



County of Monterey

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

Board Report

File #: 16-1187, **Version:** 1

- a. Approve extension of an employment agreement with Frank Dice, attorney at law, to serve as Interim Monterey County Public Defender, from an end date of October 31, 2016 to an end date of January 31, 2017.
- b. Approve extension of a professional services agreement with Susan Chapman, attorney at law, to serve as Chief Attorney of the Monterey County Alternate Defender Office, from an end date of October 31, 2016 to an end date of January 31, 2017.
- c. Authorize the Assistant County Administrative Officer to execute the employment agreement and the professional services agreement, and to make minor changes that do not significantly change their terms, with the approval of County Counsel.
- d. Authorize the Assistant County Administrative officer to execute one (1) amendment, subject to County Counsel review, to the employment agreement with Frank Dice and the professional services agreement with Susan Chapman, extending the end dates of these agreements to February 28, 2017, if necessary to facilitate the Board's appointment to the position of Monterey County Public Defender. (ADDED VIA ADDENDUM)

RECOMMENDATION:

- a. Approve extension of an employment agreement with Frank Dice, attorney at law, to serve as Interim Monterey County Public Defender, from an end date of October 31, 2016 to an end date of March 31, 2017.
- b. Approve extension of a professional services agreement with Susan Chapman, attorney at law, to serve as Chief Attorney of the Monterey County Alternate Defender Office, from an end date of October 31, 2016 to and end date of March 31, 2017
- c. Authorize the Assistant County Administrative Officer to execute the employment agreement and to make minor changes to the employment agreement that do not significantly change its terms, with the approval of County Counsel.
- d. Authorize the Assistant County Administrative officer to execute one (1) amendment, subject to County Counsel review, to the employment agreement with Frank Dice and the professional services agreement with Susan Chapman, extending the end dates of these agreements to February 28, 2017, if necessary to facilitate the Board's appointment to the position of Monterey County Public Defender.

DISCUSSION:

On June 15, 2016, the Board appointed Frank Dice, attorney at law, to fill the vacant position of Public Defender for Monterey County, effective June 20, 2016 through October 31, 2016, on an interim basis. Thereafter, the Board authorized an employment agreement with Mr. Dice formalizing his appointment. The Board is asked to consider and approve an extension of this employment agreement with Mr. Dice, to January 31, 2017, to allow sufficient time for recruitment for the position of Public Defender for Monterey County to be completed and for the selected Public Defender to assume this position.

Before his appointment as Interim Public Defender, Frank Dice served as Chief Attorney for the Monterey County Alternate Defender Office (ADO) pursuant to a professional services agreement. By amendment to his

Chief ADO agreement, Mr. Dice's services as Chief ADO Attorney were suspended during the time he serves as Interim Public Defender.

Accordingly, the Board authorized a professional services agreement with attorney Susan Chapman, to serve as Chief Attorney of the Monterey County Alternate Defender Office during the time that Mr. Dice was serving as Interim Public Defender. Like Mr. Dice's employment agreement, the professional services agreement with Ms. Chapman has a termination date of October 31, 2016. The Board is asked to consider and approve an extension of the professional services agreement with Ms. Chapman to January 31, 2017. Again, this extension will maintain the status quo and thereby facilitate orderly recruitment for the Public Defender appointment.

The Board is asked to authorize one amendment to Mr. Dice's employment agreement and to Ms. Chapman's professional services agreement, to maintain their services if the process of filling the position of Public Defender for Monterey County extends beyond the anticipated completion date.

OTHER AGENCY INVOLVEMENT:

County Counsel prepared the amendment extending the term of the Employment Agreement for Mr. Dice's services as Interim Public Defender and the amendment extending the term of the Professional Services Agreement for Ms. Chapman's services as Chief Attorney for the Alternate Defender Office.

FINANCING:

The compensation for Mr. Dice's employment agreement is funded through the Public Defender. Because Mr. Dice will continue to work at less than full time employment, approval of an extension of his employment agreement will have no additional impact on the County General Fund and may result in savings.

Prepared by Rebecca M. Cenicerros, Deputy County Counsel

Approved by: Manuel T. Gonzalez, Assistant County Administrative Officer

Attachments: Employment Agreement between the County of Monterey and Frank Dice
Amendment No. 1 to Employment Agreement between the County of Monterey and Frank Dice
Professional Services Agreement between the County of Monterey and Susan Chapman
Amendment No. 1 to the Professional Services Agreement between the County of Monterey and Susan Chapman