



**County Administrative
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 15, 2015

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Debbie Vaughn PHONE: 636-5005

SUBJECT: Approve an amendment to Agreement No. 26995 with Jay W. Powell, Inc. and David W. Allen

REQUEST(S):
That the Board of Supervisors:

1. Approve an amendment to Agreement No. 26995 with Jay W. Powell, Inc. and David W. Allen to provide conflict public defender services in the amount of \$195,292.47 per month for the period of January 1, 2016 to March 31, 2016.
2. Authorize the Chairman to sign four copies of the amendment to Agreement.

SUMMARY:
In certain criminal and other cases where the Public Defender would normally be appointed but has declared a conflict of interest, a Conflict Public Defender is appointed.

The Board of Supervisors approved the selection of Jay W. Powell, Inc. as the conflict public defender service provider on December 13, 2011 and the agreement was approved on February 28, 2012, retroactive to February 1, 2012. The agreement was subsequently amended to add two subcontractor attorneys and to increase the agreement amount to \$193,358.88 per month in support of the opening of the new Porterville Court. On December 16, 2014, the agreement was amended to increase the amount to \$195,292.47 per month through February 28, 2015, and to provide time to modify the existing agreement to include a contingency contractor. A new agreement (No. 26995) was approved on February 24, 2015 incorporating a contingency contractor and extending the term through December 31, 2015. The proposed amendment to Agreement 26995 extends the

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term through March 31, 2016 to allow time for completion of a request for proposal for conflict defender services to be finalized.

The original agreement 26995 was approved as to form by County Counsel and was approved by the Board of Supervisors on February 10, 2015. The deviation by the agreement from the County contract protocol identified in the original agenda item was that the agreement does not require evidence of professional liability insurance coverage. The proposed amendment to the agreement does not include any additional deviations from the County contract protocol.

The only changes from the original agreement 26995, as amended to date, are a change in the term of the agreement through March 31, 2016.

FISCAL IMPACT/FINANCING:

The conflict public defender increased contract amount has been included in the Miscellaneous Criminal Justice budget for fiscal year 2015/16.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Tulare County's Strategic Plan includes the initiative of Organizational Performance. The conflict public defender agreement is the result of a request for proposal which meets the initiative through the evaluation of both the service delivery and fiscal impact of the service agreement.

ADMINISTRATIVE SIGN-OFF:

Debbie Vaughn
Principal Administrative Analyst

Michael C. Spata
County Administrative Officer

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Amendment to Agreement 26995

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN) **Resolution No.** _____
AMENDMENT TO AGREEMENT NO.) **Agreement No.** _____
26995 WITH JAY W. POWELL, INC. AND)
DAVID W. ALLEN)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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