



## Legislation Details (With Text)

**File #:** 21-0641      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/9/2021      **In control:** Board of Supervisors

**On agenda:** 6/8/2021      **Final action:** 6/8/2021

**Title:** Chief Administrative Office recommending the Board authorize the Chair to sign Amendment I to Agreement 4108 extending the term for three months through September 30, 2021 and increasing the not to exceed amount by \$188,346 for the provision of conflict indigent defense services with El Dorado Law.

FUNDING: General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 4108 Amd I PE, 2. B - 4108 Amd I Fillable Blue Route Amd 02-23-21, 3. C - #4108 FE Agmt, 4. Executed Agreement 4108

Date	Ver.	Action By	Action	Result
6/8/2021	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board authorize the Chair to sign Amendment I to Agreement 4108 extending the term for three months through September 30, 2021 and increasing the not to exceed amount by \$188,346 for the provision of conflict indigent defense services with El Dorado Law.

**FUNDING:** General Fund.

### DISCUSSION / BACKGROUND

The United States Constitution mandates 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. In the instances in which the Public Defender's Office, due to a conflict of interest or other valid reason, cannot ethically represent certain indigent defendants, 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.

In April 2016, the Chief Administrative Office (CAO) was authorized to negotiate a contract with El Dorado Law for indigent defense services. Since that time, El Dorado Law has provided indigent defense services for the county. On January 26, 2021, the Board conceptually approved the creation of the Office of the Alternate Public Defender as a new county department. On March 16, 2021, the Board approved the Final Passage (Second Reading) of Ordinance 5141 establishing the Office of the Alternate Public defender.

At the January 26, 2021 meeting, the Board also authorized the CAO to negotiate a three month extension of the current contract 4108 with El Dorado Law to ensure that there is no gap in service while the Office of the Alternate Public is staffed and becomes fully operational. The CAO, per this

authorization, has negotiated Amendment I to Agreement 4108 with El Dorado Law for the provision of conflict defense services for this additional three month period. The term of the contract, as amended, will expire September 30, 2021.

### **ALTERNATIVES**

The Board could choose not to extend this contract, in which case the County could experience a lapse of service for active cases.

### **PRIOR BOARD ACTION**

16-0359 - 6/26/16 Approved Agreement 095-S1711 for FY 2016-17

17-0641 - 6/20/17 Approved Agreement 105-S1811 for 7/1/17 - 6/30/19

19-0948 - 6/25/19 Approved Agreement 4108 for 7/1/19 - 6/30/21

20-1606 - 01/26/21 Conceptually approved the CAO to create the Office of the Alternate Public Defender and authorized the CAO to negotiate the extension of Agreement 4108 for three months

21-0340 - 03/16/21 Approved Ordinance 5141 establishing the Office of the Alternate Public Defender

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel, Superior Court, Public Defender

### **CAO RECOMMENDATION**

N/A

### **FINANCIAL IMPACT**

The base cost of an additional three months of the EDL contract is \$188,346. After the expiration of the contract, there will be continued General Fund cost of open cases currently assigned to the contracted attorneys at the time of transition from the El Dorado Law services to the Alternate Public Defender division. Over time, those will phase out as cases are closed and no new cases are assigned.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Return executed amendment to CAO Fiscal for further processing.

### **STRATEGIC PLAN COMPONENT**

Public Safety, Good Governance

### **CONTACT**

Sue Hennike, Chief Administrative Office