

FORM APPROVED COUNTY COUNSEL
BY: H. L. Victor 9-22-09
DATE: MARSHAL VICTOR

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

393



FROM: Executive Office

SUBMITTAL DATE:
September 21, 2009

SUBJECT: Amendment to Indigent Defense Contracts

RECOMMENDED MOTION: (1) Ratify Amendment #1 for Indigent Defense services with Barbara M. Brand, Esq. and Juvenile Defense Panel, and (2) Ratify Amendment #2 for Indigent Defense services with Criminal Defense Lawyers.

BACKGROUND: On June 23, 2009, the Board extended the Indigent Defense contracts with Criminal Defense Lawyers, Juvenile Defense Panel and Barbara Brand for 90 days. At the same time the Board directed the Executive Office to analyze the feasibility of an Alternate Public Defender Office and to bid the indigent defense contracts. The Executive Office, through the Purchasing Department, issued a Request for Proposal (RFP) that included proposals for indigent defense representation both with and without an Alternate Public Defender Office.

(Continued)

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Departmental Concurrence

Dean Deines
Deputy County Executive Office

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 4,370,685	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 4,370,685	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 4,370,685	For Fiscal Year:	09-10

SOURCE OF FUNDS: Indigent Defense Budget	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Gary M. Christmas
Gary M. Christmas

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

3.16

Amendment to Indigent Defense Contracts

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The evaluation team will consist of members from various county agencies and the Riverside judicial court will participate in the selection of the most responsive/responsible bidders. Unfortunately, due to scheduling conflicts the evaluation team was not able to meet until the third week of September. Therefore, it is being recommended that the existing Indigent Defense contracts be extended an additional 60 days to November 30, 2009 to allow sufficient time to properly analyze the Alternate Public Defender Office option and evaluate the RFP proposals.

1 **FIRST AMENDMENT TO AGREEMENT FOR SERVICES**

2 (COUNTY and Barbara M. Brand, Esq.)

3 That certain Agreement between the COUNTY OF RIVERSIDE (“COUNTY”) and
4 Barbara M. Brand, Esq. (“ATTORNEY”) entered into on July 15, 2008 Agenda Item No.3.13, for
5 Indigent Defense services, in the Superior Court of the County of Riverside, Desert Region, including
6 Blythe, Indio and Palm Springs, is hereby amended, effective June 30, 2009, as follows:

- 7 1. To amend Section 2. TERM OF PERFORMANCE by replacing the entire section to read as
8 follows:

9 “This Contract shall take effect July 1, 2008, and continue in effect to and including
10 November 30, 2009, unless terminated sooner as provided herein.”

- 11 2. To amend Section 3. SCOPE OF SERVICES, subsection 3.1 to read as follows:

12 “With respect to the total Contract price, the Parties agree that the total number of cases
13 uncertain. As a performance range, the Parties agree that **between 3400 and 5100 cases**
14 will be assigned to ATTORNEY during the contract term, including:

15 a) All felony matters opened in the Superior Courts and represented through final
16 judgment including no more than four (4) special circumstance cases in which the People are
17 seeking the death penalty and where second counsel (Keenan counsel) may be assigned;

18 b) No more than sixteen (16) other special circumstance cases;

19 c) Remainder misdemeanor and non-felony matters, violation of probations, and other
20 miscellaneous matters.

21 d) All cases wherein the Office of the Public Defender has declared their unavailability
22 based on “overload”

23 e) Welfare and Institution Code § 602 cases at every stage of the proceeding, including
24 postdispositional hearings until relieved by the court or upon substitution of counsel.”

- 25 3. To amend Section 7. COMPENSATION to read as follows:

26 “The contract cost for July 1, 2008 through November 30, 2009 shall be a maximum of
27 **\$3,085,000.00** plus expenses as set forth in Section 8.herein. COUNTY shall pay
28 ATTORNEY up to the sum of **\$181,500.00** per month paid in arrears. It remains the

1 responsibility of the ATTORNEY to oversee the budgeted funds to ensure they are properly
2 disbursed to provide the legal services required under this Contract.”
3

4 Except as modified herein, all other terms and conditions of the Agreement shall remain in full force and
5 effect.

6 IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to
7 execute this Amendment.
8
9

10
11 COUNTY OF RIVERSIDE

ATTORNEY

12
13 By _____
Chairperson, Board of Supervisors

BY _____
Barbara M. Brand, Esq.

14 Date _____

Date _____

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16 ATTEST:
Kecia Harper-Ihem, Clerk

17 By _____
Deputy
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27 FORM APPROVED COUNTY COUNSEL
28 BY: Marshall Victor 9-22-09
MARSHAL VICTOR DATE

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COUNTY OF RIVERSIDE

ATTORNEY

Juvenile Defense Panel

By _____
Chairperson, Board of Supervisors

BY _____
Robert Oblachinski

Date _____

Date _____

ATTEST:
Kecia Harper-Ihem, Clerk

BY _____
Michael Burns

By _____
Deputy

Date _____

FORM APPROVED COUNTY COUNSEL

BY: Marshall Victor 9-22-09
MARSHAL L. VICTOR DATE

1 does not include felonies wherein the Public Defender has declared "overload" under Section
2 3.1 d), which shall be paid on a per case basis as provided in Section 7.1."

3
4 Except as modified herein, all other terms and conditions of the Agreement shall remain in full force and
5 effect.

6 IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to
7 execute this Amendment.

8
9 **COUNTY OF RIVERSIDE**

ATTORNEY

10
11 By _____
12 Jeff Stone
13 Chairperson, Board of Supervisors

By _____
Steve Harmon, Esq.

14 Date _____

Date _____

15 By _____
16 Paul Grech, Esq.

Date _____

17 ATTEST:
18 Kecia Harper-Ihem, Clerk

19 By _____
20 Deputy

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26 FORM APPROVED COUNTY COUNSEL

27 BY: MARSHAL L. VICTOR 9-22-09
28 DATE