



**County Administrative  
Office  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:**    October 30, 2007

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Dayna Wild    PHONE: 559-636-1438

**SUBJECT:**            Amendment to agreement 22970 between the County of Tulare and Jay W. Powell for Conflict Defender Services.

**REQUEST(S):**

That the Board of Supervisors:

1. Approve an amendment to agreement 22970 between the County of Tulare and Jay W. Powell for Conflict Defender Services.
2. Authorize the Chairman of the Board to sign the amendment to agreement.

**SUMMARY:**

The County currently contracts with Jay Powell, attorney at law, to provide defender services in cases in which the court finds that because of conflict of interest or other reasons the Public Defender has properly refused to represent a person entitled to assigned counsel.

On September 26, 2007, the District Attorney advised the Conflict Public Defender Sub-Contractor assigned to Department 11 of the Superior Court that he would be pursuing the death penalty against one of his clients. The said Conflict Public Defender Sub-Contractor is already handling another very complex death penalty case and with the addition of this new case, it will be very difficult to fulfill his other contract obligations. An amendment to the current agreement is needed in order to increase the agreement by one attorney until the two death penalty cases have been completed in the Tulare County Superior Court. If at the conclusion of the last said Death Penalty case, the said temporary sub-contractor is engaged in another

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**DATE:** W. Powell for Conflict Defender Services  
October 30, 2007

Conflict Public Defender case, previously assigned, in which the Superior Court Judge will not relieve him from that case until that case is concluded, then Tulare County shall continue to pay Jay Powell at the same rate for each such month thereafter prorated to the date that case is ended, and that said sub-contractor is relieved.

**FISCAL IMPACT/FINANCING:**

The amendment increases the contract by \$7,491.85 per month for the duration of the specified cases until the conclusion of any other assigned cases, as provided in the agreement.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The hiring of a temporary sub-contractor to cover the additional workload created by the added death penalty case is directly linked to Strategic Initiative 4, Organizational Performance-Continuously improve organizational effectiveness and fiscal stability. It is imperative that we continually evaluate the structure of our departments and the organization as a whole in order to hire adequate staff members and help improve the delivery of service to our constituents, which include the Courts.

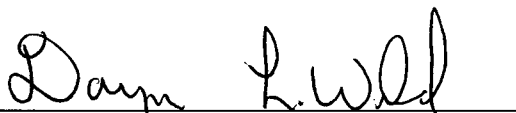
**ALTERNATIVES:**

The alternative is for the Court to appoint other private counsel to be paid by the County. This alternative is estimated to cost between 50 to 100 percent more than the proposed amendment.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

County Counsel is in process of reviewing the amendment to agreement.

**ADMINISTRATIVE SIGN-OFF:**



Dayna Wild  
Senior Administrative Analyst

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

Attachment(s)

Amendment to Agreement

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

IN THE MATTER OF AMENDMENT TO )  
AGREEMENT 22970 BETWEEN THE )  
COUNTY OF TULARE AND JAY W. )  
POWELL FOR CONFLICT DEFENDER) )  
SERVICES )

RESOLUTION NO. \_\_\_\_\_  
AGREEMENT NO. \_\_\_\_\_

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: JEAN ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved an amendment to agreement 22970 between the County of Tulare and Jay W. Powell for Conflict Defender Services
2. Authorized the Chairman of the Board to sign the amendment to agreement.