

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: King County District Court Contract Negotiations
DEPARTMENT: City Manager's Office
PRESENTED BY: Julie Modrzejewski, Assistant City Manager Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

At the Metropolitan King County Council Meeting of May 31, 2005 the County Council unanimously adopted "Ordinance 2005-0185 Approving the District Court Operational Master Plan." The interlocal agreement for the provision for District Court services states that if the County Council has not adopted an Operational Master Plan (OMP) and Facilities Master Plan (FMP) by March 30, 2005, then representatives from the County and cities shall meet and confer in good faith regarding the negotiation of a mutually agreeable extension or amendment to the agreement for the continued provision of District Court services to the cities.

Likewise, the agreement requires that an extension and amendment of the agreement must be agreed to no later than June 30, 2005, or by such later date mutually agreed in writing, or the agreement shall terminate as of December 31, 2006 without any extension. Due to the late adoption of the District Court OMP, the contracting cities are proposing extending the date to finalize an amended agreement to December 31, 2005. This six month extension proposes that the County and cities conclude negotiations for such an extension and amendment by September 15, 2005. King County and the contract cities would then have until December 31, 2005 to ratify the new agreement. Attachment A is a letter from City Manager Stephen Anderson of the City of Kenmore to Deputy Chief of Staff Maura Brueger proposing an extension in order to negotiate a future contract.

City staff recommends that the Council support the City's participation in the District Court negotiation process for a long-term court services contract and to extend the negotiation termination date from June 30 to December 31, 2005. The City's participation does not signify the Council's support or adoption of an interlocal agreement, but rather a willingness to explore a potential future interlocal agreement with King County. The City Council makes the final decision of either approving or denying a long-term agreement for court services.

BACKGROUND:

Since incorporation, Shoreline has provided for adjudication of infractions and misdemeanors committed within Shoreline through an agreement with King County to

provide judicial services using Shoreline District Court. In 2002 King County Executive Ron Sims notified contract cities regarding the County's intent to terminate the interlocal agreement effective January 1, 2005.

During 2003 representatives from the 17 contracting cities negotiated an additional short-term contract that would allow the County to review its policy of providing court services and to develop a District Court OMP and FMP. On April 12, 2004, the Shoreline Council approved the two-year extension of the current court services contract. This contract set a termination date of December 31, 2006 for County court services if an extension was not approved by June 30, 2005 or the June 30, 2005 deadline for a new contract extended by the parties.

During the summer of 2004, the County formed the District Court OMP/FMP Steering Committee, which was co-chaired by the District Court Presiding Judge, Corrina Harn, and the County Executive Office's Deputy Chief of Staff, Maura Brueger. The City of Shoreline, Bellevue, Redmond and Burien served as city representatives on the committee. The County contracted with National Center for State Courts (NCSC) to evaluate and offer recommendations on methods and costs to provide services for a District Court OMP and FMP. National Center for State Courts' analysis included evaluating services mandated by law versus those not so mandated and analytical forecasting and cost modeling to evaluate alternatives in operations. This information provided the background for the OMP/FMP Steering Committee's recommendations which then facilitated the development of the District Court's OMP.

The NCSC analysis determined that both the Court and the system benefit from contracts with cities. The Court requires a countywide infrastructure that exists even if there are no court services provided to contracting cities. The cities that contract for court services are helping to pay for a county overhead burden (e.g., facility costs, telephones, utility costs, and other fixed costs that do not vary appreciably by the number of cases or staff in a building) that would not decrease proportionately if the cities pull out.

The OMP/FMP Steering Committee relied on the NCSC findings to formulate strategic recommendations, which became the framework for the District Court OMP. Recommendations especially important to contracting cities include continuing to support the Court's function to serve cities through contracts and to support a unified, countywide District Court, utilizing existing facilities. As the Council may recall, a concern for Shoreline was the possible closure of the Shoreline District Court facility. The District Court OMP recognizes that existing court facilities should be maintained and that having courts in local communities is an important consideration for contracting cities and the citizens of King County.

At the King County Council Meeting of May 31, 2005 the County Council unanimously adopted "Ordinance 2005-0185 Approving the District Court Operational Master Plan." Due to the late adoption of the District Court OMP, the contracting cities are proposing extending the date to finalize an amended agreement to December 31, 2005. This six month extension proposes that the County and cities conclude negotiations for such an extension and amendment by September 15, 2005. King County and the contract cities would then have until December 31, 2005 to ratify the new agreement. Attachment A is

a letter from City Manager Stephen Anderson of the City of Kenmore to Deputy Chief of Staff Maura Brueger proposing an extension in order to negotiate a future contract.

FINANCIAL IMPACT:

There are no financial impacts to the immediate action to extend negotiations, other than staff time of the Assistant City Manager and City Attorney contributed to the contracting cities negotiating team. Impacts from the replacement court service contract compared to financial impacts of alternate means of providing municipal court services will be reviewed with the Council prior to ratification.

