



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

A-22

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Superior Court
Department No.: 025
For Agenda Of: 6/26/07
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Executive Officer Gary M. Blair
Financial Analyst Rebekah Bardakos 568-2860

SUBJECT: Extension of Contract for North County Conflict Defense Services

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

1. Approve and sign an extension for the provision of conflict defense (alternate Public Defender) services in the north county Superior Court to North County Defense Team for the period of July 1, 2007 through June 30, 2010 for the annual amount of \$798,424 (plus June 2007 CPI), commencing July 1, 2007.

Summary Text: The current contract for the provision of conflict defense services in the north county courts expires at the end of FY 2006-07.

Auditor-Controller Concurrence

As to form: Select_Concurrence

Under the contract, a consortium of attorneys handles various defense cases in which the Public Defender cannot legally represent the defendant because of a conflict of interest. This primarily occurs in multiple defendant cases in which the Public Defender may only represent one defendant. The contractor is required to represent up to five (5) co-defendants in a given conflict case. Secondary conflicts are avoided because the various attorneys in the consortium are in separate law firms, with separate offices and records. Economies of scale in representation are also achieved, to the benefit of the represented parties, the Court and the County.

This contract method of providing Conflict Public Defense services has resulted in major cost savings in Santa Barbara County, since its inception in 1983, as compared to the former method of compensating counsel on an hourly basis for each case. The Court and the County have established contracts for conflict defense that essentially require the provision of such services on a "flat fee for all services" basis, with only very limited exceptions permitted. The Superior Court Judges have been entirely satisfied with the quality of services provided by Conflict Defense contractors, for several years now, and proposes to continue these contracts with this contractor, for fiscal years 2007-08 through 2009-10.

Performance Measure:

Penal Code §987.2 requires the appointment of counsel at county expense in criminal cases and juvenile cases in which the defendant is unable to employ counsel. It also provides that the reasonable sum for compensation and for necessary services may be determined by contract between the court and one or more responsible attorneys after consultation with the board of supervisors as to the total amount of compensation and expenses to be paid.

Fiscal and Facilities Impacts: The cost for the provision of such services in FY 2006-07 is \$66,535 per month for an annualized amount of \$798,424. The annual amount for 2007-08 will be based upon the 2006-07 amount, adjusted by a standard annual Consumer Price Index factor as of June 2007 as determined and published by the United States Department of Labor. As of this date, the June CPI factor has yet to be published. (The most recent published CPI was 3.6% for April 2007). There are no anticipated County facilities impacts from Board Approval of this contract.

Budgeted: Select_Budgeted

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$798,424	798,424 + CPI Increase	
State			
Federal			
Fees			
Other:			
Total	\$ 798,424.00	\$ 798,424.00	\$ -

Narrative: FY 07/08 Costs will be \$798,424 + CPI Increase for June 2007.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

Please provide the Superior Court Executive Officer with a conformed copy of the Board Minute Order and of this contract, following execution by the Board. Thank you.

Attachments: North County Conflict Defense Contract July 1, 2007 – June 30, 2010

Authored by:

Gary M. Blair, Superior Court Executive Officer

cc:

