



COUNTY OF NEVADA COUNTY EXECUTIVE OFFICE

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959
(530) 265-7040
Fax 265-9839
E-MAIL: ceo@co.nevada.ca.us

NEVADA COUNTY BOARD OF SUPERVISORS Board Agenda Memo

MEETING DATE: March 22, 2016
TO: Board of Supervisors
FROM: County Executive Office
SUBJECT: Resolution approving a contract amendment #2 to Resolution 14-303, contract with W. Gregory Klein for delivery of Conflict Indigent Defense Services for the period of July 1, 2014 through June 30, 2016. The contract amount for this attorney will increase by \$49,500, going from \$210,000 to \$259,500.

RECOMMENDATION: Adopt the resolution.

FUNDING: This item relates to the Conflict Indigent Defense budget for 15/16. Funding is provided by the General Fund and a budget amendment will be included in Consolidated Budget Amendment Number 3.

BACKGROUND: The County is required by law to appoint attorneys in criminal matters and to furnish legal services when a possible conflict of interest is present or when other defense providers are otherwise disqualified. Representation by the conflict attorney in indigent criminal cases ranges from first appearance date and pleas to re-trials, preliminary hearings, and jury trials. The cases for which conflict attorneys may be appointed include misdemeanors, felonies, LPS Conservatorship and other matters where juvenile and adult indigent legal services are allowed by law.

Superior Court Judges appoint these cases from a qualified pool of local attorneys, who submit their invoices to the court for initial review and approval. The court then forwards the invoices to the CEO's office for payment from the conflict indigent defense budget.

In an effort to establish a more formal relationship with local attorneys who serve as alternate public defenders providing cost-efficient, quality conflict indigent defense services, the County has established an ongoing Request for Qualifications process that

allows the County to contract with these attorneys at an established rate. In addition, it permits a review of qualifications by County Counsel and ensures the required insurance coverage is in place.

The total conflict indigent expenses for fiscal year 15/16 is projected to be \$556,000 versus the budget amount of \$490,000, an increase of \$66,000 over budget. A budget amendment will be brought to the Board in Consolidated Budget Amendment #3 as our estimate gets more refined. The increase in expense is largely due to increases in psychological evaluations, expert witness, and investigation costs of cases such as a recent murder trial.

The Klein contract expenditures are \$149,333 for fiscal year 14/15, and \$110,167 is estimated for fiscal year 15/16, for an estimated total of \$259,500 for both years. Amendment #1 to the contract was approved by the Board of Supervisors in their July 14, 2015 meeting, increasing the contract by \$40,000 to \$210,000. This Amendment #2 increases the contract by an additional \$49,500 for the total of \$259,500. In 14/15, \$92,000 was expended on the "Lester et al" case, and in 15/16 \$4,000 has been expended to date on that case. The estimates assume that the Lester case sentencing will move forward as scheduled and conclude prior to the end of 15/16.

Please contact me if you have any questions.

Item Initiated by: Elise Strickler, Management Analyst

Approved by: Richard A. Haffey, County Executive Officer