



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Approve Conflict Public Defender Contract	Board Meeting Date August 13, 2019	Agenda Number 19
Dept: Administrative Office Contact: Christa VonLatta Phone: 209/754-6025	Supervisorial District Number Countywide	Consent Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 0 Minutes
Type of Document? Action Item PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Authorize the Board Chair to execute an Agreement for Conflict Public Defender Services between the County and David K. Singer for FY 2019-20 and FY 2020-21 for an amount not to exceed seven thousand dollars (\$7,000) per month.

DISCUSSION/SUMMARY:

The County contracts for public defender and conflict public defender services. In 2015, the County issued an RFP for this position which was sent to all local attorneys since several attorneys expressed interest in the position. Through that process, the County entered into a contract with David K. Singer on October 1, 2015 (2015 Agreement) to provide conflict counsel to indigent criminal defendants and in other cases where an individual is entitled to court-appointed counsel, including all aspects of Welfare & Institutions Code §300 proceedings (i.e., dependency cases). The initial term of the 2015 Agreement ended on June 30, 2017; however, the 2015 Agreement continued on a month-to-month basis until July 25, 2017. The County entered into another contract with David K. Singer on July 25, 2017 (2017 Agreement), the initial term of which ended on June 30, 2019, and is currently on a month-to-month basis on the same terms and conditions until terminated by either party.

The County and Mr. Singer have negotiated modified terms for a new two-year contract (2019 Agreement). Mr. Singer has requested an increase to the compensation amount from six thousand dollars (\$6,000) per month to seven thousand dollars (\$7,000) per month based on a documented increase in the amount of dependency and other cases appointed by the Superior Court. Mr. Singer’s caseload for FY 2017-18 and FY 2018-19 has grown to an average of 176 cases across those two fiscal years, as opposed to 125 cases in FY 2016-17. As of July 1, 2019, the 2017 Agreement will terminate upon the full execution of the 2019 Agreement.

Staff recommends the Board approve the attached 2019 Agreement with an increase in payment from \$6,000 per month to \$7,000 per month, or \$84,000 annually.

FINANCING:

The funds have been budgeted in the FY 2019-20 Preliminary Budget (Public Defender; 10100310-5272) in the amount of the 2019 Agreement (i.e. \$7,000/month). However, the Superior Court of California, Calaveras County (Court) has allocated funds by the State through

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the Budget Act of 2018 specific for dependency counsel. The County receives approximately \$23,000 per quarter further to the First Amendment to the Memorandum of Understanding between the County and the Court for reimbursement of dependency counsel services rendered. The 2019 Agreement provides that if the Court's funding is suspended or no longer available during the term of this 2019 Agreement, the monthly compensation shall decrease to \$6,500 per month.

ALTERNATIVES:

The Board could reject this 2019 Agreement, but that is not recommended because the County is mandated to provide public defender services. Although there is a public defender contract in place, there are instances where conflicts arise and a conflict public defender is required.

OTHER AGENCY INVOLVEMENT:

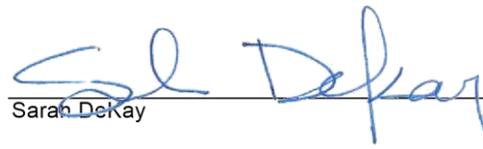
County Counsel

APPROVED BY:


Christa Vol Latta, Deputy CAO 7/26/2019


Diane Severud, Deputy Clerk of the Board of Supervisors 7/26/2019


Albert Alt, County Administrative Officer 7/26/2019


Sarah DeKay 7/29/2019