

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute a Contract Amendment with the Law Office of Sarah Roberts for Prosecution Services
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Margaret King, City Attorney
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

State law requires the City of Shoreline to provide criminal justice services for misdemeanor and gross misdemeanor offenses. Since its incorporation, Shoreline has contracted for prosecution services. The most current prosecution contract with the Law Office of Sarah Roberts was executed on January 1, 2017 for a term of one year with four possible one-year extensions.

On April 24, 2019, King County District Court presented to the City Council a proposal of partnering with the City to host a Community Court. Council directed staff to move forward with the planning for such a court. Community Court is scheduled to start on January 7, 2020. As a result, the City must add Community Court to the Scope of Work to be performed by the City's current prosecutor. In addition, as part of the amendment the City also agreed to one additional possible one-year extension of the contract. Tonight, Council is scheduled to authorize the City Manager to execute this contract amendment with the Law Office of Sarah Roberts.

RESOURCE/FINANCIAL IMPACT:

The 2019-2020 prosecution budget is \$435,921. The total increase for Community Court prosecution services for January 1, 2020-December 31, 2022 is estimated to be \$179,357, which includes increases for inflation at 90% of the June-to-June Seattle-Tacoma Area CPI-U. The contract amendment compensates for Community Court according to this table:

	Compensation per half day Community Court calendar	Annual Compensation Increase (not to exceed)
January 1- May 30, 2020	\$1,925	\$71,425
June 1- December 31, 2020	\$1,000	
January 1-December 31, 2021	\$1,025 (\$1,000 x 2.5%)	\$53,300
January 1-December 31, 2022	\$1,050.62 (\$1,000 x 2.5%)	\$54,632
Total Cost Increase		\$179,357

Given this estimated cost, the total do not exceed contract amount is thereby adjusted from \$1,009,215 to \$1,188,572.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a contract amendment with the Law Office of Sarah Roberts to include Community Court and add an additional one-year extension option.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

Cities in the State of Washington are required by [RCW 39.34.180](#) to provide criminal justice services for misdemeanor and gross misdemeanor offenses committed by adults. This includes jail, court, prosecution, and public defense services. The City of Shoreline contracts with external partners to form the City's criminal justice system. King County District Court (KCDC) provides court services and various attorneys provide prosecution and public defense services through contracts.

On [April 24, 2019](#), KCDC presented to the City Council regarding partnering to host a Community Court in Shoreline. After the presentation, the City Council requested staff to move forward with planning for Community Court. KCDC has since worked closely with City staff to facilitate planning for Shoreline's Community Court. Planning has been overseen by the Shoreline Community Court Steering Committee and split into five workgroups with participation from various staff from KCDC, the City, and other supporting community partners.

KCDC and City staff worked together to find an appropriate location and day of the week for Community Court within Shoreline. This included determining if a new calendar would need to be created or if the City could consolidate a court calendar. After review, it was determined a new calendar would need to be created. This, plus the change in work, resulted in both the City Prosecutor contract and Public Defense contracts needing to be amended to include Community Court in the contracts' scope of work. Council is also being asked to consider an amendment to the prosecution services contract related to Community Court tonight.

DISCUSSION

The City currently contracts with the Law Office of Sarah Roberts (Prosecutor) for the City's prosecution services. Community Court was not included in this contract and therefore the City needs to amend the current contract. The City renegotiated the Term and Compensation in addition to adding Community Court to the scope of work.

Term

The current prosecution services contract with the Prosecutor was executed on January 1, 2017 for a term of one year with four possible one-year extensions. As part of this negotiation, the City agreed to one additional possible extension to the Prosecutor's current contract, for a possible termination date of December 31, 2022.

