



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1
Vice-Chair

Kollin Kosmicki
District No. 2
Chair

Mindy Sotelo
District No. 3

Angela Curro
District No. 4

Ignacio Velazquez
District No. 5

Item Number: 1.10

MEETING DATE: 02/11/2025

DEPARTMENT: COUNTY COUNSEL

AGENDA ITEM PREPARER: Barbara Thompson

DEPT HEAD/DIRECTOR: David Prentice

SUBJECT:

COUNTY COUNSEL - D. PRENTICE

Approve Amendment # 1 with San Benito Defenders, Inc. in the additional amount of \$189,489.00, for additional work related to CARE Court and post-conviction work under the Public Defense Pilot Program (PDPP) grant; with additional amount being fully funded through funds received/to be received from the State of California and the PDPP grant, and Approve Budget Adjustment/Appropriation(s) of \$151,989.00. (4/5 vote required)
SBC FILE NUMBER: 160

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The California CARE Court Program (Community Assistance, Recovery, and Empowerment Court) was created to help individuals with severe mental illness with criminal issues. The CARE Court is designed to: (a) address the mental health crisis affecting individuals with untreated schizophrenia spectrum or other psychotic disorders; (b) reduce homelessness and incarceration by offering early intervention and access to community-based treatment; and (c) support individuals in regaining stability and reintegration into society through a court-supervised care plan. However, due to strict criteria on admission to CARE court and for other reasons, participation in CARE Court is not expected to be high in San Benito County, although some possible participants are currently being identified. Nonetheless, the State provided additional funding for CARE Court, both to assist the Public Defenders to become prepared for Care Court, and to provide compensation for legal representation of participants. The funds are provided to the County upon submission of quarterly reports showing expenses.

The Public Defense Pilot Program (PDPP) is an initiative by the State of California aimed at enhancing

indigent defense services across its counties.

The grant focuses on increased workload due to changes in the law over the last several years, and include but are not limited to:

1. Individuals Seeking Resentencing or Sentence Reductions:

- Penal Code Section 1172.1: Clients seeking resentencing based on new laws or circumstances that may impact their original sentence.
- Penal Code Section 1172.6: Clients petitioning for resentencing under laws like Senate Bill 1437, which redefined the felony murder rule and accomplice liability in murder cases.

2. Individuals Seeking Post-Conviction Relief:

- Penal Code Section 1473.7: Clients challenging their convictions or sentences based on issues like:
 - Ineffective assistance of counsel.
 - Failure to understand the immigration consequences of a plea deal.
 - Evidence of legal invalidity in their conviction.

3. Youthful Offenders Seeking Specialized Consideration:

- Penal Code Section 3051: Youth offenders who committed crimes before the age of 26 and are seeking parole consideration under California's youth offender parole process.

Budget Adjustment: The sum of \$76,960 was received last fiscal year, and because it was not expended last year by the then Public Defender, it was rolled over and used towards public defense purposes, not for the post-conviction work that was originally intended. Therefore, this budget request recognizes new revenue in the amount of \$75,029, received for this fiscal year, and transfers the amount of \$76,960 for revenue that was received last year and needs to be expended for public defender post-conviction work.

The budget adjustment to receive the CARE Court funds was approved by the Board in November 2024. This is the reason that the budget adjustment is \$151,989.00, rather than the full contract amendment.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

N/A

CONTRACT NEEDED FOR THIS ITEM:

Yes

RFP AND BID HISTORY:

The existing contract (original contract) amount is in the annual amount of \$996,000. The original contract was approved April 9, 2024. The work of this contract is proposed to be given to that firm, as it serves in the role of the County's primary Public Defender.

The contract to San Benito Defenders was awarded April 9, 2024. There was no formal RFP at that time (the last RFP was in approximately 2021), but the contract was issued due to the upcoming

expiration of the contract with the former public defense firm.

LAST CONTRACT AMOUNT OR N/A:

N/A

CONTRACT HISTORY (Describe all amendments and previous contracts):

The existing contract (original contract) amount is in the annual amount of \$996,000. The original contract was approved April 9, 2024.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

No

BUDGET ADJUSTMENT NEEDED:

Yes

SOURCE OF FUNDING:

Non-general Fund

UNFUNDED MANDATE:

No

SBC BUDGET LINE ITEM NUMBER:

101.15.1030.1000.619.210

CURRENT FY COST:

\$189,4890

STAFF RECOMMENDATION:

Approve Amendment No. 1 with San Benito Defenders, Inc. in the additional amount of \$189,489.00, for additional work related to CARE Court and post-conviction work under the PDPP grant to be fully funded through additional funds received from the State of California, and authorize Chair to sign and approve Budget Adjustment/Appropriation(s) of \$151,989.00 (4/5 vote required)

BOARD ACTION RESULTS:

Approved Amendment No. 1 with San Benito Defender's per staff recommendation. (5/0 vote)

ATTACHMENTS:

[Amendment #1 - San Benito Defenders](#)

[PDPP Funds Budget adjustment](#)

[Fully Executed Contract San Benito Defenders Amendment #1](#)