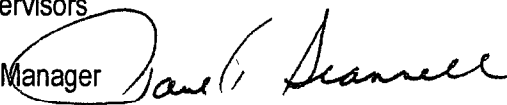


COUNTY OF SAN MATEO
County Manager's Office

DATE: June 20, 2001
BOARD DATE: June 26, 2001

TO: Honorable Board of Supervisors
FROM: John L. Maltbie, County Manager 
SUBJECT: Own Recognizance and Private Defender Program Contract Extensions

Recommendation

Adopt a Resolution authorizing the President of the Board of Supervisors to execute amendments to agreements with the San Mateo County Bar Association for legal services provided under the Private Defender Program and pre-trial release services under the Release on Own Recognizance Program, extending the term of the agreements through August 31, 2001.

Background

Through contractual agreements with the County, the San Mateo County Bar Association has been providing legal counsel under the Private Defender Program (PDP) to all financially eligible persons since 1968 and Release on Own Recognizance (ROR) program services since 1974. Though not mandated, the ROR Program provides a pre-trial release valve for controlling the population of County in-custody facilities through inmate classification and own recognizance services and its role in alternative sentencing programs such as the Adult Drug Court and Domestic Violence Court programs. The current five-year contracts for both the PDP and ROR programs are scheduled to expire June 30, 2001. The FY 2000-01 PDP contract totals \$9,236,534 and the ROR contract totals \$2,263,809.

Discussion

In March of this year, the Grand Jury raised a number of issues surrounding the oversight and effectiveness of the ROR Program. Subsequently, a Court subcommittee was formed to provide an in-depth review of the program and make recommendations to the bench and the Board on organizational and programmatic changes to improve the program. To this end, the Court requested that the County extend the current agreement with the Bar Association for ROR services for 60 days. Concurrently, negotiations between the County and the Bar Association for PDP services will not be completed by the June 30, 2001 term date. It is in the County's best interest at this time to extend both agreements for a period of two months, until August 31, 2001.

Fiscal Impact

It is recommended that both contracts be extended under the existing provisions and current rates of compensation. The amounts paid to the Bar Association through August 31, 2001 will be \$377,302 for ROR services and \$1,539,423 for PDP services. Sufficient funds for both extensions have been appropriated in the FY 2001-02 Recommended budget.

cc: John Digiacinto, Executive Director – San Mateo County Bar Association
Paul Scannell, Assistant County Manager
Peggy Thompson, Court Executive Officer
Christine Motley, Chief Deputy County Counsel

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**RESOLUTION APPROVING AMENDMENTS TO THE AGREEMENTS
WITH THE SAN MATEO COUNTY BAR ASSOCIATION FOR THE RELEASE ON
OWN RECOGNIZANCE PROGRAM AND FOR THE PROVISION
OF PRIVATE DEFENDER SERVICES**

WHEREAS, on August 20, 1996, County and Association entered into two agreements, one for a Release on Own Recognizance Program and one for the provision of legal services to financially eligible persons; and

WHEREAS, the term of those contracts continues through June 30, 2001 and the parties are currently negotiating regarding new contracts; and

WHEREAS, County and Association wish to extend the term of their agreements through August 31, 2001 to permit additional time for negotiation, during which time the provisions of the current contracts will remain in place with payment on the same terms as for the 2000-2001 year; and

WHEREAS, the Board has been presented with a form of each amendment and wishes to approve same as to both form and content and desires to enter into the amended Agreements;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of the Board of Supervisors is authorized and directed to execute the amendment to the agreement with the San Mateo County Bar Association for the Release on Own Recognizance Program and the amendment to the agreement with the San Mateo County Bar Association for the provision of legal services.

* * * * *

**AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY
OF SAN MATEO AND THE SAN MATEO COUNTY BAR ASSOCIATION
FOR PRIVATE DEFENDER SERVICES**

This amendment is entered into this ____ day of _____, 2001 by and between the County of San Mateo ("County") and the San Mateo County Bar Association ("Association")

WHEREAS, on August 20, 1996, County and Association entered into an agreement for private defender services to provide appropriate legal services to financially eligible person, which agreement has been amended on October 5, 1999 and on November 28, 2000; and

WHEREAS, the contract provides payments to the Association for services through June 30, 2001 and the parties are currently negotiating the terms of a new contract; and

WHEREAS, County and Association wish to continue the provision of services by Association through August 31, 2001 to permit additional time for negotiation, during which time the terms of the current contract will remain in place with no change in services and continuation of payment on the same terms as for the year 2000-2001;

It is therefore agreed as follows:

1. The first sentence of Paragraph 4 is amended to read as follows:

This AGREEMENT covers a period of five years and two months, and unlike previous multi-year agreements between the parties, provides for fixed amounts of compensation during each year of the AGREEMENT.