Compensation

The City recognized the Prosecutor would have costs associated with this change since staffing would need to be significantly adjusted to meet this additional calendar. In recognition of the challenges of hiring an attorney on short notice for just a half day calendar, the City proposed to initially compensate the Prosecutor at a higher rate for this additional calendar and then gradually reduce that rate as the Prosecutor was able to take on more work for the new staff. The City proposal increases the cost of hiring

more staff at the outset of 2020 for Shoreline-related work in order to timely and successfully start Shoreline’s Community Court. Within six months, the City would reduce its initial investment. The total increase for Community Court prosecution services for January 1, 2020-December 31, 2022 is estimated to be \$179,357, which includes increases for inflation at 90% of the June-to-June Seattle-Tacoma Area CPI-U.

RESOURCE/FINANCIAL IMPACT

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RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a contract amendment with the Law Office of Sarah Roberts to include Community Court and add one potential one-year extension.

ATTACHMENT

Attachment A – Amended Contract Scope of Work with the Law Office of Sarah Roberts for Prosecution Services

EXHIBIT A
CITY OF SHORELINE
SCOPE OF SERVICES

I. Scope of Services

Attorney shall ensure that prosecution services are provided on behalf of the City for individuals charged with misdemeanor or gross misdemeanors filed by the City of Shoreline in Shoreline Municipal Department of Shoreline District Court. Representation at in-custody preliminary hearings and arraignments at the King County Jail, Regional Justice Center, SCORE jail or other venue other than Shoreline District Court is not required, with the exception of Community Court hearings held at Shoreline City Hall on Tuesday afternoon. The lead managing prosecuting attorney shall also act as the City liaison with respect to prosecutorial related questions and court scheduling.

Attorney will provide all supplies, equipment and shall provide an adequate number of attorneys and support staff to efficiently manage the court calendar in a manner which avoids unnecessary delays in completing the calendar, or unnecessary periods in custody. Sufficient attorneys shall be provided to prosecute cases during vacation and illness.

Shoreline regular court calendar days are currently Monday afternoon, Thursday all day, and Tuesday mornings at the Shoreline Courthouse. Jury trials are typically held on the last full week of each month (Monday, Tuesday, Thursday, and Friday, with Jury call the 3rd Wednesday). Community Court is currently held at City Hall on Tuesday afternoons beginning at 12:30 p.m. The City Court Calendar is set forth in the Table below:

City of Shoreline Court Schedule				
Monday	Tuesday	Wednesday	Thursday	Friday
Shoreline Courthouse				
10:15 a.m. (Contested infractions w/ witnesses; first Monday of the month) 1:30 – 4:00 p.m. (regular court)	8:45 a.m. – 12:00 p.m. (regular court)	1:30 – 4:00 p.m. (jury call, 3 rd Wednesday only)	8:45 a.m. – 4:00 p.m. (regular court)	
Shoreline City Hall				
	12:30 – 4:00 p.m. (Comm. Court)			
Shoreline Courthouse – Jury Trials (4th week of the month)				
8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.

Services include:

- Charge through criminal complaint based on officer reports
- Prepare pleas and pleadings
- Draft pleadings
- Provide victims and witnesses with information about the legal process and options available to them through the legal system
- Assist victims of domestic violence including telephone counseling, assessing the victims' immediate safety needs and providing assistance with appropriate community resources
- Assist victims of domestic violence with obtaining protection orders whether or not criminal charges have been filed
- Prosecute jury trials one week per month on Monday, Tuesday, Thursday and Friday
- Prosecute bench trials, vehicle impounds, sentencing and motion hearings scheduled on Thursday afternoon
- Conduct pre-trial hearings scheduled on Tuesday mornings and Thursdays
- Provide written bail requests and conditions of release for arraignment hearings and attend specific arraignment hearings at the request of the City or Police
- Attend probation review hearings on Monday afternoon
- Attend Community Court on Tuesday afternoon
- Attend in-custody hearings on Tuesday and Thursday
- Attend and prosecute contested infraction hearings requiring testimony of civilian and police witnesses scheduled on the first Monday morning of each month
- Prosecute and defend all RALJ appeals in State court
- Defend Writs of Habeas Corpus and Personal Restraint petitions in State court up to 40 hours per year. If the City elects to hire the Attorney to defend these petitions beyond a total of 40 hours per year, the City agrees to pay Attorney \$150 per hour for each hour in excess of 40 hours per year
- Consult with the City and the Court and act as the City's liaison related to prosecution and District Court administrative matters

