

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING APPENDIX A-1 TO THE FISCAL YEARS 2013-2015
AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE SAN MATEO
COUNTY BAR ASSOCIATION FOR SERVICES RENDERED BY THE
ASSOCIATION'S PRIVATE DEFENDER PROGRAM.**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, it is the desire of the County to continue to provide appropriate and competent legal services to financially eligible persons entitled to Court Appointed Counsel in San Mateo County through the San Mateo County Bar Association's Private Defender Program (PDP); and

WHEREAS, the current contract with the San Mateo County Bar Association allows for changes to the terms and conditions in cases of Special Litigation which consist of representations that require extraordinary demands upon an attorney's time, efforts, or skills and primarily involve cases of homicide; and

WHEREAS, on March 24, 2014, the San Mateo County District Attorney's Office announced the indictment of sixteen defendants, nine of whom were indicted on Special Circumstances murder charges in what has been referred to as People v. Marvin Ware, et al, San Mateo Superior Court Nos. SC080432, SC080433, and SC080434; and

WHEREAS, the PDP has indicated that resources it will expend defending those indicted in People v. Marvin Ware, et al, are well beyond their current budget and have enacted the Special Litigation provision of the current contract in order to seek the financial means necessary to defend the allegations against those indigent defendants in this matter; and

WHEREAS, the current amount necessary to defend this case is currently incalculable, but the PDP has already expended in excess of \$500,000 and the County Manager's Office has entered into good faith negotiations with the PDP to reimburse the PDP for expenses incurred in \$500,000 increments with the total amount not to exceed \$5,000,000; and

WHEREAS, the terms of invoicing, payments, and audits of sums paid to the PDP associated with this case have been memorized in Appendix A-1, attached hereto; and

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of the Board is hereby authorized and directed to execute Appendix A-1 to the FY 2013-2015 Agreement with the San Mateo County Bar Association for the Private Defender Program for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto.

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