

# The County of Yuba

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**TO:** Board of Supervisors

**FROM:** Kevin Mallen, County Administrator  
**BY:** Ian Scott, Management Analyst

**SUBJECT:** County Administrator: Approve Amendment 3 to the contract for Public Defender services with Brian J. Davis and authorize Chairman to sign.

**DATE:** September 12, 2023

**NUMBER:** 472/2023

## *Recommendation*

It is recommended that the Board of Supervisors approve Amendment 3 to the contract for Public Defender services with Brian J. Davis and authorize Chairman to sign.

## *Background & Discussion*

CAO staff recently conducted a research project to determine the relative competitiveness of County allocations to the Public Defender based on the need to evaluate solutions to Public Defender contract expiration at the end of Fiscal Year 23-24. It was concluded that the Public Defender would be unable to meet their contractually obligated staffing requirements without an adjustment to the current monthly payment of \$77,878.

This is due to the inability of the current monthly allocation to translate into sufficiently competitive wages in the Public Defender's Office to retain qualified attorney staff. Contrasting with District Attorney and County Counsel staff, Public Defender staff are not County employees and do not receive the same total compensation package, which has served to deliver fiscal savings to the County, but has also contributed to staff retention issues in the Public Defender's Office.

Adjusting this allocation to \$90,000, retroactive to the beginning of Fiscal Year 23-24, and further to \$94,500 for Fiscal Year 24-25 enables a one year extension of the current contract, which was originally set to expire at the end of Fiscal Year 23-24. As a result of the analysis, it was determined that the solution was to amend Amendment 3 to the Public Defender contract for Board consideration.

As a result of this amendment to the contract, Public Defender Brian J. Davis has also agreed to work with the County on the future implementation of a software system within the Public Defender's Office. Procurement and implementation of this software will be the subject of a future Board item, and is anticipated to deliver significant efficiencies to the workflow of the office. It will enable the Public Defender to efficiently communicate workflow to the District Attorney, the Superior Court, and other stakeholders, as well as digitizing legacy files to serve future needs.

*Committee Action:*

None. This request is brought directly to the full Board of Supervisors for consideration.

*Fiscal Impact:*

Funding has been allocated in the FY 2023-24 budget for the costs of the contract amendment, which will increase the monthly allocation to Mr. Davis from \$77,878 to \$90,000 for FY 2023-2024. The contract amount for FY 2024-2025 will be \$94,500.

*Attachments*

472/2023 Amendment 3 to Public Defender Contract  
472/2023 Exhibit 1 - Public Defender Contract 2021-2024  
472/2023 Exhibit 2 - Amendment 1  
472/2023 Exhibit 3 – Amendment 2