

Exhibit 3

534-2022

SECOND AMENDMENT TO THE AGREEMENT

THIS SECOND AMENDMENT to the Agreement (“Second Amendment”) is entered into by and between the County of Yuba (“COUNTY”) and Brian J. Davis (“ATTORNEY”).

RECITALS

WHEREAS, the COUNTY and ATTORNEY entered into an Agreement dated May 25, 2021 (the “Agreement”); and

WHEREAS, a copy of the Agreement is attached as Exhibit 1 and incorporated by reference; and

WHEREAS, Brian J. Davis developed Project Second Chance to utilize the Public Defense Pilot Program funding to provide representation to those individuals meeting the criteria for consideration; and

WHEREAS, on April 26, 2022 the COUNTY and ATTORNEY entered into the First Amendment to amend the Agreement to reflect new understanding of the participation in the Public Defense Pilot Program; and

WHEREAS, a copy of the First Amendment is attached as Exhibit 2 and incorporated by reference; and

WHEREAS, on October 8, 2021 Senate Bill 483 chaptered, which applies retroactively the repeal of sentence enhancements for prior prison or county jail felony terms and requires the Department of Corrections and Rehabilitation, and the county correctional administrator of each county to identify those persons in their custody currently serving a term for judgement that includes one of the repealed enhancements, and to provide such information to the sentencing court that imposed the enhancement; and

WHEREAS, Senate Bill 483 states that upon receiving the information the court shall review the judgment and verify that the current judgement includes one of the repealed enhancements, the court shall recall the sentence and resentence the defendant, and appoint counsel; and

WHEREAS, Superior Court of the County of Yuba appointed all twenty-one cases identified to Brian J. Davis, which requires extra staff to do the additional work for services not contemplated by the parties in the Agreement; and

WHEREAS, the services being rendered are in addition to and not included within those services under the Agreement, and the COUNTY and ATTORNEY desire to amend the Agreement to reflect the new understanding between the parties as set for the below;

NOW THEREFORE, for valuable consideration, including their mutual promises, receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. SECTION C. ADDITIONAL SERVICES

Subsection 4.0 f Senate Bill 483 (2021) Resentencing Cases is hereby added:

ATTORNEY has been provided with a copy of Senate Bill 483 (2021) and the Second Amendment. ATTORNEY has reviewed the requirements of Senate Bill 483 (2021) and represents that it can and will

comply with the conditions of Senate Bill 483 (2021) as appointed by the Superior Court of the County of Yuba.

2. SECTION G. COMPENSATION

Subsection 9.0 i is added as follows:

For services provided by ATTORNEY in calendar year 2022 under Senate Bill 483 (2021), which are identified in Attachment A, COUNTY will provide to ATTORNEY the sum of actual hours spent on Senate Bill 483 (2021) cases appointed by the Superior Court of the County of Yuba. Actual hours spent on Senate Bill 483 (2021) cases shall be billed per the below established appointed attorney fee schedule and shall be submitted to the COUNTY by completing the County of Yuba, Auditor-Controller, General Claim form with required documentations.

Attorney Fee Schedule (6/29/2009)

Criminal – Misdemeanor	\$75 / hour
Criminal – Felony	\$90 / hour
Civil – Probate, Family, SVP	\$90 / hour
Criminal – Murder	\$100 / hour
Criminal Death Penalty	To Be Determined

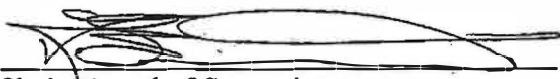
Except as amended and/or modified by this First Amendment, the Agreement is hereby ratified and confirmed and all other terms of the Agreement shall remain in full force and effect.

In the event of any conflict or inconsistency between the provisions of this Amendment and the Agreement, it shall be resolved such that the provisions of this Amendment shall control in all respects.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as dated below.

“COUNTY”
COUNTY OF YUBA


“ATTORNEY”
BRIAN J. DAVIS

By: 
Chair, Board of Supervisors
Randy Fletcher


By: 
Brian J. Davis

Dated: 10/11/2022

Dated: 10/3/22

By: 
Jill Abel,
Risk Manager

APPROVED AS TO FORM


Michael J. Ciccozzi
County Counsel

Attest: Mary Pasillas
Yuba County Clerk of the Board of Supervisors

By: Mary Pasillas