

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



**ITEM: 3.10
(ID # 26270)**

MEETING DATE:

Tuesday, November 05, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Ratify and Approve Amendment No. 3 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 increase reimbursement for expenses from \$18,000 to a revised not to exceed amount of \$25,000 per month pursuant to Section 8 of the Agreement; and to provide a one-time payment of \$80,000 to represent Defendants pursuant to Section 7.2 of the Agreement; District 4, [Total Annual Cost \$143,000 – 100% - Indigent Defense]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve Amendment No. 3 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 increase reimbursement for expenses from \$18,000 to a revised not to exceed amount of \$25,000 per month pursuant to Section 8 of the Agreement; and to provide a one-time payment of \$80,000 to represent Defendants 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, AGED 10/30/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Gutierrez 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: November 5, 2024
xc: E.O.

Kimberly A. Rector
Clerk of the Board

By: *Michelle Paradise*
Deputy

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STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$143,000	\$84,000	\$395,000	\$0
NET COUNTY COST	\$143,000	\$84,000	\$395,000	\$0
SOURCE OF FUNDS: Indigent Defense Budget – 100%			Budget Adjustment: No	
			For Fiscal Year: 24/25 – 27/28	

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. 3 is to compensate the contractor for a more than expected expenses associated with ancillary services after having managed the contract for nearly eighteen (18) months. It will also allow for payments to be made for taking on the representation of two high-profile capital cases that will require the review of unusually voluminous records and exhibits from two completed jury trials dating back to 2009. Both defendants have pending requests for new trials and sentencing motions.

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 County of Riverside Purchasing, on behalf of the Executive Office, issued a Request for Proposal (RFP) #EOARC-652 on December 20, 2022, soliciting proposals for Legal Indigent Defense Services. The Executive Office has deemed this amendment to be fair compensation for the increase in expense reimbursement and one-time fees to the vendor for the assignment of these two cases that will require considerable attention and resources to manage.

Attachments

Attachment A: Ratification and Amendment No. 3 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.

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Stacy Orton

Stacy Orton, Assistant Director of Purchasing

10/29/2024

Gregg Gu

Gregg Gu, Chief of Deputy County Counsel

10/30/2024

COUNTY OF RIVERSIDE
RATIFICATION AND AMENDMENT NO. 3 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 RATIFICATION AND AMENDMENT NO. 3 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 (“Third 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, the Parties entered into that certain Amendment No. 2, effective July 9, 2024, to include a one-time payment to the ATTORNEYS for all special circumstance cases where the People are not seeking death;

WHEREAS, Section 7.2 of the Agreement provides 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, Section 8 of the Agreement provides upon written agreement of ATTORNEYS and COUNTY’s Executive Officer, or designee, the monthly expense payments may be modified in amount or timing but in no event shall exceed the maximum amount per month as set for the in Section 8; and,

WHEREAS, notwithstanding the terms of the Agreement, on October 1, 2024, the parties acknowledge and agree that they increased spending, without a written amendment; and

WHEREAS, as of the Effective Date provided herein, the parties agree that the increase in spending shall be deemed to have been in effect from the effective date of October 1, 2024; and,

NOV 05 2024

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COUNTY OF RIVERSIDE
RATIFICATION AND AMENDMENT NO. 3 TO THE CONTRACT TO PROVIDE LEGAL
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OTHERWISE UNAVAILABLE
WITH
PETER J. MORREALE, ESQ. and PETER W. SCALISI, ESQ.

WHEREAS, the Parties now desire to ratify and amend the Agreement for the Third time to increase the Compensation and modify the Expenses.

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

1. COMPENSATION. Section 7 of the Agreement is hereby amended to add the following subsection known as subsection 7.4.

“7.4 A one-time payment of eighty thousand dollars (\$80,000) to represent both Defendants in case number INF064492. The legal representation for both Defendants is limited to the Motion For New Trial per Section 1181 of the Penal code only, and the Sentencing Hearing if necessary.”

