

97-271

MARIPOSA COUNTY
BOARD OF SUPERVISORS
DEPARTMENT: Administration

AGENDA
ACTION FORM
BY: Janet Hogan

DATE: June 24, 1997
AGENDA ITEM NO.: 8
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes x No)

Approve increase in contract amount for Public Defender Services and direct the County Administrative Officer and County Counsel to prepare a contract amendment for the Chairman's signature. Increase is in the amount of \$17,250 (15 percent) to commence July 1, 1997.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

In April, 1995 Mariposa County issued a Request for Proposals for public defender services. In June, 1995 the Board of Supervisors approved a 3-year contract with Thomas Mills for \$115,000 annually. The contract contains a clause stating that the terms of the agreement may change by mutual agreement and gives the example of an extraordinary increase or decrease in case volume.

Mr. Mills requested contract modifications including an extension of the term until June 1, 2001 and an increase of 15 percent effective May 1, 1997 (request is attached). The basis for the request is an increase in cases due to changes in law (three-strikes, Prop. 115) and staff increases at the Sheriff's Department and District Attorney's office. In a meeting with me, Mr. Mills indicated the increased amount would be used to provide additional support staff which will enable the attorneys to handle more cases. Both our Superior and Municipal Court Judges have written letters in support of Mr. Mills' request (also attached).

It is my recommendation that the term of the contract not be changed, and that the current contract run for the third year. This provides the County with the opportunity to review costs, case activity and structural alternatives in some detail before committing to another three-year term.

In regard to increased compensation, the request appears justified based on an increased number of cases and increased complexity demanding more time from the contract defenders. The contract specifically states that the contractor has a duty not to accept more cases than can be competently handled. Without the increased support staff, the contract defenders would have to decline accepting some cases. Due to the requirement that all those accused of crimes have legal counsel, other attorneys would be appointed at a cost to the County.

(continued on next page)

COSTS: A. Budgeted Current FY \$ B. Total Anticipated Costs \$ C. Required Additional Funding \$ D. Internal Transfers \$		SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
SOURCE: A. Unanticipated Revenues \$ B. Reserve for Contingencies \$ C. Source Description: _____		
Balance in Reserve for Contingencies, if approved: _____		
CLERKS USE ONLY: Res. No. <u>97-271</u> Ord. No. _____ Vote - Ayes: <u>4</u> Noes: <u>Stewart</u> Absent: _____ Abstained: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Minute Order Attached <input type="checkbox"/> 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		ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> For Policy Determination <input type="checkbox"/> Submitted with Comment <input type="checkbox"/> Returned for Further Action Comment: _____ CAO's Initials: <u>JH</u>
BY: _____ Deputy		

The commencement date for the adjustment is recommended to be July 1, 1997 as the current year's budget contains no provision for the requested increase. Approving the contract amendment now would require increased funding for the 1997-98 fiscal year.


LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could determine to extend the contract term. The increase could be denied with the result that some cases may go to other attorneys that would be paid with County funds. The current rate for conflict defenders is \$60 per hour or \$500 per day for trials.

Attachments

MARIPOSA COUNTY WATER AGENCY

MINUTE ORDER

TO: JANET HOGAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: INCREASE IN CONTRACT AMOUNT FOR PUBLIC DEFENDER SERVICES; RES. 97-271

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 24, 1997

ACTION AND VOTE:

Janet Hogan, County Administrative Officer;
Approve Increase in Contract Amount (\$17,250) (15%) to Commence July 1, 1997, for Public Defender Services and Direct the County Administrative Officer and County Counsel to Prepare a Contract Amendment for the Chairman's Signature
BOARD ACTION: Discussion was held and Janet Hogan reviewed recommendations. (M)Parker, (S)Pickard, Res. 97-271 adopted approving recommended action, with the increase to commence July 1, 1997, and continue for the rest of the current contract period. Following further discussion, motion was amended, agreeable with maker and second, to grant a 15% increase and extend the term of the existing contract for three years as requested by the contractor, and remove any language in the contract relative to any future review of compensation during the term of the contract. Further discussion was held and motion was further amended, agreeable with maker and second, to delete the last amendment and remain with the original motion to approve the increase and continue for the rest of the current contract period/Ayes: Reilly, Balmain, Parker, Pickard; Noes: Stewart.

cc: Jeff Green, County Counsel
Ken Hawkins, Auditor
Judge McMechan
Judge LaRoche
File