2. Paragraph 4e shall be amended to read as follows:

For the period commencing July 1, 2000 through August 31, 2001 the per case rate for Type A, B, C, D, and E cases shall be increased by the amount of the Bay Area C.P.I. for All Urban Consumers, for the twelve month period ending in March, 2000. The amount of the increase shall be no less than 2%, nor more than 7%.

The total amount of compensation paid by County to Association during this period shall be the total compensation paid for the previous year of this AGREEMENT, increased by the amount of the Bay Area C.P.I. for All Urban Consumers, for the twelve month period ending in March, 2000. The amount of the increase shall be no less than 2%, nor more than

7%. In addition, Association shall be paid a prorated amount for the 2 month period July 1, 2001- August 31, 2001 based on the 2000-2001 year.

According to such calculations, said amount totals \$9,171,934 plus \$1,528,656, the prorated amount to be provided for the 2 month period July 1, 2001-August 31, 2001.

The County shall further pay the Association the amount of \$64,000 for legal representation provided at probable cause hearings. Payments will occur in advance on a quarterly basis as follows:

July 1, 2000	\$16,150
October 1, 2000	\$16,150
February 1, 2001	\$16,150
May 1, 2001	\$16,150
July 1, 2001 (2 months only)	\$10,767

3. Paragraph 4g is amended by changing the date "June 30, 2001" in the last sentence of the paragraph to "August 31, 2001."

4. Paragraph 4h is amended by changing the date "June 30, 2001" in two places to "August 31, 2001."

5. Paragraph 11 of the contract is amended to read as follows:

11. Term of Contract. The term of the AGREEMENT shall be from July 1, 1996 through August 31, 2001. Services provided at the probable cause hearings shall be from July 1, 2000 through August 31, 2001 and renegotiated after this term.

6. In all other respects the Agreement, as adopted on August 20, 1996 and amended on October 5, 1999 and November 28, 2000 shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto, by their duly authorized representative have executed this Amendment on the ___ day of _____, 2001.

COUNTY OF SAN MATEO

Dated: _____

By _____
Michael D. Nevin, President

SAN MATEO COUNTY BAR ASSOCIATION

Dated: June 21, 2001

By *[Signature]*
Executive Director

**AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY
OF SAN MATEO AND THE SAN MATEO COUNTY BAR
ASSOCIATION FOR RELEASE ON OWN RECOGNIZANCE PROGRAM**

This amendment is entered into this ___ day of _____, 2001, by and between the County of San Mateo ("County") and the San Mateo County Bar Association ("Association")

WHEREAS, on August 20, 1996, County and Association entered into an agreement for a Release on Own Recognizance Program, which agreement has been amended once on May 4, 1999; and

WHEREAS, the term of that contract is from July 1, 1996 until June 30, 2001, and the parties are currently negotiating a new contract; and

WHEREAS, County and Association wish to extend the term of their agreement until August 31, 2001, to permit additional time for negotiation, during which time the provisions of the current contract will remain in place with no change in services and continuation of payment on the same basis as exist for the year 2000-2001;

It is therefore agreed as follows:

1. Paragraph 1 of the amended agreement shall be further amended to read as follows:

1. Term. The term of the AGREEMENT shall be from July 1, 1996 to and including August 31, 2001. This Agreement may thereafter be extended by mutual agreement of the parties hereto. This AGREEMENT shall supersede any and all existing agreements between County and Association for O.R., Classification, and related services described herein below.

2. Paragraph 3E of the amended agreement shall be further amended to read as follows:

E. The total compensation paid to the Association for the above listed obligations for the period commencing July 1, 2000 through June 30, 2001 will be \$2,172,561, increased by the amount of the Bay Areas C.P.I. for All Urban Consumers for the twelve month period ending March 2000 provided, however, that the amount of the C.P.I. increase shall be no less than 2% or greater than 7%. In addition, Association shall be paid \$377,302 for the 2 month period July 1, 2001- August 31, 2001, a prorated amount based on the amount for July 1, 2000- June 30, 2001.

3. In all other respects the Agreement, as adopted on August 20, 1996, and amended on May 4, 2001, shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto, by their duly authorized representative have executed this Amendment on the ___ day of _____, 2001.

COUNTY OF SAN MATEO

Dated: _____

By _____
Michael D. Nevin, President

SAN MATEO COUNTY BAR ASSOCIATION

Dated: June 21, 2001

By *Jan Aguirre*
Executive Director