2. EXPENSES. Section 8 of the Agreement is hereby amended by adding the below sentence after the sixth sentence.

“For these services during the Term of Performance of October 1, 2024 to June 30, 2028, the sum of twenty-five thousand dollars (\$25,000) per month, shall be paid to ATTORNEYS monthly, in arrears, and set aside monthly and maintained in a separate interest bearing trust accounts for this purpose, EXCEPT that payments shall be suspended when the balance in ATTORNEYS’ trust account for all criminal Penal Code Section 987.2 cases exceeds forty thousand dollars (\$40,000).”

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

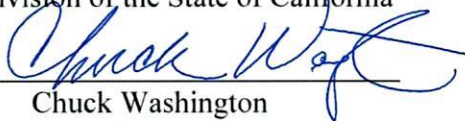
4. Miscellaneous. Except as amended or modified herein, all the terms of the Agreement shall remain in full force and effect and shall apply with the same force and effect. Time is of the essence in this Third Amendment and the Agreement and each and all of their respective provisions. Subject to the 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 Third 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 third Amendment shall be effective October 1, 2024.

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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 Ratification and Amendment No. 3.

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

By: 
Chuck Washington
Chair, Board of Supervisors

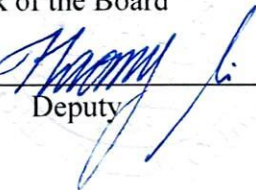
Dated: 11/05/2024

Peter J. Morreale, Esq.

By: Peter j Morreale
Peter J. Morreale

Dated: Oct 29, 2024

ATTEST:
Kimberly A. Rector
Clerk of the Board

By: 
Deputy

Peter W. Scalisi, Esq.

By: Peter W. Scalisi
Peter W. Scalisi

Dated: Oct 29, 2024

APPROVED AS TO FORM:
Minh C. Tran
County Counsel

By: Katherine Wilkins
Katherine Wilkins
Deputy County Counsel

Signature: 
Email: morreapj@sbcglobal.net

Signature: 
Email: lawoffps@aol.com

Signature: Katherine Wilkins
Email: kawilkins@rivco.org

NOV 05 2024

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Amendment No. 3 MorrealeScalisi Final


Final Audit Report

2024-10-30


Created:	2024-10-28
By:	Arlene Jellison (arjellison@rivco.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAnFQ_GcOTEOMLdOQnSJ5yDPfEITzPvOUg

"Amendment No. 3 MorrealeScalisi Final" History

-  Document created by Arlene Jellison (arjellison@rivco.org)
2024-10-28 - 4:05:39 PM GMT - IP address: 158.61.6.7
-  Document emailed to morreapj@sbcglobal.net for signature
2024-10-28 - 4:06:55 PM GMT
-  Email viewed by morreapj@sbcglobal.net
2024-10-28 - 6:24:37 PM GMT - IP address: 172.226.212.10
-  Signer morreapj@sbcglobal.net entered name at signing as Peter j morreale
2024-10-29 - 9:31:10 PM GMT - IP address: 47.28.36.148
-  Document e-signed by Peter j morreale (morreapj@sbcglobal.net)
Signature Date: 2024-10-29 - 9:31:12 PM GMT - Time Source: server- IP address: 47.28.36.148
-  Document emailed to lawoffps@aol.com for signature
2024-10-29 - 9:31:15 PM GMT
-  Email viewed by lawoffps@aol.com
2024-10-29 - 10:11:19 PM GMT - IP address: 172.226.186.0
-  Signer lawoffps@aol.com entered name at signing as Peter Scalisi
2024-10-30 - 4:14:40 AM GMT - IP address: 76.33.232.3
-  Document e-signed by Peter Scalisi (lawoffps@aol.com)
Signature Date: 2024-10-30 - 4:14:42 AM GMT - Time Source: server- IP address: 76.33.232.3
-  Document emailed to kawilkins@rivco.org for signature
2024-10-30 - 4:14:44 AM GMT
-  Email viewed by kawilkins@rivco.org
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 Signer kawilkins@rivco.org entered name at signing as Katherine Wilkins
2024-10-30 - 3:08:15 PM GMT- IP address: 158.61.6.3

 Document e-signed by Katherine Wilkins (kawilkins@rivco.org)
Signature Date: 2024-10-30 - 3:08:17 PM GMT - Time Source: server- IP address: 158.61.6.3

 Agreement completed.
2024-10-30 - 3:08:17 PM GMT