

95-307

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

**DATE: 6-27-95
AGENDA ITEM NO.: 4**

DEPARTMENT: Administration **BY:** Mike Coffield **PHONE:** 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Resolution approving Legal Services Agreement with Thomas C. Mills for legal services as Public Defender for a three year period, at the same annual cost of the current contract - \$120,000, and authorizing the Chairman to execute the agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS: On April 18, 1995 (#95-161) the Board directed that Requests for Proposal be sent to determine the interest in the local legal community to provide contract public defender services. Proposals were received from John A. Barker (Madera), Richard S. Gimblin (Mariposa), Michael A. Fagalde (Mariposa), James B. Lindstedt and Thomas C. Mills (Mariposa), Thomas C. Mills independently (Mariposa) and Oliver and Duncan (Oakhurst). The proposals contained many options and are summarized on Attachment 1. Each proposal was reviewed by both Judges, County Counsel and the County Administrative Officer.

Mr. Mills has been providing excellent services to the courts and Mr. Barker submitted the proposal at the lowest cost (\$118,600 average per year for three years), so the County Administrative Officer entered into negotiations with those two firms to finalize proposals. Mr. Mills offered to reduce his proposed cost from \$140,000 per year back to our current cost of \$120,000 per year for a three year commitment. Mr. Barker countered by reducing his proposed cost to \$112,000 per year for three years.

The Superior Court and Municipal Court Judges are cognizant and appreciative of Mr. Mills' status as a valued member of our local criminal justice system and believe that the respect he has earned from its members and the quality of the representation he provides his clients, justify his continued services. Although there are potential savings from awarding the contract to Mr. Barker, they believe that the current smooth functioning of the criminal justice system mitigates against a change in public defenders at this time. Therefore, the Judges and County Administrative Officer are recommending Option #2 of Thomas Mills' proposal, in which he and an associate would handle all cases, including Conflicts, unless there are three or more defendants. These would continue to be assigned elsewhere to members of the local bar on a case-by-case basis.

County Counsel advises that there is no requirement to bid professional services and that due to the need for flexibility in securing such services and the variables inherent in a Request for Proposal process, that negotiating between the principals after receipt of the proposals in order to make a fair comparison between like services is appropriate.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board could award the contract Mr. Barker, who would begin providing services on July 1, 1995. Alternatively, a month to month successor agreement with Mr. Lindstedt and Mr. Mills could be sought for the transition period,

if the Board referred the issue back to staff for further information or negotiations.

PD3YRS.BLT

COSTS: () Not Applicable

A. Budgeted current FY \$ 120,000

B. Total anticipated costs \$ 120,000

C. Required additional funding \$ 0

D. Internal transfers \$

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

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$

B. Reserve for contingencies \$

C. Source description:

Balance in Reserve for Contingencies, if approved: \$

CLERK'S USE ONLY:

Res. No.: 45-307 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

() Approved () Denied

(X) Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
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
County of Mariposa, State of California

By: _____
Deputy

Comment: _____

A.O. Initials: *MW*

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE COFFIELD, COUNTY ADMINISTRATIVE OFFICER
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: LEGAL SERVICES AGREEMENT WITH THOMAS C. MILLS
FOR PUBLIC DEFENDER SERVICES

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on June 27, 1995

ACTION AND VOTE:

Mike Coffield, County Administrative Officer;
Resolution Approving Legal Services Agreement with Thomas C.
Mills for Public Defender Services for the Three-Year Period at
the Same Annual Cost of the Current Contract (\$120,000) and
Authorizing Chairman to Execute Agreement
BOARD ACTION: Mike Coffield reviewed the proposals received,
presented recommendation, and advised that Mr. Mills has lowered
his contract cost to \$115,000/annually. Following discussion,
(M)Balmain, (S)Stewart, Res. 95-307 adopted, with contract cost
at \$115,000/Ayes: Unanimous.

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