

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Award of Prosecution Services Contract
DEPARTMENT: City Attorney
PRESENTED BY: Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT: Under State law Shoreline is responsible for the criminal justice costs of misdemeanors and infractions committed within our jurisdiction. These costs include court services, indigent defense and prosecution. Since incorporation Shoreline has contracted for these expenses with the King County District Court and various private attorneys. The City's prosecution contract terminates at the end of 2007. Pursuant to our purchasing ordinance a Request for Proposals (RFP) was prepared and evaluated by staff. Staff recommends a new two-year contract be awarded to the Law Office of Sarah Roberts for two years with two one-year options that may be exercised by the City upon satisfactory performance.

Financial Impact. The proposed contract has the same cost for 2008 as the current contract for 2007 so there will be not financial impact.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a contract for 2008-9 prosecution services with the Law Office of Sarah Roberts for \$12,500 per month, including options to extend to 2011.

Approved By:

City Manager  City Attorney 

BACKGROUND: Since incorporation the City has contracted for legal services to file and prosecute City cases in the Shoreline Municipal Court, a division of Shoreline District Court. Our prosecutor makes charging decisions for misdemeanor and gross misdemeanor violations under the Shoreline criminal code and is responsible for filing charging documents, attending arraignments, hearings, sentencing, conducting bench and jury trials, probation violation hearings and appeals.

Caseloads have not appreciably increased over the past couple of years although there is an estimated upward trend for this year based on annualized totals through July.

	2005	2006	2007 <i>estimated</i>
Non-Traffic infractions	78	60	57
DUI/Physical Control	145	147	182
Other Traffic Misdemeanors	256	597	761
Non-Traffic Misdemeanors	569	575	669
Appeals	8	6	9

The City pays separately for prosecution of in-custody initial hearings and arraignments when a Shoreline defendant is being held at the county jail in Seattle or the Regional Justice Center in Kent. The new program of booking prisoners at the Issaquah Municipal Jail beginning in October will add some modest additional responsibilities in preparing for these hearings. Both the current prosecution contract and the contract awarded for 2008 will need to be adjusted when these costs associated with this new booking program are refined.

Request for Proposals: The City enacted a purchasing ordinance in 2001 which requires solicitation of bids for service contracts in excess of \$50,000 unless waived by the City Manager applying criteria in the ordinance. Since prosecution services exceed this threshold, a Request For Proposals was prepared and published in August.

The RFP requested a flat monthly rate that would include fees and expenses including up to ten appeals a year to superior court, with an hourly rate for more than ten appeals. The current contract has never exceeded ten appeals per year. The RFP solicitation was published by the Washington Bar Association, Association of Washington Cities, Washington Association of Municipal Attorneys, and the Seattle Times. Three excellent proposals were received.

Proposals ranged from \$12,100/month to \$14,100/month. Published criteria for selection were cost (40%), experience, qualifications and resources (40%), and references (20%). Staff from the City Attorney's Office, City Manager's Office, and Police scored the applications. Although slightly higher at \$12,500/month than the lowest bid, the committee unanimously recommends the Law Office of Sarah Roberts as the best proposal of those submitted weighing all criteria. Ms. Roberts, her

associate, Domestic Victim (DV) coordinator and staff have extensive experience with other jurisdictions and currently serve as contract prosecutors for Shoreline and Lake Forest Park. Ms. Roberts teaches criminal law and criminal procedure at Seattle University. Ms Robert's firm was strongly endorsed by Shoreline Police Captain Kent Baxter and former Captain Dan Pingrey.

FINANCIAL IMPACT: There is no financial impact for 2008 since the recommended bid is the same as our current contract cost for 2007 of \$12,500 per month. There is a 90% of CPI-U COLA included in the new contract for outlying years which is the same inflation factor typically used for City salary adjustments.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a contract for 2008-9 prosecution services with the Law Office of Sarah Roberts, for \$12,500 per month in 2008, including options to extend to 2011,

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