

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



**ITEM: 3.4
(ID # 22474)**

MEETING DATE:

Tuesday, July 11, 2023

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve the First Amendment to the Contract to Provide Legal Services for Indigent Defendants for Whom the Riverside County Law Office of the Public Defender Declares a Conflict of Interest or is Otherwise Unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq., to include Juvenile Matters in the Desert Region for five (5) years with the option to renew for three (3) additional one (1) year periods; District 4, [Total Annual Cost \$175,000 – 100% - Indigent Defense Budget]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the First Amendment to the Contract to Provide Legal Services for Indigent Defendants for Whom the Riverside County Law Office of the Public Defender Declares a Conflict of Interest or is Otherwise Unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq. with an annual maximum amount of \$175,000, from July 1, 2023 through June 30, 2028 with the option to renew for three additional one (1) year periods; authorize the Chairperson of the Board to sign three (3) copies of the same on behalf of the County;

Continued on Page 2

ACTION:Policy

Juan C. Perez, Chief Operating Officer

7/5/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Perez and Gutierrez
Nays: None
Absent: Washington
Date: July 11, 2023
xc: E.O.

Kimberly A. Rector
Clerk of the Board

By:
Deputy



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

RECOMMENDED MOTION: That the Board of Supervisors:

2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to a) sign amendments that exercise the options of the agreements including modifications to the agreements that stay within the intent of the agreements, and b) sign amendments to the compensation provisions that do not exceed five percent (5%) of the annual maximum compensation amounts annually in accordance with the terms of the agreements for the three (3) additional one (1) year renewal periods between June 30, 2028 through June 30, 2031; and
3. Direct the Clerk of the Board to retain one (1) copy and return two (2) copies of the agreements to the Executive Office for distribution.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 175,000	\$175,000	\$875,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Indigent Defense Budget-100%			Budget Adjustment: No	
			For Fiscal Year: 23/24-27/28	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The request before the Board is for approval of the First Amendment to the contract to provide legal services for indigent defendants for whom the Riverside County Law Office of the Public Defender declares a conflict of interest or is otherwise unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq. This First Amendment is to include all juvenile matters filed in the Desert Region with an annual maximum amount of \$175,000 from July 1, 2023 through June 30, 2028 with the option to renew for three additional one (1) year periods.

The County of Riverside is required to retain legal services to represent indigent defendants for whom the Riverside County Public Defender's Office (PD) declares a conflict of interest.

On June 27, 2023 Minute Order 3.23 the BOS approved the contracts to provide legal services for indigent defendants for whom the Riverside County Law Office of the Public Defender declares a conflict of interest or is otherwise unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq. for the Desert Region. This First Amendment reflects the addition of all juvenile matters filed in the Desert Region to the approved contract with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq.

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

Impact on Residents and Businesses

There is no negative impact on citizens or business in the County. The Legal Indigent Defense Services Agreements will keep the County in compliance with legal requirements.

Additional Fiscal Information

The number of cases assigned is not concrete, an estimate case number was used based on historical cases assigned and the associated costs. The following table summarizes the cost for juvenile matters of the Legal Indigent Defense Services Agreement for the Desert Region per fiscal year:

Description	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Juvenile matters filed in the Desert Region	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000
Total	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000

Contract History and Price Reasonableness

On June 27, 2023 Minute Order 3.23 the BOS approved the contracts to provide legal services for indigent defendants for whom the Riverside County Law Office of the Public Defender declares a conflict of interest or is otherwise unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq. for the Desert Region. This First Amendment is to include all juvenile matters filed in the Desert Region to the approved contract with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq.

Attachments

- A. First Amendment to the contract to Provide Legal Services for Indigent Defendants for Whom the Riverside County Law Office of the Public Defender Declares a Conflict of Interest or is Otherwise Unavailable with Peter J. Morreale, Esq. and Peter W. Scalisi, Esq.



Meghan Hahn, Deputy Director of Procurement 6/29/2023



Rebecca S Cortez, Principal Management Analyst 6/29/2023



Kristine Bell-Valdez, Supervising Deputy County Counsel 6/29/2023

COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE CONTRACT TO PROVIDE LEGAL SERVICES FOR INDIGENT
DEFENDANTS FOR WHOM THE RIVERSIDE COUNTY LAW OFFICE OF THE PUBLIC
DEFENDER DECLARES A CONFLICT OF INTEREST OR IS OTHERWISE UNAVAILABLE
WITH
PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ.

