



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

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

**Department Name:** County Executive Office  
**Department No.:** 012  
**For Agenda Of:** June 18, 2024  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

**TO:** Board of Supervisors  
**FROM:** Department Director(s)  
Contact Info: Tanja Heitman, Assistant CEO  
Mona Miyasato, County Executive Officer

DocuSigned by:  
*Mona Miyasato*  
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**SUBJECT: Approval of Extraordinary Expense for Indigent Conflict Defense Services**

**County Counsel Concurrence**

As to form: Yes

Other Concurrence:

As to form: N/A

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize payment by the County of extraordinary expenses of \$11,840 to Indigent Conflict Defense Counsel for Santa Barbara County, LLC (Indigent Conflict Defense Counsel) in accordance with Section L of Exhibit B of the Agreement for Services of Independent Contract (Agreement); and
- b) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that will not result in direct or indirect physical changes to the environment.

**Summary Text:**

This item is before your Board to approve a payment of extraordinary expenses of \$11,840 to the Indigent Conflict Defense Counsel in accordance with Section L of Exhibit B of the Agreement. The current Agreement, which expires June 30, 2024, provides for the payment of extraordinary expenses such as the cost of experts and investigators. The requested \$11,840 exceeds the current Agreement's not-to-exceed amount of \$3,690,000, which is the amount of the eighteen (18) monthly payments of \$205,000. The request was approved for payment by the Presiding Judge of the Superior Court, the Court Executive

Page 2 of 3

Officer, and the County Executive Office. Indigent Conflict Defense Counsel has indicated that no additional extraordinary expenses are expected for the current contract term.

On June 4, 2024, the Board approved a new agreement with Indigent Conflict Defense Counsel to extend services through June 30, 2026.

**Background:**

By law, counties are required to fund and provide defense counsel in certain criminal proceedings to individuals who are indigent. There are a variety of ways counties can meet these requirements including: through County departments such as the Office of the Public Defender; through contract public defenders in which a private sector law firm acts as a contractor to the County; and lastly, through assigned counsel, where cases are typically assigned directly by the Court and are paid on either a flat fee or hourly basis.

While the County of Santa Barbara relies on the Office of the Public Defender to provide these services, on occasion, the Public Defender must declare a conflict of interest in a case at which time the Superior Court Judge will assign an alternate attorney to represent the client. Historically, the Superior Court, on behalf of the County, has managed contracts for conflict indigent defense representation when the Office of the Public Defender declares a conflict of interest in a case with criminal allegations.

As the County is responsible for funding and providing the representation per Penal Code Section 987.2(a) and (b), contracted conflict defense services are typically administered by the County and often through the County Executive Office. From 1983 through 2022, the Superior Court administered two contracts for services, one in north county and one in the south county. In April 2022, Superior Court management requested the administration of the contracts be transferred to the County.

On August 16, 2022, the Board of Supervisors approved the County Executive Office to issue a Request for Proposals for these services. The highest-ranking respondent was Indigent Conflict Defense Counsel. The County entered into an 18-month contract from January 1, 2023, through July 1, 2024, stating that Contractor shall be paid a fixed monthly amount of \$205,000, including cost reimbursements, not to exceed \$3,690,000.

Section L of Exhibit B of the Agreement additionally states the following:

“In any non-capital homicide case in which it is necessary for CONTRACTOR to incur costs for expert and investigation fees in excess of \$10,000, CONTRACTOR may petition the COUNTY and Court for additional compensation to cover such extraordinary costs above \$10,000. However, CONTRACTOR shall be required to cover the first \$10,000 of said expenses in any such case.

CONTRACTOR shall provide to the COUNTY a detailed accounting, to include receipts and supporting documentation of such expenses incurred. Additional funds granted by COUNTY shall be reimbursed to CONTRACTOR upon submittal and review of claims to the COUNTY with receipts and supporting documentation. The COUNTY in consultation with the Court, may grant or deny request for additional funds in whole or in part, based upon a declaration and motion by CONTRACTOR to the Court of the materiality and necessity of such expense(s).”

On March 20, 2024, Indigent Conflict Defense Counsel submitted a Request for Reimbursement for Cost of Experts and Investigators to both the County Executive Office and Superior Court for approval and payment of extraordinary expenses above \$10,000. The request for \$11,840 included an itemized list of expenses and was approved for payment by the Presiding Judge of the Superior Court, the Court Executive Officer, and the County Executive Office. Indigent Conflict Defense Counsel has indicated that no additional extraordinary expenses are expected for the current contract term.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>	<b><u>Total Agreement Cost</u></b>
General Fund	\$ 3,690,000.00	\$ 11,840.00	\$ 3,701,840.00
State			
Federal			
Fees			
Other:			
<b>Total</b>	<b>\$ 3,690,000.00</b>	<b>\$ 11,840.00</b>	<b>\$ 3,701,840.00</b>

Narrative: Although funding for the contract amount of \$3,690,000 is budgeted in General County Programs, funding for the extraordinary expense of \$11,840 is not currently budgeted. However, there are sufficient appropriations in General County Programs services and supplies to cover this expense without the need for a budget revision.

**Special Instructions:**

Clerk of the Board to forward one fully executed original contract and minute order to: County Executive Office, ATTN: Shanna Dawson, Fiscal & Policy Analyst.

**Attachments:**

Attachment A: Agreement for Conflict Indigent Defense Services

**Authored by:**

Shanna Dawson, Fiscal & Policy Analyst