IMPLEMENTATION:

Staff would like to return to the City Council in the next several months to review and discuss caseloads and trends in District Court cases. Upon meeting the September 15, 2005 negotiation deadline, staff will bring before the Council the draft interlocal agreement for consideration.

RECOMMENDATION

Staff recommends that the Council move to authorize City staff to participate in negotiations with King County for a long-term extension and amendment to the interlocal agreement for the provision of municipal court services, and to extend the date to finalize the agreement to December 31, 2005.

Approved By:

City Manager  City Attorney 

ATTACHMENTS

Attachment A: Letter from Stephen Anderson, City Manager, City of Kenmore, to Maura Brueger, Deputy Chief of Staff, King County Executive Ron Sims

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The City Of Kenmore

P.O. Box 82607 • Kenmore, Washington 98028-0607

C: Julie

June 8, 2005

Maura Brueger
Deputy Chief of Staff
King County Executive Ron Sims
516 Third Avenue, Room 400
Seattle, WA 98104-3271

Re: Long-term Contract for Court Services

Dear Ms. Brueger:

We are very pleased with the policies contained in the adopted Operational Master Plan (OMP) for King County District Court and King County Ordinance 2005-0185 supporting the continuation of city contracts for court services. I take this opportunity to thank you for including cities in the year-long effort to develop the OMP and working with us to develop a plan that meets the needs of contract cities, King County and the residents we serve.

Now that the OMP is completed, the fourteen cities that contract with King County for court services are prepared to negotiate a long-term contract for these services. As you know, the current contract requires that an extension and amendment must be agreed to no later than June 30, 2005, or by such later date if mutually agreed in writing, or the agreement shall terminate as of December 31, 2006 without any extension.

We propose extending the date to finalize an amended agreement to December 31, 2005. This additional six months will allow for negotiations and final agreements to be approved. We propose that we conclude negotiations for an extension and amendment of the current agreement by September 15, 2005. King County and the contract cities would then have until December 31, 2005 to ratify the new agreement. If King County concurs with this proposal, please have an authorized representative sign the approval at the bottom of this page and return it to me for distribution to the other contract cities. We believe this form of concurrence will expedite agreement so that the cities and county meet the June 30th deadline.

King County agrees to extend the current contract negotiating period to December 31, 2005 amending this date per section 5.5 of the existing contract. This serves as the County's written agreement to this change.

Signed by _____ Dated _____
Title _____

The cities intend to use a process similar to that used by cities for the negotiation of the current court services agreement. The contract cities have agreed to participate in negotiations for a successor contract and a negotiating team of representatives from the cities will negotiate with the county on behalf of all contract cities. I will serve as the 'lead negotiator' for the cities. The negotiating team for the cities is identified below:

Steve Anderson, City Manager, City of Kenmore
Diane Carlson, Director of Intergovernmental Relations, City of Bellevue
David Cline, Assistant City Manager, City of Burien
Ian Sievers, City Attorney, City of Shoreline
Julie Modrzejewski, Assistant City Manager, City of Shoreline
Nina Rivkin, Senior Policy Analyst, City of Redmond

It is our goal that a successor contract will be based largely on the terms of the current agreement and should not require a lengthy negotiation process. Cities have preliminarily identified the following issues that we propose to discuss with the county as part of an amendment to the current agreement:

- Term of agreement
- Services (e.g. public access, court processing, calendars)
- Stability of judicial relationships with cities
- Reasonable cap on increases in city costs
- Facilities

In your recent e-mail dated June 1, 2005 to the city representatives on the District Court OMP Steering Committee, you mentioned that any contract is likely to be impacted by the Facilities Master Plan (FMP) for District Court, which is currently in development and not due to Council until April 2006. Based on the OMP and the lack of funding for major capital projects for the foreseeable future, cities believe that negotiations can proceed even though the FMP will not be concluded. The only major facility item impacting contract cities that we are aware of is the Bellevue court facility and we anticipate resolution of this issue through contract negotiations.

You also mentioned in your e-mail that you were hoping to outline some areas where the county would like to focus negotiations. We are very interested in learning what those areas are and working with the county on them. The contract cities are ready to begin negotiations with the county the last week of June and meet every two weeks thereafter until negotiations are concluded. I will contact you to schedule our first meeting and set an agenda for that meeting.

A lot of good work has been accomplished since the last negotiations took place for the current short-term contract. The county has made a strong commitment to continuing a contractual relationship with cities for court services. We look forward to discussing with you and other county representatives a long-term agreement for court services for cities.

Respectfully,



Stephen L. Anderson,
City Manager

C: Contract City Representatives
The Honorable Corinna Harn, Presiding Judge, King County District Court