Agenda	Item :	#:	3×4	
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# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### AGENDA ITEM SUMMARY

Meeting Date: November 5, 2013 [X	[X] [ ]	Consent Ordinance	[]	Regular Public Hearing
Submitted By: Department of Public Safety Submitted For: Division of Justice Services				,

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: A) Approve an extension agreement with the Office of the Public Defender for Professional Pretrial Services, to continue providing services by obtaining information for the criminal indigent status application for defendants that are interviewed during the pretrial stage prior to their first appearance hearing at court for the period of June 30, 2013 through June 30, 2015; and

**B)** Authorize the County Administrator or his designee to execute future amendments with the Office of Public Defender, Fifteenth Judicial Circuit of Florida for the above mentioned services.

**Summary**: The Office of the Public Defender, Fifteenth Judicial Circuit of Florida has requested the Palm Beach County Justice Services Division to continue to provide a service for an extended 24 months; specifically existing County staff will perform duties in completing Applications for Criminal Indigent Status of defendants prior to the defendant's first appearance hearings at court. The Office of the Public Defender will compensate the Palm Beach County Justice Services Division for this service. The Pretrial Services office originally began providing this service under agreement R2012-1030 approved by the Board of County Commissioners on July 10, 2012. **Countywide (PGE).** 

Background and Justification: Florida Statutes require a person seeking to be declared indigent in a criminal proceeding to apply to the clerk of court for determination of indigent status using an application form. The County Pretrial Services Office of the Justice Services Division will complete the information gathering portion of the Application for Criminal Indigent Status for defendants that are interviewed during the pretrial stage before their first appearance hearing at the Main Detention Center and the West County Detention Center and submit this application to the Clerk of Court. The Palm Beach County Justice Services Division, Pretrial Services office will utilize existing staff that currently conduct defendant interviews prior to the first appearance court hearings to conduct the additional interview questions outlined in the Application for Criminal Indigent Status.

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1)	First Amendment to the Interlocal Agreement with the Office	of the Public	Defende
	Fifteenth Judicial Circuit of Florida		

Attachment:

II. **FISCAL IMPACT ANALYSIS** A. Five Year Summary of Fiscal Impact **Fiscal Years** 2013 2014 2015 2016 2017 Capital Expenditures **Operating Costs External Revenues** 2,500) 10,000 7,500 **Program Income (County)** In-Kind Match (County) **Net Fiscal Impact** 7,500 2,500 10,000 # ADDITIONAL FTE **POSITIONS (Cumulative)** Is Item Included In Current Budget? Yes X **Budget Account Exp No: Fund Department Unit Object** Rev No: Fund <u>0001</u> Department <u>660</u> Unit <u>5214</u> Rev. Source <u>4299</u> B. Recommended Sources of Funds/Summary of Fiscal Impact: Departmental Fiscal Review: Stephanel Slingka III. REVIEW COMMENTS A. OFMB Fiscal and/or Contract Dev. and Control Comments: Legal Sufficiency: B.

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

# AGREEMENT REINSTATING AND AMENDING THE TERMS OF ORIGINAL INTERLOCAL AGREEMENT WITH THE OFFICE OF THE PUBLIC DEFENDER FOR PROFESSIONAL PRETRIAL SERIVCES

THIS AGREEMENT (hereinafter "Agreement") dated \_\_\_\_\_\_\_, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners (hereinafter referred to as "COUNTY"), and the Office of the Public Defender (hereinafter referred to as the "OFFICE"), a Florida Constitutional Officer, reinstates and amends the Original Agreement ("Original Agreement" R-2012-1030) dated July 10, 2012, to provide professional services by obtaining information for the criminal indigent status application for defendants that are interviewed during the pretrial stage prior to their first appearance hearing at court.

#### WITNESSETH:

WHEREAS, the COUNTY and the OFFICE entered into the Original Agreement (R-2012-1030) on July 10, 2012, with an effective date of July 1, 2012, and a termination date of June 30, 2013; and

WHEREAS, the OFFICE agreed to reimburse the COUNTY for services in the amount of \$10,000 from July 1, 2012 through June 30, 2013, to complete Applications for Criminal Indigent Status of defendants prior to the defendant's first appearance hearings at court; and

WHEREAS, the parties mutually desire to reinstate and amend the terms of the Original Agreement to extend the termination date until June 30, 2015 and provide an additional \$20,000 to the contract amount; and

WHEREAS, the COUNTY will be reimbursed by the OFFICE in the amount of \$10,000 per year as set forth in Exhibit B.