Prosecution and City representation will extend through final disposition and shall include any appeals filed, and post-conviction probation violations or sentence notification; or 60 days after a defendant has failed to appear at a mandatory hearing. Representation shall include all counts arising from a single transaction or event and or charged in a single complaint.

Attorney will prosecute all defendants unless the Rules of Professional Responsibility prohibit representation of the City.

II. Billing, Reporting and Consultation

- Monthly billings shall be prepared ten (10) working days after the end of each calendar month using the City's Professional Services Invoice form.
- Provide quarterly reports in printed and electronic format (Microsoft Excel) showing offender, offense(s), case number, and case disposition.

- Attend conferences with the City’s representative as needed to review performance, develop and monitor performance benchmarks, review issues of common concern.
- Attendance at any King County District Court – Shoreline Courthouse - or City initiated meetings to address any ad hoc or ongoing issues or concerns with prosecution related issues or Court operations, or to review, revise or enhance district court operations, if necessary.
- In-person discussion with the City’s contract manager, if initiated by the contract manager, at the end of each annual term of the Agreement to discuss any issues with the Agreement or services provided over the preceding year.

III. Associated Counsel

- Any counsel associated with, contracted or employed by the Attorney shall have the authority to perform the services set forth in this Scope of Services. Attorney and all associates or attorneys who perform the services set forth in this Agreement shall be admitted to the practice pursuant to the rules of the Supreme Court of the State of Washington and will at all times remain members in good standing of the Washington State Bar.
- Attorney shall be responsible for this Agreement, notwithstanding that other counsel may be employed or associated by the Attorney to perform services hereunder. The Attorney shall actively supervise associated and employed counsel throughout the term of this Agreement and during any renewals or extensions, to ensure that all cases are promptly and effectively handled. Sufficient counsel shall be provided to prosecute cases during vacation and illness.

IV. Record Keeping and Confidentiality

Records must be maintained and archived according to the Washington State Public Records Act chapter 42.56 RCW, chapter 44-14 WAC. Confidential information shall be adequately protected as required by law and as otherwise set forth in the Agreement between the Attorney and the City.

V. Compensation

Work performed for prosecution services shall be billed at the flat monthly rate of Sixteen Thousand Dollars (\$16,000), including all fees and expenses, beginning in January 2017. If extended, fees shall be adjusted by 90% of the increase for CPI-U (June), at the beginning of each calendar year the contract is extended, beginning January 2018. In addition, Attorney shall receive additional compensation in the amount of \$750 per half day calendar for additional in custody hearings of up to two hearings per months, as determined and scheduled by mutual agreement of the City and the Attorney. An additional amount of \$71,425 for Community Court proceedings for 2020 and then an amount of \$1,000 per Community Court proceeding, in accordance with the Contract and the City of Shoreline Court Schedule above. Beginning January 1, 2020, through May 31, 2020, the City shall pay \$1,925 per Community Court proceeding. Beginning June 1, 2020 through the remainder of this contract, the City shall compensate the attorney at a rate of \$1,000 per community Court

proceeding, with annual COLA adjustments at 90% CPI-U beginning January 1, 2021. A community Court proceeding is defined as one half day per week on Tuesday afternoon at Shoreline City Hall.

VI. Payment Terms

A service charge shall accrue at the rate of 12% per annum (1% per month) and be added to any balance remaining unpaid sixty (60) days after the statement date.

VII. Code Provided

The City shall notify Attorney of any amendments or adoptions to the Shoreline Municipal Code that may relate to Scope of Services including, but not limited to, annexation that may impact jurisdictional boundaries of the City.