

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

## **AGENDA ITEM SUMMARY**

[illegible]

**Submitted By: Department of Public Safety**  
**Submitted For: Division of Justice Services**

## I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: **Receive and File** a Reinstatement and First Amendment to the Interlocal Agreement with the Office of the Public Defender, Fifteenth Judicial Circuit of Florida (Office of the Public Defender) for Professional Pretrial Services, extending the termination date for an additional two years until June 30, 2017 to receive an additional \$20,000.

**Summary:** The Office of the Public Defender has requested the Palm Beach County Justice Services Division continue to provide a service for an extended 24 months; specifically existing County staff will continue to 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. On July 10, 2012 (R2012-1030), the Justice Services Division began providing the above mentioned services to the Office of the Public Defender to June 30, 2013 for \$10,000. On November 5, 2013 (R2013-1598), the successor agreement was extended until June 30, 2015 and increased by \$20,000. This Reinstatement and First Amendment extends the agreement to June 30, 2017 and increases the amount by \$20,000 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. On November 5, 2013, (R2013-1598) the County Administrator or his designee was authorized to execute future amendments with the Office of Public Defender, Fifteenth Judicial Circuit of Florida for Professional Pretrial Services. **Countywide (JB)**

**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 completes 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 utilizes 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.

**Attachment:**

1. Reinstatement and First Amendment to the Interlocal Agreement with the Office of the Public Defender, Fifteenth Judicial Circuit of Florida for Professional Pretrial Services

Recommended by: Stephanie Lepore 9/11/15  
Department Director Date

Approved By: Stephanie Seimora 9/11/15  
for Assistant County Administrator Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(2,500)	(10,000)	(7,500)	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>(2,500)</u>	<u>(10,000)</u>	<u>(7,500)</u>	_____	_____

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_ - \_\_\_\_\_

Is Item Included In Current Budget? Yes   X   No \_\_\_\_\_

Budget Account Exp No: Fund Department Unit Object

Rev No: Fund 0001 Department 660 Unit 5214 Rev. Source 4900

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Departmental Fiscal Review: Stephanie Sepioche 9/2/15  
BS

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Sherry Br...  
9/9 OFMB 9/9/15

Dr. S. J...  
9/11/15  
 Contract Administration

### B. Legal Sufficiency:

...  
9/15/15  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

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

**REINSTATEMENT AND FIRST AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN PALM BEACH COUNTY AND THE OFFICE OF THE PUBLIC  
DEFENDER, FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA**

**THIS REINSTATEMENT AND FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE OFFICE OF THE PUBLIC DEFENDER** entered into on July 1, 2013 (R2013-1598) is made this 2<sup>nd</sup> day of September, 2015, 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, Fifteenth Judicial Circuit of Florida, a Florida Constitutional Officer, (hereinafter referred to as the "OFFICE"), 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 that certain Agreement (R-2013-1598) with an effective date of July 1, 2013, and a termination date of June 30, 2015; and

**WHEREAS**, the OFFICE agreed to reimburse the COUNTY for services in the amount of \$20,000 from July 1, 2013 through June 30, 2015 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 Agreement to extend the termination date until June 30, 2017 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 BB, attached hereto and made a part hereof.

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

1. The termination date as referenced in Article 2 (Schedule) of the Agreement is amended to June 30, 2017.
2. The contract amount as referenced in Article 3 (Payments to Consultants) in the Agreement is increased an additional \$20,000, making the total amount to be paid by OFFICE to the COUNTY for professional services under the Agreement, an amount not to exceed \$40,000. The new schedule of payments is attached hereto as "Exhibit BB- Schedule for Payment" showing the new total budget.
3. Except as modified by this Reinstatement and First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Reinstatement and First Amendment to the Interlocal Agreement amending the terms of the Agreement (R2013-1598) to be executed by their officials thereupon duly authorized.

**PALM BEACH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS**

By: Stephane Lepore  
for **Vince Bonvento**  
**Assistant County Administrator**

**OFFICE:  
Office of the Public Defender  
Fifteenth Judicial Circuit of Florida**

By: Carey Haughwout  
**Carey Haughwout, Public Defender**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

BY: James Brink  
**Assistant County Attorney**

**APPROVED AS TO TERMS  
AND CONDITIONS**

By: Nicole Bishop  
**Nicole Bishop**  
**Director of Justice Service**

**EXHIBIT "BB"**

**SCHEDULE OF PAYMENTS AS AMENDED**

**Costs for Project Period July 1, 2013 – June 30, 2017**

Original contract amount (July 1, 2013- June 30, 2015)	\$20,000
1 <sup>st</sup> Amendment – Payments for FY 2016:	\$10,000
1 <sup>st</sup> Amendment – Payments for FY 2017:	\$10,000

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<b>MAXIMUM TOTAL AMOUNT FOR REIMBURSEABLE EXPENSES</b>	<b><u>\$40,000</u></b>
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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
<b>Quarter 1</b> <ol style="list-style-type: none"><li>1. Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.</li><li>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.</li><li>3. Submit each application for criminal indigent status to the Clerk's office for determination of indigency daily.</li></ol>	\$2,500.00
<b>Quarter 2</b> <ol style="list-style-type: none"><li>1. Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.</li><li>2. On a daily basis, use the application for criminal indigent status developed by the</li></ol>	\$2,500.00

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Attachment # 1

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<p>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.</p> <p>3. Submit each application for criminal indigent status to the Clerk's office for determination of indigency daily.</p>	
<p><b>Quarter 3</b></p> <p>1. Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.</p> <p>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.</p> <p>3. Submit each application for criminal indigent status to the Clerk's office for determination of indigency daily.</p>	\$2,500.00
<p><b>Quarter 4</b></p> <p>1. Manage and supervise pretrial services staff that will perform the information gathering (via interviews) portion of criminal indigent status application.</p> <p>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.</p> <p>3. Submit each application for criminal indigent status to the Clerk's office for determination of indigency daily.</p>	\$2,500.00