



County of Monterey

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

Board Report

File #: A 20-405, **Version:** 1

a. Approve and authorize, retroactively, the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Professional Services Agreement with Tara Higgins for representation of indigent defendants in adult criminal cases in the maximum amount of \$77,625 for the term October 1, 2020 through June 30, 2021;

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize, retroactively the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a Professional Services Agreement with Tara Higgins for representation of indigent defendants in adult criminal cases in the maximum amount of \$77,625 for the term October 1, 2020 through June 30, 2021;

SUMMARY/DISCUSSION:

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.

The Public Defender recommends the Board's approval of a Professional Services Agreement with Attorney Tara Higgins based on the need for ADO attorney services created by the retirement of an ADO attorney. The former ADO attorney's agreement with the County expired on June 30, 2020, by its terms, and he decided not to renew his agreement with the ADO. This has created the need to seek out and appoint an additional ADO attorney.

Attorney Higgins is willing to provide such services to the County and is deemed qualified to do so by the Public Defender. The Board's approval of the proposed agreement will enable the County to meet its constitutional obligation to provide indigent persons with legal representation.

OTHER AGENCY INVOLVEMENT:

Contracts/Purchasing has reviewed and approved the sole source application as requested by the ADO Co-Chiefs and supported and prepared by the Public Defender.

County Counsel has reviewed the proposed Professional Services Agreement as to form.

FINANCING:

The contract with Attorney Higgins will be funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8168-Court Assigned Counsel. Funding for the Agreement is included in the FY 2020-2021 Approved Budget. Approval of the recommended action 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-Bowers, Finance Manager, ext.5082

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

Attachments:

Professional Services Agreement with Tara Higgins