

ATTACHMENT D

AMENDMENT NO. 1 TO THE AGREEMENT FOR SERVICES FOR LEGAL REPRESENTATION OF ELIGIBLE INDIGENTS



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

June 7, 2016

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino

SUPERIOR COURT

File Reference No. 16-00426

RE: Approve and authorize the Chair to exercise the option to extend and execute Amendment No. 1 to the Agreement for Services for Legal Representation of Eligible Indigents with Criminal Defense Associates and lead attorneys Douglas R. Hayes and William Duval, and the Superior Court of the State of California, County of Santa Barbara for the provision of conflict defense (alternate Public Defender) services in the South County Superior Courts for the period of July 1, 2016 through June 30, 2017.

A motion was made by Supervisor Wolf, seconded by Supervisor Farr, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino

**AMENDMENT NO. 1 TO
AGREEMENT FOR SERVICES FOR LEGAL REPRESENTATION OF ELIGIBLE INDIGENTS
(CONTRACT NO. BC-15-122)**

This Amendment No. 1 hereby amends and extends the Agreement for Services for Legal Representation of Eligible Indigents dated December 9, 2014 (Agreement) between the Criminal Defense Associates and as lead attorneys William L. Duval Jr. and Douglas R. Hayes referred to as "CONTRACTOR" and the Superior Court of California, County of Santa Barbara referred to as "COURT" and the County of Santa Barbara, hereinafter referred to as "COUNTY".

WHEREAS, CONTRACTOR has been serving as alternative counsel for accused indigents in the COURT (South County Divisions of the Superior Court, including Anacapa, Figueroa, and the Santa Barbara Juvenile Division) pursuant to Penal Code Section 987.2(a), in cases in which the COURT finds that, because of a legal conflict of interest or other failure to act, the Public Defender has properly refused to represent the person accused; and

WHEREAS, the Agreement expires on June 30, 2016, and the parties wish to exercise the option to extend the Agreement for an additional year, up to and including June 30, 2017; and

WHEREAS, in accordance with Exhibit B, Payment Arrangements, Periodic Compensation, Section E., COUNTY shall pay CONTRACTOR the fiscal year 2015-16 amount of \$848,537.06 plus the June Consumer Price Index (CPI) adjustment, not to exceed 2%, for the CONTRACTOR's services under this Agreement for fiscal year 2016-17 (July 1, 2016 through June 30, 2017); and

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereby amend the Agreement as described below.

1. In the first paragraph of this Agreement, replace 140 East Figueroa Street with 631 Chapala Street, as the address for Criminal Defense Associates.
2. In Section 2. Notices,

James Crowder
Criminal Defense Associates
140 East Figueroa Street
Santa Barbara, CA 93101

Is replaced with

William L. Duval, Jr.
Criminal Defense Associates
631 Chapala Street
Santa Barbara, CA 93101

3. Pursuant to section 4, the parties agree to extend the term for an additional year, for a total contract amount, including reimbursements, for fiscal year 2016-2017, not to exceed \$848,537.06 plus the Consumer Price Index (CPI) adjustment based upon the annual increase in the California CPI for the Los Angeles-Anaheim-Riverside area for urban wage earners and clerical workers as published by the United States Department of Labor, not to exceed 2%, nor to be less than zero percent. The formula shall be based on the June 2016 CPI applied to the 2015-16 payment amount.
4. In Exhibit B, Payment Arrangements, Periodic Compensation, Section H., add the following sentence: "CONTRACTOR shall be required to handle up to two (2) death penalty cases through disposition during fiscal year 2016-17."

This Amendment No. 1 may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original. All other terms of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA

By: [Signature]
Deputy

By: [Signature]
Chair, Board of Supervisors

Date: 6-7-16

COURT

By: [Signature]
Patricia Kelly
Superior Court Assistant Presiding Judge

CONTRACTOR:

Criminal Defense Associates and William L. Duval, Jr.
and Douglas R. Hayes

By: [Signature]
Douglas R. Hayes
Lead Attorney

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel

By: [Signature]
Deputy County Counsel

By: [Signature] 5/9/2016
William L. Duval, Jr.
Lead Attorney

APPROVED AS TO FORM:

Ray Aromatorio
Risk Manager

By: [Signature]
Risk Management

APPROVED AS TO ACCOUNTING FORM:

Theodore A. Fallati, CPA
Auditor-Controller

By: [Signature]
Deputy