



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE 1/23/2018		(3) CONTACT/PHONE Lisa Howe, Administrative Analyst (805) 781-5011	
(4) SUBJECT Request to approve Contract Amendment No. 1 to the existing contract with the County's primary Public Defender service provider, San Luis Obispo Defenders, to increase the annual amount by \$84,000. All Districts.					
(5) RECOMMENDED ACTION It is recommended that the Board approve Contract Amendment No. 1 to the existing contract with the County's primary Public Defender service provider, San Luis Obispo Defenders, to increase the annual amount by \$84,000.					
(6) FUNDING SOURCE(S) FC 135 - Public Defender		(7) CURRENT YEAR FINANCIAL IMPACT \$42,000		(8) ANNUAL FINANCIAL IMPACT \$84,000	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)					
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A					
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A				(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A		(15) BUSINESS IMPACT STATEMENT? No		(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>6/21/2016</u>	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office					
(18) SUPERVISOR DISTRICT(S) All Districts.					



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Administrative Office / Lisa Howe, Administrative Analyst / (805) 781-5011

DATE: 1/23/2018

SUBJECT: Request to approve Contract Amendment No. 1 to the existing contract with the County's primary Public Defender service provider, San Luis Obispo Defenders, to increase the annual amount by \$84,000. All Districts.

RECOMMENDATION

It is recommended that the Board approve Contract Amendment No. 1 to the existing contract with the County's primary Public Defender service provider, San Luis Obispo Defenders, to increase the annual amount by \$84,000.

DISCUSSION

Background

The Constitution of the State of California requires that counties provide for the legal defense of indigents accused of crimes. The three agreements for general Public Defender services include: the Primary Public Defender, the Conflict Public Defender, and the Conflict-Conflict Public Defender. The Primary Public Defender handles the majority of indigent defense cases appointed by the Courts. If the primary firm has a conflict and cannot represent the defendant, the Public Defender firm takes the case. If the Conflict firm has a conflict as well, the Conflict-Conflict firm represents the defendant. If this firm also has a conflict, the Court will appoint an attorney from the public defense bar, who will then invoice the County for the cost of the defense, subject to review and approval by the Court. The current Public Defender contracts were signed by the Board on June 21, 2016.

Contract Amendment

Senate Bill No. 190 was signed into law by the Governor on October 11, 2017 and became effective January 1, 2018. Senate Bill No. 190 repealed county authority to charge specified fees to parents, guardians, and youth for a youth's involvement in the juvenile delinquency system. Prior to January 1, 2018, the County collected payment from some youths' parents or guardians for the cost of legal defense representation if a financial assessment showed they had some ability to pay. The County collected payment under the Subject to Reimbursement (STR)

program. Under the STR program, the Court assigned attorneys subject to reimbursement, off a rotating attorney list, to those families that had not retained their own private attorney but did not qualify for a public defender. The County would pay the STR attorney's fees, and the Probation's Collections Unit collected the fees for the program reimbursement based on each families individually determined ability to pay as ordered in the youth's conditions of probation.

Due to Senate Bill No. 190 being signed into law, the Court can no longer impose attorney costs onto a youth or his/her parent or guardian regardless of ability to pay; therefore, the County can no longer collect these fees and is eliminating the Subject to Reimbursement (STR) program. All juveniles without a privately retained attorney will be referred to the Public Defender. Due to the elimination of the STR program, staff anticipates the number of new juvenile cases appointed annually to the Public Defender will increase by approximately 40-45 cases. Therefore, the Primary Public Defender, San Luis Obispo Defenders, have requested additional resources to keep pace with the increased workload.

The attached amendment adds an additional half-time attorney at an additional annualized amount of \$84,000, payable in monthly increments of \$7,000 starting in January of 2018 to the original contract signed by the Board on June 21, 2016.

At this time, County staff cannot project how many additional cases, if any, will fall to a conflict public defender and to not anticipate a need for a contract amendment.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed the proposed amendments as to form and legal effect.

FINANCIAL CONSIDERATIONS

The original contract, signed on June 21, 2016, totaled \$4,095,757 for Fiscal Year 2016-17. The contract includes an annual compensation increase according to the LA-Riverside-Orange Consumer Price Index (CPI) issued by the Federal Bureau of Labor Statistics.

The attached first amendment adds an additional half-time attorney at an additional annualized amount of \$84,000, payable in monthly increments of \$7,000 starting in January of 2018 to the original contract signed by the Board on June 21, 2016. The amount would then be adjusted according to the annual change in the Consumer Price Index, beginning in FY 2018-19, according to the method described in Section 9 of the existing contract with San Luis Obispo Defenders.

At this time, it is projected that Fund Center 135 - Public Defender has enough budget to absorb the \$42,000 increase for FY 17-18.

The positions recommended to be added are contract positions and will have no impact on the PAL or county employee bargaining units.

RESULTS

The recommended action will amend the County's Primary Public Defender Contract with San Luis Obispo Defenders, based on an anticipated increase in caseload due to Senate Bill No. 190 being signed into law by the Governor on October 11, 2017.

ATTACHMENTS

Attachment 1: Contract Amendment 1