

ATTACHMENT E

**AMENDMENT NO. 3 TO THE
AGREEMENT FOR SERVICES FOR LEGAL REPRESENTATION OF ELIGIBLE INDIGENTS**



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

June 19, 2018

Present: 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

SUPERIOR COURT

File Reference No. 18-00457

RE: Approve and authorize the Chair to execute Amendment No. 3 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 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, 2018 through December 31, 2018.

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

Ayes: 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

AMENDMENT NO. 3 TO
AGREEMENT FOR SERVICES FOR LEGAL REPRESENTATION OF ELIGIBLE INDIGENTS

This Amendment No. 3 hereby amends and extends the Agreement for Services for Legal Representation of Eligible Indigents dated December 9, 2014 (Agreement) between Criminal Defense Associates and lead attorneys Douglas R. Hayes and William L. Duval Jr. 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, 2018; and

WHEREAS the parties wish to extend the Agreement up to and including December 31, 2018 at the current rate of monthly compensation; and

WHEREAS, according to Exhibit B, Payment Arrangements, Periodic Compensation, Section E., COUNTY currently pays \$73,423.91 monthly for the CONTRACTOR's services under this Agreement for fiscal year 2017-2018 (July 1, 2017 through June 30, 2018);

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

1. Under fair and valuable consideration, the parties agree to extend the term for six (6) additional months during fiscal year 2018-2019, up to and including December 31, 2018, unless earlier terminated.
2. In Exhibit B, Payment Arrangements, Periodic Compensation, Section A, add the following to the end of the paragraph: "For fiscal year 2018-2019, CONTRACTOR shall be paid \$73,423.91 monthly, up to and including December 31, 2018."
3. In Exhibit B, Payment Arrangements, Periodic Compensation, Section E., add the Option FY 2018-19 for \$73,423.91 monthly, up to and including December 31, 2018.

This Amendment No. 3 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. 3 to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: Yucia Peery
Deputy Clerk

COUNTY OF SANTA BARBARA

By: [Signature]
Chair, Board of Supervisors

Date: 6/19/18

COURT

By: [Signature]
Patricia Kelly
Superior Court Presiding Judge

CONTRACTOR:

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

By: [Signature]
Douglas R. Hayes
Lead Attorney

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel

By: [Signature]
Deputy County Counsel

By: [Signature]
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
County Auditor-Controller

By: [Signature]
Deputy