

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Motion to authorize the City Manager to enter a contract for public defense services with The Schlotzhauer Law Group
DEPARTMENT: City Managers Office
PRESENTED BY: Rob Beem, Human Services Manager

PROBLEM/ISSUE STATEMENT:

Under Washington State law cities are responsible for the criminal justice system for misdemeanor and gross misdemeanor offenses. This requires the City to provide the services of a public defender to individuals who are determined to be indigent and unable to afford representation themselves. In 2004, 775 cases were referred to the public defender. Through the first 6 months of 2005, 330 cases have been referred to the public defender. This service level is expected to trend slightly upwards in the coming years.

The City provides public defense services through a contract with a private law firm. Our current contract for these services began in 2000. The City's purchasing ordinance requires that this service to be re-bid since the annual cost exceeds \$50,000. The proposed contract is intended to run through 2010.

On September 26, 2005 the City released a Request for Proposals for public defense services. We received one response from The Schlotzhauer Law Group. This firm has served as the City's primary public defender since 1995 and currently provides public defense services for other cities including Lake Forest Park and Kenmore. The City is satisfied with the services provided by The Schlotzhauer Law Group.

In prior years the contractor provided all public defense services for a flat fee. The terms of this contract call for the City to provide base rate of compensation (\$120,000/year) plus costs for additional services such as a high number of appeals(up to 6 appeals to Superior Court are included in the base rate and we have usually not exceeded this number), costs for transcription and after hour's consultation with defendants. Based on prior experience these costs are estimated to add from \$1,200 - \$10,000 to the overall contract price. At the low end this contract represents a slight decrease in cost. At the high end the City's costs may increase \$7,000.

FINANCIAL IMPACT:

The proposed 2006 Budget appropriates \$123,792 for Primary Public Defense which is sufficient to fund the base contract plus the estimated costs for additional services. While the City's budget policies do not support providing small contingency funds in

individual line items, the City Manager has authority to transfer funds in the event that this is necessary due to circumstances such as more appeals than anticipated. The proposed contract may, at the City's option, be extended annually through 2010. The contract also contains a provision that either party may terminate with 90 days notice. Beginning in 2007, the rates will adjust annually with the annual general wage adjustment granted to city staff. This adjustment carries forward current practice.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to enter into a contract with The Schlotzhauer Law Group for the provision of public defense services.

Approved By: City Manager  City Attorney _____