Original Contract Term:	July 1, 2023 through June 30, 2028
Original Contract ID:	EOARC-96149-003-06/28
Effective Date of Amendment:	July 1, 2023
Original Annual Maximum Contract Amount:	\$3,700,000
Amended Annual Maximum Contract Amount:	\$3,875,000

This AMENDMENT NO. 1 TO THE CONTRACT TO PROVIDE LEGAL SERVICES FOR INDIGENT DEFENDANTS FOR WHOM THE RIVERSIDE COUNTY LAW OFFICE OF THE PUBLIC DEFENDER DECLARES A CONFLICT OF INTEREST OR IS OTHERWISE UNAVAILABLE (“First Amendment”), dated as of July 1, 2023, is entered into by and between the County of Riverside (“COUNTY”), a political subdivision of the State of California, and PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ. (“ATTORNEYS”), sometimes collectively referred to as the “Parties”.

RECITALS

WHEREAS, the COUNTY entered into that certain contract to provide legal services for indigent defendants for whom the Riverside County Law Office of the Public Defender declares a conflict of interest or is otherwise unavailable between County of Riverside and PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ., dated July 1, 2023, Contract # EOARC-96149-003-06/28 (“Agreement”).

WHEREAS, COUNTY and ATTORNEYS now desire to amend the Agreement for the First time to include all juvenile matters filed in the Desert Region Juvenile Courts.

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. SCOPE OF SERVICES. Section 3.1 of Agreement is hereby amended to add the following:

3.1 (f) All juvenile matters filed in the Desert Region Juvenile Courts and represented through final judgment.
3. COMPENSATION. Section 7 of Agreement is hereby amended to delete the first sentence and replace with “The Contract cost for July 1, 2023 through June 30, 2028 shall be a maximum of three million eight hundred seventy-five thousand dollars (\$3,875,000) annually plus expenses as set forth in Section 8 herein”.
4. COMPENSATION. Section 7 of Agreement is hereby amendment to delete the second sentence and replace with “COUNTY shall pay ATTORNEYS up to the sum of three hundred twenty-two

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COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE CONTRACT TO PROVIDE LEGAL SERVICES FOR INDIGENT
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PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ.

thousand nine hundred sixteen dollars and sixty-six cents (\$322,916.66) per month paid in arrears upon the submission of an approved monthly report and an invoice for services.”

5. Capitalized Terms/Amendment to Prevail. Unless defined herein or the context requires otherwise, all capitalized terms herein shall have the meaning defined in the Agreement, as heretofore amended. The provisions of this First Amendment shall prevail over any inconsistency or conflicting provisions of the Agreement, as heretofore amended, and shall supplement the remaining provisions thereof.

6. Miscellaneous. Except as amended or modified herein, all the terms of the Agreement shall remain in full force and effect and shall apply with the same force and effect. Time is of the essence in this First Amendment and the Agreement and each and all of their respective provisions. Subject to the provisions of the Agreement as to assignment, the agreements, conditions and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto. If any provisions of this First Amendment or the Agreement shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Agreement and all such other provisions shall remain in full force and effect. The language in all parts of the Agreement shall be construed according to its normal and usual meaning and not strictly for or against either COUNTY or ATTORNEYS.

7. Effective Date. This First Amendment shall be effective on July 1, 2023.

[Signature Page Follows]

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AMENDMENT NO. 1 TO THE CONTRACT TO PROVIDE LEGAL SERVICES FOR INDIGENT
DEFENDANTS FOR WHOM THE RIVERSIDE COUNTY LAW OFFICE OF THE PUBLIC
DEFENDER DECLARES A CONFLICT OF INTEREST OR IS OTHERWISE UNAVAILABLE
WITH
PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ.


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

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: 
Kevin Jeffries
Chairman, Board of Supervisors

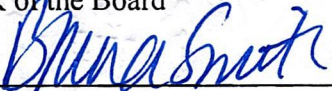
Dated: 7/11/23

Peter J. Morreale, Esq.

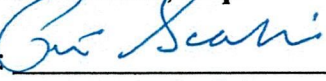
By: 
Peter J. Morreale

Dated: 7/5/23

ATTEST:
Kimberly A. Rector
Clerk of the Board

By: 
Deputy


Peter W. Scalisi, Esq.

By: 
Peter W. Scalisi

Dated: 7/5/2023

APPROVED AS TO FORM:

Minh C. Tran
County Counsel

By: 
Kristine Bell-Valdez
Deputy County Counsel

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