

9-21-99  
9-14-99

**MARIPOSA COUNTY  
BOARD OF SUPERVISORS**

**AGENDA  
ACTION FORM**

**DATE: 9/7/99 Cont'd  
AGENDA ITEM NO.: 76**

**DEPARTMENT:** County Counsel      **BY:** Jeffrey G. Green      **PHONE:** 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes \_\_\_ No X)

Resolution authorizing Chair to execute a Legal Services Agreement with Thomas Mills, David Smothers, and Gary Collings for indigent defense services effective August 17, 1999 and ending on August 16, 2000. The following changes are being proposed from the previous year's Agreement:

1. The monthly sum will increase from \$13,916.66 to \$15,290.
2. A new paragraph has been added regarding renegotiation of the Agreement if new programs are added to the judicial system that will require additional appearances by Contractors.

A copy of the Agreement with the proposed changes is attached; additions are shown as italicized and underlined text and deletions are shown with strikethroughs.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On August 4, 1998, the Board authorized the CAO and Counsel to negotiate an Agreement for indigent defense services with Thomas Mills, David Smothers, and Dale Blea effective August 17, 1998 and ending on August 16, 1999. On August 18, 1998 the Board authorized the Chair to sign the Agreement with Thomas Mills and David Smothers and directed staff to find a replacement for Dale Blea as he could not provide the services in accordance with the Agreement. On September 15, 1998, Gary Collings was substituted in to replace Mr. Blea.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- Revise the Agreement as the Board desires and adopt.

**COSTS:** ( ) Not Applicable

A. Budgeted current FY	\$ 183,480
B. Total anticipated costs	\$ 183,480
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____

**SOURCE:** ( ) 4/5ths Vote Required

A. Unanticipated revenues	\$ _____
B. Reserve for contingencies	\$ _____
C. Source description:	_____

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:  
Legal Services Agreement.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 99-294      Ord. No. \_\_\_\_\_

Vote - Ayes: \_\_\_\_\_      Noes: \_\_\_\_\_

          Absent: \_\_\_\_\_      Abstained: \_\_\_\_\_

( ) Approved      ( ) Denied

( ) Minute Order Attached      ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

Recommended

Not Recommended

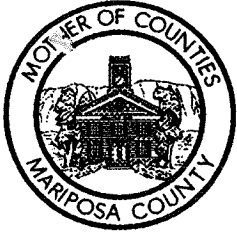
For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: [Signature]



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



<b>BOB PICKARD, CHAIRMAN</b>	<b>DISTRICT V</b>
<b>GARRY R. PARKER, VICE-CHAIRMAN</b>	<b>DISTRICT IV</b>
<b>PATTI A. REILLY</b>	<b>DISTRICT I</b>
<b>DOUG BALMAIN</b>	<b>DISTRICT II</b>
<b>ROBERT C. STEWART</b>	<b>DISTRICT III</b>

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: JEFFREY G. GREEN, County Counsel  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Legal Services Agreement with David Smothers and Gary Collings for Indigent Defense Services; Res. 99-294

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 21, 1999

#### ACTION AND VOTE:

Resolution Authorizing Chairman to Execute a Legal Services Agreement with David Smothers and Gary Collings for Indigent Defense Services (County Counsel) (Continued from 9/14/99)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel, and he advised that Mr. Mills would not be able to participate in the contract; however, attorneys Smothers and Collings are prepared to sign the contract. He further advised that \$5,000 of the contract amount will be held for other counsel costs, with prior approval to be given by the Superior Court judges.

John Barker, Barker and Associates, stated they supported the County going out to bid for legal services and each time they have been the lowest bidder, but they have never been interviewed or considered by the County for the contract. He advised that their references have not been contacted, either. He stated they are the largest provider of service and contract with five other counties. He feels their contract would provide services at a lower cost, and he asked why they are not being considered. He requested that the County go back to bid, and he stated that he feels the recommended contract is costing the County another \$40,000.

Matter was continued to after lunch.

**12:25 p.m.** Lunch

**2:07 p.m.** Further discussion was held relative to the legal services agreement. (M)Parker, (S)Balmain, Res. 99-294 adopted approving the agreement with Attorneys Smothers and Collings for indigent defense services/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

cc: File