

Attor 11

DEPARTMENT: Administration BY: John W. McCamman PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x)
A Request for Proposals for Public Defender/Court Appointed Counsel is attached for approval by the Board of Supervisors to be advertised and distributed for bids for the Court Appointed Counsel/Public Defender contract. This is the first time this issue has been brought forward for Board discussion.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The courts have in the past appointed private practice attorneys from the local community to defend indigent cases. Court appointed counsel are paid on an hourly basis and appointments are made on a rotational basis to attorneys who have agreed to participate. It is recommended that this function be contracted to a firm by agreement through the bid process. A request for proposal is attached for the Board's approval to be distributed to competent defense counsel, including the local private bar and contract defense firms in Oakhurst, Merced and Madera.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Approve the request for proposal for advertisement.
2. Do not approve the request for proposal and continue with the present process. The cost of this process is estimated to be greater than the proposed contract cost.

COSTS: () Not Applicable
 A. Budgeted current FY _____
 B. Total anticipated costs _____
 C. Required Add'l funding _____
 D. Source: _____

SPECIAL INSTRUCTIONS:
 List the attachments and number the pages consecutively:

RFP

SOURCE: () 4/5ths Vote Required
 A. Internal transfers \$ _____
 B. Unanticipated revenues \$ _____
 C. Reserve for contingency \$ _____
 D. Description: _____
 Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY:

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

Res. No.: 92-104
 Ord. No.: _____
 Vote - Ayes: Unanimous Noes: _____
 Absent: _____ Abstained: _____
 (mw) Approved () Denied
 () Minute Order Attached

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 ATTEST: MARGIE WILLIAMS
 Clerk of the Board of Supervisors
 County of Mariposa, State of CA
 By: _____
 Deputy

Comment: _____

A.O. Initials: mw / by raw

REQUEST FOR PROPOSALS

**PUBLIC DEFENDER
COURT APPOINTED COUNSEL**

COUNTY OF MARIPOSA

**John W. McCamman
Administrative Officer
P. O. Box 784
Mariposa, CA 95338**

I. Review of Proposals

The County of Mariposa is doing a preliminary investigation concerning the retention of contract counsel to conduct public defense work on behalf of the County. The start date for such a contract will be July 1, 1992 if the Board of Supervisors determines to award such a contract. The contact person for this request for proposal is:

**John W. McCamman
Administrative Officer
P. O. Box 784
Mariposa, CA 95338**

Review of responses to this request for proposals will be conducted by a committee of individuals knowledgeable in the criminal justice system to be established by the courts. A recommendation will be made to the Board of Supervisors concerning the award of such an agreement.

II. Criteria for Bid

In order to be a successful proponent for an agreement with the County of Mariposa, your firm must be able to meet the following criteria:

1. All misdemeanor and felony filings and juvenile petitions will be eligible for appointment in the absence of a formally declared and court approved conflict of interest. The assigned attorney shall participate in the regular scheduled arraignments calendared for Justice Court.
2. The assigned attorney for misdemeanor appointments will have at least one year of criminal defense experience;
3. The assigned attorney for all felony appointments shall have at least three (3) years of criminal defense experience;
4. As a part of the above experience, all Superior Court appearances must be made by an attorney with at least one (1) year of felony trial work.
5. The assigned attorney shall be required to have an office within Mariposa County which is staffed and available five days a week. The assigned attorney will become a member of the local bar association and actively participate in court and bar association activities.
6. The respondent shall include the cost of all investigations in the contract. No additional

investigative work will be contracted by the County. Exceptions may be negotiated in unusual circumstances based upon court approval of the additional investigations on a case by case basis.

7. As a matter of law, all experts will be subject to prior approval by the court following review on a case by case basis and funded by the County.
8. Exclusions shall include only death penalty cases where a special appointment may be required. Any additional exclusions due to a conflict of interest shall be subject to court review.
9. The assigned firm shall be responsible for rent, utilities and all associated expenses of having an office in Mariposa County.
10. Term of contract to be proposed by respondent. At least one year shall be proposed.
11. A fixed fee for a minimum period of one year shall be proposed.

III. CRITERIA FOR REVIEW

It is anticipated that the respondent will meet the above minimum criteria for bid. The criteria for review of the submitted bid shall include:

- a. Meet the minimum criteria for bidding;
- b. The proposed fixed fee cost of services;
- c. The demonstrated capability of the assigned attorneys;
- d. The experience and capability of the firm.
- e. The duration of the agreement.

Any and all special criteria which will be part of a resulting contract will be outlined by the respondent at the time of the bid.

III. Description of the System

Mariposa County has a single Superior Court Judge Judicial Department and a single Justice Court Judicial District. A .4 Justice Court Judge is assigned to Mariposa County. The following data was obtained from the annual data reference for the 1990/91 caseload data prepared by the Judicial Council of California.

<u>Superior Court</u>	<u>1989-90</u>	<u>1990-91</u>
601 Filings	8	7
602 Filings	46	43
Dependency	15	18
Criminal Filings	76	76
Disposition before trial	64	62
Jury trials	7	1
<u>1990-91 Justice Court</u>	<u>Filings</u>	<u>Disposition</u>
Felonies	117	98
Group A Misdemeanors:		
Non-traffic misdemeanor violations of the Penal Code and other state statutes, excluding Fish and Game Code violations and intoxication complaints	312	226
Group B Misdemeanors:		
Non-traffic misdemeanor violations of local city and county ordinances, Fish and Game Code violations, and intoxication complaints	101	74
Group C Misdemeanors:		
Violations of Vehicle Code sections 20002 (hit and run, property damage), 23104 (reckless driving, causing injury), and 23152 (driving under the influence of alcohol or drugs).	118	90
Group D Misdemeanors:		
All traffic misdemeanor violations that are not included in the Group C misdemeanor category.	347	324

Data as to the number of assignments, which are currently taken by the private bar within the County, are uncertain. Including a billing for each arraignment calendar, approximately 448 billings were submitted in the 1991 calendar year for Justice Court activity and 200 billings for the 1991 calendar year for Superior Court activity. Obviously, there are a number of duplicate cases in these numbers. Additional information regarding the case filings may be available from the Superior Court Clerk or the Justice Court Clerk.

IV. REVIEW SCHEDULE

The following key dates are anticipated with this request for proposal.

- a. Issuance of R.F.P. February 28, 1992.
- b. Return of R.F.P. by respondents March 20, 1992.
- c. Review process (including interviews if appropriate) through April 17, 1992.
- d. Contract negotiations through May 22, 1992.
- e. Begin workload July 1, 1992.

V. CONTRACT PERIOD

One of the criteria includes the respondent outlining the duration and the terms for an agreement over the proposed period.

VI. CONTACT FOR FURTHER INFORMATION

1. For further information regarding this request for proposal, please contact:

John W. McCamman
Administrative Officer
P. O. Box 784
Mariposa, CA 95338
(209) 966-4744

2. For information regarding Superior Court workload activities, please contact:

Marlane Romeike
Superior Court Clerk
Courthouse, 5118 Bullion Street
P. O. Box 247
Mariposa, CA 95338
(209) 966-2005

3. For information regarding Justice Court workload activities, please contact:

Betty Mankins
Justice Court Clerk
Courthouse, 5188 Bullion Street
P. O. Box 316
Mariposa, CA 95338
(209) 966-5117

VI. RESPONSE

Response to this request for proposal is required to be in the office of the Administrative Officer no later than 5:00 p.m., March 20, 1992.

**John W. McCamman
Administrative Officer
P. O. Box 784
Mariposa, CA 95338**