



County of Monterey

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

Board Report

File #: 18-836, Version: 1

Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Professional Services Agreement with Kelly Duncan for legal representation of indigent defendants in adult criminal cases, modifying insurance provisions.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Professional Services Agreement with Kelly Duncan for legal representation of indigent defendants in adult criminal cases, modifying insurance provisions.

SUMMARY/DISCUSSION:

On July 25, 2017, the Board of Supervisors approved a Professional Services Agreement with attorney Kelly Duncan for legal representation of indigent defendants in adult criminal cases, working through the Monterey County Alternate Defender's Office. On July 17, 2018, the Board approved Amendment No. 1 to the Duncan Professional Services Agreement, extending the agreement through June 30, 2019.

Amendment No. 2 to this agreement is now before the Board for its consideration. Attorney Duncan has met the insurance requirements imposed by her Professional Services Agreement, with the exception of providing an endorsement to her automobile insurance policy, naming the County as an additional insured. Attorney Duncan has provided the County with proof of automobile insurance coverage in the required amount; her insurer, however, will not provide the endorsement in question. Proposed Amendment No. 2 deletes the endorsement requirement.

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 Duncan'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 her automobile insurance policy is assessed as low.

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

All other terms and conditions of Attorney Duncan'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 Kelly Duncan

Amendment No.1 to Professional Services Agreement with Kelly Duncan

Proposed Amendment No. 2 to Professional Services Agreement with Kelly Duncan