

DEPARTMENT: County Counsel BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Authorize Chairman to sign Agreement between the Superior Court of California and the County of Mariposa to enter into an Agreement for juvenile dependency legal services.

This Agreement will ensure that juvenile dependency legal services are provided and the Court will pay the County for those services in the sum of \$20,000 per year together with a 2.5% annual cost of living increase.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board gave County Counsel direction to prepare an Agreement to increase the Superior Court's annual contribution to the County related to costs of juvenile defense attorneys from \$20,000 per year to \$25,000 per year together with a 2.5% annual cost of living increase on November 12, 2002. Since that time the Court Executive Officer has determined that the amount should be \$20,000 annually with a 2.5% annual cost of living increase and the Auditor has agreed with his analysis.

The County and the Court have had an informal agreement wherein the Court paid the County the sum of \$20,000 per year to offset the County's costs of indigent attorney defense for juvenile cases.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Agreement to Provide Juvenile Defense Attorney Services
Source:		Memo from Auditor
Internal Transfer		Memo from Court Executive Officer
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 03-159 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

CAO: Est.

**AGREEMENT
TO PROVIDE JUVENILE DEFENSE ATTORNEY SERVICES**

THIS AGREEMENT is entered into on the most recent date written by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "**County**", and the Superior Court of California, County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "**Court**".

WITNESSETH:

Whereas, **County** has entered into a Legal Services Agreement for the provision of public defender legal services to **County**, and

Whereas, a portion of the legal services rendered pursuant to the Legal Services Agreement are legal services related to juvenile dependency legal services, and

Whereas, it is the responsibility of **Court** to provide juvenile dependency legal services, and

Whereas, **County** and **Court** desire to enter into an Agreement wherein **County** will ensure that juvenile dependency legal services are provided and **Court** will pay **County** for those services,

Now, Therefore, in consideration of the mutual promises and covenants hereinafter contained the parties hereto agree as follows:

1. **County** agrees to provide on **Court's** behalf juvenile dependency legal services pursuant to the Legal Services Agreement **County** has entered into with David A. Smothers and Gary L. Collings during the term of the Legal Services Agreement.
2. **Court** shall pay to **County** the sum of Twenty Thousand Dollars (\$20,000.00) per fiscal year for the provision of juvenile dependency legal services as described above. For the first year of this Agreement, i.e., the fiscal year 2002-2003, **Court** shall pay **County** the sum of Twenty Thousand Dollars (\$20,000.00). The annual payment to the **County** shall also cover any court appointed counsel fees which are billed directly to the **Court** for juvenile dependency legal services. For each succeeding fiscal year thereafter during the term of this Agreement there shall be a 2.5% annual cost of living increase added.
3. **County** and **Court** shall renegotiate this Agreement at such time as the current Legal Services Agreement by and between the **County** and David A. Smothers and Gary L. Collings is renegotiated or a successor agreement is negotiated on behalf of **County**.
4. The sums due hereunder shall be paid to **County** on or before the 15th day of each month following the close of the prior month for which services were rendered.

COPY

5. Either party hereto may cancel this Agreement upon sixty (60) days prior written notice to the other party.

COUNTY OF MARIPOSA:

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF MARIPOSA:

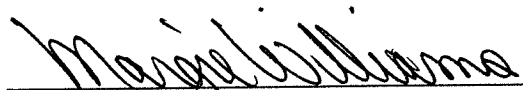


BOB PICKARD, Chairman
Mariposa County Board of Supervisors

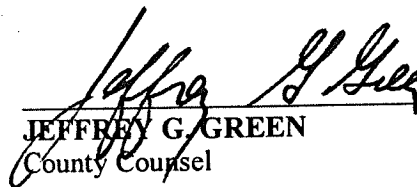
F. DANA WALTON, Presiding Judge
Mariposa Superior Court

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel