

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



ITEM: 3.8
(ID # 25454)

MEETING DATE:

Tuesday, July 09, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Approve Amendment No. 2 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 a one-time payment of five hundred thousand dollars (\$500,000) for all special circumstance cases inherited on July 1, 2023 pursuant to Section 7.2 of the Agreement; District 4, [Total Annual Cost \$500,000 – 100% - Indigent Defense Budget]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 2 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 a one-time payment of five hundred thousand dollars (\$500,000) for all special circumstance cases inherited on July 1, 2023 pursuant to Section 7.2 of the Agreement and authorize the Chair of the Board to sign the same on behalf of the County;
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved as to form by County Counsel to sign amendments that exercise the options of the agreements including modifications to the agreements that stay within the intent of the agreements;
3. Authorize the Purchasing Agent to issue Purchase Orders for invoices received for goods/services rendered that do not exceed the Board of Supervisor's approved amount; and
4. Direct the Clerk of the Board to retain one (1) copy and return two (2) copies of the amendment to the Executive Office for distribution.

ACTION:Policy

Michelle Paradise
Michelle Paradise, ACEO 7/2/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: July 9, 2024
xc: E.O.

Kimberly A. Rector
Clerk of the Board

By: *Nancy S.*
Deputy

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STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$500,000	\$0	\$500,000	\$0
NET COUNTY COST	\$500,000	\$0	\$500,000	\$0
SOURCE OF FUNDS: Indigent Defense Budget-100%			Budget Adjustment: No	
			For Fiscal Year: 2024/25	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

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. Amendment No. 2 is to compensate the contractor for a more than expected amount of Life Without the Possibility of Parole (LWOP) cases inherited from the previous vendor when that contract expired.

Mr. Morreale and Mr. Scalisi agreed to take on as many as fourteen (14) of these cases each year – a defined number due to the intensive nature of the cases and limited number of qualified attorneys to handle them. However, the previous vendor handed over twenty-six (26) pending LWOP cases – a number which neither the new contractor nor the County was aware when the original contract was agreed upon.

Mr. Morreale and Mr. Scalisi met with Riverside County Executive Management to discuss additional compensation for these cases that were not anticipated and, after negotiation the two sides have agreed upon this one-time payment of \$500,000 to manage this backlog of LWOP cases in the Desert Region.

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.

Contract History and Price Reasonableness

The Executive Office has deemed this amendment to be fair compensation to the vendor for the assignment of these LWOP cases that require considerable attention and resources to manage. Mr. Morreale and Mr. Scalisi agree the amendment is fair and will abide to the one-time payment structure regardless of how long the cases may take to resolve.

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Attachments

Attachment A: Amendment No. 2 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

Meghan Hahn, Director of Procurement

7/1/2024

Gregg Gu

Gregg Gu, Chief of Deputy County Counsel

7/2/2024

COUNTY OF RIVERSIDE
AMENDMENT NO. 2 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:	Upon execution by both Parties
Annual Maximum Contract Amount:	\$3,875,000

This AMENDMENT NO. 2 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 (“Second Amendment”), 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 Parties 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, effective July 1, 2023, Contract # EOARC-96149-003-06/28 (“Agreement”).

WHEREAS, the Parties entered into that certain Amendment No. 1, effective July 1, 2023, to include all juvenile matters filed in the Desert Region Juvenile Courts and increase the annual compensation;

WHEREAS, Section 7.2 of the Agreement provided if in ATTORNEYS estimation an extreme circumstance arises that ATTORNEYS may make a timely written request for additional compensation with complete justification from the COUNTY’s Executive Office; and,

WHEREAS, the Parties now desire to amend the Agreement to update the Scope of Services and increase the Compensation.

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. COMPENSATION. Section 7 of the Agreement is hereby amended to add the following subsection known as subsection 7.3.

“7.3 A one-time payment of five hundred thousand dollars (\$500,000) to the ATTORNEYS for all special circumstance cases where the People are not seeking death.”

JUL 09 2024 3.8

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WITH
PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ.

3. 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 Second Amendment shall prevail over any inconsistency or conflicting provisions of the Agreement, as heretofore amended, and shall supplement the remaining provisions thereof.

4. 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 Second 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 Second 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.

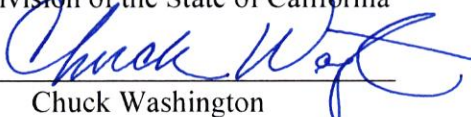
5. Effective Date. This Second Amendment shall be effective on upon signature of both parties.

[Signature Page Follows]

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AMENDMENT NO. 2 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 Second Amendment.

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

By: 
Chuck Washington
Chairman, Board of Supervisors


Dated: 7/09/2024

Peter J. Morreale, Esq.


By: 
Peter J. Morreale (Jul 1, 2024 08:26 PDT)
Peter J. Morreale

Dated: Jul 1, 2024

ATTEST:
Kimberly A. Rector
Clerk of the Board


By: 
Deputy

Peter W. Scalisi, Esq.

By: 
Peter W. Scalisi (Jul 1, 2024 08:28 PDT)
Peter W. Scalisi

Dated: Jul 1, 2024

APPROVED AS TO FORM:
Minh C. Tran
County Counsel

By: 
Katherine Wilkins
Deputy County Counsel












Amendment No. 2 MorrealeScalisi

Final Audit Report

2024-07-01

Created:	2024-06-28
By:	Shannon Leung (sleung@rivco.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAiGQbjBmUITVTUoLPs4Jt_TgkW_z9Bik2

"Amendment No. 2 MorrealeScalisi" History

-  Document created by Shannon Leung (sleung@rivco.org)
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-  Document emailed to Peter J. Morreale (morreapj@sbcglobal.net) for signature
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-  Email viewed by Peter J. Morreale (morreapj@sbcglobal.net)
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-  Document e-signed by Peter J. Morreale (morreapj@sbcglobal.net)
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-  Document emailed to Peter W. Scalisi (lawoffps@aol.com) for signature
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-  Document e-signed by Peter W. Scalisi (lawoffps@aol.com)
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-  Document emailed to Katherine Wilkins (kawilkins@rivco.org) for signature
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-  Agreement completed.
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