NOW THEREFORE, in consideration of the mutual representations, terms, and covenants hereinafter set forth, the parties hereto agree as follows:

- 1. The Original Agreement (R-2012-1030) is reinstated in its entirety.
- 2. The completion date as referenced in Article 2 (Schedule) of the Original Agreement is extended two years for a termination date of June 30, 2015.
- 3. The Contract price as referenced in Article 3 (Payments to County), will remain at \$10,000.00 per year for an amended total contract pricenot to exceed \$30,000. The new schedule of payments is attached hereto as "Exhibit B- Schedule for Payment" showing the new total budget, will replace the original Exhibit B attached to the Original Agreement.
- 4. Article 8 Remedies, is amended to include the following language: No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the COUNTY and/or OFFICE.
  - 5. All other provisions of said Original Agreement are hereby confirmed, and except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement reinstating and amending the terms of the Original Agreement (R-2012-1030), to be executed by their officials thereupon duly authorized.

ATTEST:			
SHARON R. BOCK CLERK AND COMPTROLLER	PALM BEACH COUNTY, FLORIDA a Political Subdivision of the State of Florida		
	BOARD OF COUNTY COMMISSIONERS		
By: Deputy Clerk	By: Steven L. Abrams, Mayor		
OFFICE: Office of the Public Defender, Fifteenth Judicial Circuit	APPROVED AS TO FORM AND LEGAL SUFFICIENCY		
BY: Carey Haughwout, Public Defender	By: Assistant County Attorney		
	APPROVED AS TO TERMS AND CONDITIONS		
	Department of Public Safety		
	By: Wint Honvoito Vincent J. Bonvento		

Director of Public Safety

#### **EXHIBIT "B"**

## SCHEDULE OF PAYMENTS AS AMENDED

# Costs for Project Period July 1, 2012 – June 30, 2015

Original contract amount (July 1, 2012- June 30, 2013)	\$10,000
Amendment – Payments for FY 2014:	\$10,000
Amendment – Payments for FY 2015:	\$10,000

## MAXIMUM TOTAL AMOUNT FOR REIMBURSEABLE EXPENSES \$30,000

Compensation for the work tasks stated herein shall be in accordance with the following Schedule of Payments:

Task(s) to be Completed: The County Pretrial Services unit of the Justice Services Division will complete the information gathering portion of the criminal indigent status application for defendants that are interviewed during the pretrial stage before their first appearance hearing at the Main Detention Center and West County Detention Center 7 days a week/ 365 days a year.

	Activities	Payment at end of each quarter
Quart	er 1	
_	Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.	
2.	On a daily basis, use the application for criminal indigent status developed by the Florida Clerks of Court Operations Corporation and approved by the Florida Supreme Court on 3/19/09 to collect information from each defendant that is interviewed prior to their first appearance hearing.	\$2,500.00
3.	Submit each application for criminal indigent status to the Clerk's office for determination of indigency daily.	
Quart	er 2	
_	Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.	
2.	On a daily basis, use the application for criminal indigent status developed by the Florida Clerks of Court Operations Corporation and approved by the Florida	\$2,500.00

	Supreme Court on 3/19/09 to collect	
	information from each defendant that is	
	interviewed prior to their first appearance	
	hearing.	
3.	Submit each application for criminal	
	indigent status to the Clerk's office for	
	determination of indigency daily.	
Quart	ter 3	
1.	Manage and supervise pretrial services	
	staff that will perform the information	
	gathering (via interviews) portion of	
	criminal indigent status application.	
2.	On a daily basis, use the application for	
	criminal indigent status developed by the	\$2,500.00
	Florida Clerks of Court Operations	
	Corporation and approved by the Florida	
	Supreme Court on 3/19/09 to collect	
	information from each defendant that is	
	interviewed prior to their first appearance	
	hearing.	
3.	Submit each application for criminal	
	indigent status to the Clerk's office for	
	determination of indigency daily.	
Quart	er 4	
	Manage and supervise pretrial services	
	staff that will perform the information	
	gathering (via interviews) portion of	
	criminal indigent status application.	
2.	On a daily basis, use the application for	
	criminal indigent status developed by the	\$2,500.00
	Florida Clerks of Court Operations	<del>,</del>
	Corporation and approved by the Florida	
	Supreme Court on 3/19/09 to collect	
	information from each defendant that is	
	interviewed prior to their first appearance	
	hearing.	
3	Submit each application for criminal	
-:	indigent status to the Clerk's office for	
	determination of indigency daily.	
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