




EL DORADO COUNTY
CHIEF ADMINISTRATIVE OFFICE

MEMO

Date: November 20, 2018
To: Honorable Board of Supervisors
From: Don Ashton,  Chief Administrative Officer
cc: Joe Harn, Auditor-Controller
Subject: El Dorado Law Contract #105-S1811

This memo is to provide the Board with clarification regarding its approval of this agreement for conflict indigent defense services on June 20, 2017 (Legistar file 17-0641). A copy of the staff report is attached for your review.

The amount of the contract stated in the agenda title and staff report (\$1,700,496) was not correct; however, the contract that was attached to the agenda item and which was signed by the Board Chair contained the correct amount as negotiated with the vendor (\$1,727,136). The staff report was written based on a 9% reduction in total compensation from the previous year; however, last-minute negotiations with the vendor resulted in a 7% reduction. Unfortunately, staff did not update the agenda title and staff report text with the renegotiated amount.

The executed contract in the amount of \$1,727,136 is still legally binding; however, I felt it was important to bring this matter to the Board's attention so that you are aware of the total maximum obligation, and to avoid confusion when the amount paid to the vendor exceeds the amount identified in the staff report.

Please let me know if you have any questions or require additional information.



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 17-0641

*File ID #: 17-0641	Agenda Item Type:	Status: Approved
Version: 1	Reference: 1	Gov Body: Board of Supervisors
Department: CAO		Created: 06/07/2017
Agenda Title: 06/20/17 CAO El Dorado Law Contract for Conflict Indigent Defense Services		Final Action: 06/20/2017

Title: Chief Administrative Office recommending the Board approve the following:
 1) Approve agreement 105-S1811 for the provision of conflict indigent defense services with El Dorado Law, A Professional Law Corporation, in the base amount of \$1,700,496 for the two-year period of July 1, 2017 through June 30, 2019; and
 2) Authorize the Purchasing Agent to execute the Agreement.

FUNDING: General Fund.

Notes:

Agenda Date: 06/20/2017

Agenda Number: 4.

Sponsors:

Attachments: A - El Dorado Law Contract 6-20-17, B - Blue Route 6-20-17

Contact: Sue Hennike

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	06/20/2017	Approved				Pass
	Action Text: This matter was Approved on the Consent Calendar.						
Mover:	Brian K. Veerkamp	Yes: 5 - Supervisor Veerkamp, Supervisor Frentzen, Supervisor Ranalli, Supervisor Novasel and Supervisor Hidahl					5

Text of Legislative File 17-0641

Chief Administrative Office recommending the Board approve the following:
 1) Approve agreement 105-S1811 for the provision of conflict indigent defense services

with El Dorado Law, A Professional Law Corporation, in the base amount of \$1,700,496 for the two-year period of July 1, 2017 through June 30, 2019; and
2) Authorize the Purchasing Agent to execute the Agreement.

FUNDING: General Fund.

DEPARTMENT RECOMMENDATION

Approve and authorize the Purchasing Agent to execute the Agreement.

DISCUSSION / BACKGROUND

The constitutions of the United States and California mandate that persons who are accused of crimes or are otherwise at risk for loss of liberty, and who do not have the means to pay for legal representation due to indigence be provided legal representation at public expense. The primary provider of these services in El Dorado County is the Public Defender; however, there are instances in which the Public Defender's Office, due to a conflict of interest or other valid reason, cannot ethically represent certain indigent defendants. In these circumstances, the Court appoints an attorney from outside the Public Defender's Office to provide representation. Historically, the County has held contracts with multiple local, private attorneys, known as the "Conflict Panel," to provide these services.

On April 19, 2016, the Board awarded RFP No. 16-918-039 for the provision of conflict indigent defense services to El Dorado Law and authorized the CAO to negotiate a contract. The final contract with El Dorado Law was approved by the Board on June 14, 2016. The current contract expires on June 30, 2017, and provides for 11 attorneys (8 on the West Slope and 3 on the East Slope) and two administrative staff, at a base cost of \$972,554, plus ancillary costs and compensation for unusual or extended cases and capital cases. After reviewing caseload data provided pursuant to the terms of the contract, CAO staff approached El Dorado Law about reducing the number of panel attorneys. El Dorado Law proposed the reduction of one attorney from the panel, along with a 7% reduction in attorney compensation, for an annual base amount of \$850,248, and a total of \$1,700,496 for the two-year contract period. This is a savings of approximately \$122,000 annually.

The contract includes \$65,880 for operational, administrative, and investigative services, and provides for flat monthly attorney compensation at three different rates. Attorneys that handle felony and misdemeanor cases are paid \$7,000 monthly on the West Slope and \$7,527 on the East Slope and attorneys that handle only misdemeanors are paid \$4,605 monthly. Ancillary costs, such as psychological evaluations and expert consultants, are paid directly by the County pursuant to orders of the Court. The proposed contract provides El Dorado Law with the flexibility to reduce the number of panel attorneys on the West Slope if it is possible to do so without resulting in caseload that are unreasonable for individual attorneys, and to use such savings to increase the compensation of the rest of the panel attorneys. This should provide an incentive to attorneys to adjust caseload's to their maximum effective capacity.

The CAO will continue to monitor and analyze caseload data, and explore other

opportunities for efficiencies that may reduce costs for these services while ensuring that the County is fulfilling its constitutional mandate to provide effective counsel to indigent defendants.

ALTERNATIVES

The Board could choose not to enter into this contract, in which case the Court would appoint attorneys to indigent defendants in conflict cases. Those attorneys would be paid hourly by the County, upon order of the Court.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION

Approve and authorize the Purchasing Agent to execute the Agreement.

FINANCIAL IMPACT

Funding for this Agreement is included in the FY 2017-18 Recommended Budget at the recommended amount, resulting in a reduction in cost of approximately \$122,000 over the FY 2016-17 amount.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety, Good Governance

CONTACT

Sue Hennike, Chief Administrative Office