, 2017, however, they were not submitted to the Board for approval due to administrative oversight. The Alternate Defender's Office is now requesting the Board to approve Amendment No.4 to these agreements and to ratify the February signatures of the Deputy Purchasing agent on these amendments.

Amendment No. 5 authorizes increase the amounts of these agreements in order to compensate these attorneys for the criminal defense services they have rendered and will render during the months of May and June 2017. The increase will have no additional impact on the County General Fund and will be compensated through existing Fund 001-Public Defender PUB001-2270-Budget Unit 8168-Court Assigned Counsel.

#### OTHER AGENCY INVOLVEMENT:

County Counsel has approved Amendments Nos. 4 and 5 as to form.

#### FINANCING:

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

<u>Contractor</u>	<u>Maximum Amount (2 Months)</u>	<u>Case Type</u>
Law Office of Kelly Duncan	\$14,000.00	Misdemeanor
Law Office of Jan Lindberg	\$16,000.00	Light Felony
Law Office of Richard West	\$23,000.00	Felony

Funding for Amendment No. 5 is included in the **FY 2016-2017** 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 strives 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. Acceptance of the recommendations ensures the continuation of criminal defense services to the indigent.

\_\_Economic Development

☐ Administration  
☐ Health & Human Services  
☐ Infrastructure  
☒ Public Safety

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

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

Attachments: Professional Services Agreements with Attorneys West, Lindberg, and Duncan Amendment Nos. 1, 2, and 3.

Amendment No. 4, signed by Deputy Purchasing Agent Deaundra Lewelling February 6, 2017

Amendment No. 5