



Board Report

File #: 18-696, Version: 1

- a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 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 terms by one year, retroactive to July 1, 2018 through June 30, 2019, with the following attorneys in the following amounts: Richard West (\$103,500), Jan Lindberg (\$72,000), Kelly Duncan (\$84,000), Eric Dumars (\$103,500), Roland Soltesz (\$103,500), Chenoa Summers (\$82,125), Jeffrey Gobell (\$82,125), and Scott Erdbacher (\$103,500); and,
- b. Approve and authorize the Contracts/Purchasing Officer to execute up to two (2) additional amendments to these Professional Services Agreements, subject to County Counsel review, 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 five percent (5%) of the cost of the previous year.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 1 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 one year, retroactive to July 1, 2018 through June 30, 2019, with the following attorneys in the following amounts: Richard West (\$103,500), Jan Lindberg (\$72,000), Kelly Duncan (\$84,000), Eric Dumars (\$103,500), Roland Soltesz (\$103,500), Chenoa Summers (\$82,125), Jeffrey Gobell (\$82,125), and Scott Erdbacher (\$103,500); and,
- b. Approve and authorize the Contracts/Purchasing Officer to execute up to two (2) additional amendments to these Professional Services Agreements, subject to County Counsel review, 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 five percent (5%) of the cost of the previous year.

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 these cases, the courts appoint the Monterey County Alternate Defender's Office (ADO) to serve as counsel. Professional Services Agreements with selected attorneys enable Monterey County to meet its constitutional obligations in conflict of interest cases.

DISCUSSION:

The number of cases assigned to Alternate Defender Office attorneys has, with one exception, decreased in the last fiscal year. Moreover, the County is experiencing significant budget restraints. Accordingly, contract amounts for the upcoming fiscal year, 2018-19, have been changed to reflect a reduction in the maximum number of cases assigned to specified attorneys and a corresponding reduction in the compensation paid to specified attorneys during the extended term of one year, July 1, 2018 through June 30, 2019. Additionally, there is one less ADO agreement proposed this fiscal year than in prior years (subject to review and adjustment

depending on ADO attorney caseloads). The proposed Professional Services Agreements and proposed amendments 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	Case Type	FY 18 Contract	FY 19 Reduced Contract
Law Office of Richard West	FELONY	\$138,000.00	\$103,500.00
Law Office of Jan Lindberg	LIGHT FELONY	\$96,000.00	\$72,000.00
Law Office of Kelly Duncan	MISDO	\$84,000.00	\$84,000.00
Law Office of Eric Dumars	FELONY	\$138,000.00	\$103,500.00
Law Office of Roland Soltesz	FELONY	\$138,000.00	\$103,500.00
Law Office of Chenoa Summers	JUVENILE	\$109,500.00	\$82,125.00
Law Office of Jeffrey Gobell	JUVENILE	\$109,500.00	\$82,125.00
Law Office of Scott Erdbacher	FELONY	\$138,000.00	\$103,500.00

Funding for the 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. 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.

X Public Safety

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

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

Attachments:

Professional Services Agreements with Richard West, Jan Lindberg, Kelly Duncan, Eric Dumars, Roland Soltesz, Chenoa Summers, Jeffrey Gobell, and Scott Erdbacher

Proposed Amendment No. 1 to the Professional Services Agreements with Richard West, Jan Lindberg, Kelly Duncan, Eric Dumars, Roland Soltesz, Chenoa Summers, Jeffrey Gobell, and Scott Erdbacher

