

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to Authorize the City Manager to Execute a Contract with the Law Office of Sarah Roberts for Prosecution Services
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Margaret J. 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:

Under State law the City of Shoreline is responsible for the criminal justice costs of all misdemeanors and infractions committed within the City's jurisdiction. These costs include court services, indigent defense and prosecution. Since its incorporation, Shoreline has contracted for court service with the King County District Court and has contracted for defense and prosecution services with various private attorneys.

The contract for Council consideration is for prosecution services beginning January 1, 2023. The City's current prosecution contract terminates at the end of December, 2022.

To award this contract, the City conducted a competitive bid process and issued a request for proposals (RFP) on October 28, 2022. The City only received one proposal from the Law Office of Sarah Roberts, the current provider of prosecution services.

RESOURCE/FINANCIAL IMPACT:

The total cost of prosecution services will be \$324,000 in 2023. After 2023, additional contract years covering 2024-2028 will be inflated between 2% to 5%, based on 100% of the June-to-June change of the Consumer Price Index for all Urban Consumers (CPI-U) for the Seattle-Tacoma-Bellevue Area with a minimum floor of 2% and a maximum ceiling of 5%.

Accordingly, if after the first-year term, the additional contract years are executed (potentially covering 2024-2028), the 2023 flat rate for services will increase by between 2-5%. This increase would apply to the base rate for each year the contract is extended (potentially covering 2024-2028). If an annual contract minimum inflator rate of 2% is estimated, the total six-year cost of the base rate for the contract would be \$2,043,834. Using a maximum ceiling of 5% the base rate of the contract for six-years would be \$2,203,819.

The 2023-2024 biennial budget for this service is adequate to cover the first year and a portion of the second year's cost. A budget amendment for the remainder of the second year will be included as part of the mid-biennial budget review.

RECOMMENDATION

Staff recommends that the Council move to authorize the City Manager to execute a contract for prosecution services with the Law Office of Sarah Roberts, in a form to be approved by the City Attorney, for 2023 with five additional one-year options to extend, for a total contract not to exceed amount of \$2,203,819 over six years.

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

BACKGROUND

The City's current prosecution contract will conclude at the end of the year, the contract for Council consideration tonight is for prosecution services beginning January 1, 2023.

Under Washington State law, cities are responsible for providing criminal justice services for misdemeanor and gross misdemeanor offenses. This includes jail, court, prosecution and public defense services. Prosecution services include non-traffic infractions, infractions involving accidents and vehicle impound hearings requested by owners, making charging decisions for misdemeanor and gross misdemeanor violations under the Shoreline criminal code as well as filing all necessary charging documents, attending arraignments, hearings, and sentencing, and conducting bench and jury trials, probation violation hearings and appeals. The prosecutor is also responsible for Community Court proceedings and providing a Domestic Violence Coordinator to provide telephone counseling to assess a victim's immediate safety needs and resources and to assist victims of domestic violence with obtaining protective and restraining orders.

DISCUSSION

Request for Proposals

The City's purchasing ordinance requires solicitation of bids for service contracts in excess of \$50,000 unless waived by the City Manager. Since prosecution services exceed this threshold, a Request for Proposals was prepared and published in October 2022.

The RFP requested a flat monthly rate that would include fees and expenses for the above prosecution services, including up to ten appeals a year to superior court. The RFP solicitation was published by the Washington Bar Association, Association of Washington Cities, Association of Prosecuting Attorneys, Washington Association of Municipal Attorneys, and the Journal of Commerce.

The only proposal that the City received was from the Law Office of Sarah Roberts, the City's current contract prosecutor.

Proposed Contract

The proposed contract requires the Law Office of Sarah Roberts to provide an adequate number of attorneys and support staff to provide the above prosecution services and to efficiently manage the City's court calendar, in a manner which avoids unnecessary delays in completing the calendar, or unnecessary periods in custody.

Contract services include:

- Charge through criminal complaint based on officer reports
- Prepare pleas and 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, Wednesday, Thursday, and Friday
- Prosecute bench trials, vehicle impounds, sentencings 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.
- Consult with the City and the Court and act as the City's liaison related to prosecution and District Court administrative matters

Shoreline's Current Schedule

Regular Court Calendar:

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, Wednesday, Thursday, and Friday, with Jury call the 3rd Wednesday).

Community Court Calendar:

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 – 4:30 p.m. (regular court)	8:45 a.m. – 12:00 p.m. (regular court) 3:00 pm SCORE	1:30 – 4:00 p.m. (jury call, 3 rd Wednesday only)	8:45 a.m. – 4:30 p.m. (regular court) 3:00 pm SCORE	
City of Shoreline Court Schedule				
Monday	Tuesday	Wednesday	Thursday	Friday
Shoreline City Hall				
	12:30 – 4:00 p.m. (Community Court)			
Shoreline Courthouse – Jury Trials (4th week of the month)				
8:45 a.m. – 4:30 p.m.	8:45 a.m. – 4:30 p.m.	8:45 a.m. – 4:30 p.m.	8:45 a.m. – 4:30 p.m.	8:45 a.m. – 4:30 p.m.

Shoreline Caseloads

Caseloads have remained rather consistent over the past couple of years. The total caseload* of charges filed for the years 2020 through 2021 and an estimate for 2022 based on the first 2 quarters - is as follows:

	2020	2021	2022
Non-Traffic	234	401	2Q 149
DUI/Physical Control	18	39	2Q 24
Other Traffic Misdemeanors	70	73	2Q 20
Total caseload	322	512	Est Total Year 532

*Cases are defined as a unique cause number, which may contain more than one charge. Caseloads are also posted online at www.courts.wa.gov. Due to the COVID Pandemic cases in 2020 were lower than previous and subsequent years.

Term

The initial term of the contract is for one year, scheduled to begin on January 1, 2023. The proposed contract also includes five additional one-year options to extend, for a total possible life of six years. Award of the initial contract is no guarantee that any options to extend will be executed. The City Manager would have the authority to enter into the initial term and potentially execute subsequent option years. Council authorization of the contract would provide enough funding approval for all six terms.

FINANCIAL IMPACT

The total cost of prosecution services will be \$324,000 in 2023. After 2023, additional contract years covering 2024-2028 will be inflated between 2% to 5%, based on 100% of the June-to-June change of the Consumer Price Index for all Urban Consumers (CPI-U) for the Seattle-Tacoma-Bellevue Area with a minimum floor of 2% and a maximum ceiling of 5%.

If, after the first year term, the additional contract years are executed (potentially covering 2024-2028), the 2023 flat rate for services will increase by between 2%-5%. This increase would apply to the base rate for each year the contract is extended (potentially covering 2024-2028). If an annual contract minimum inflator rate of 2% is used, the total six-year cost of the base rate for the contract would be \$2,043,834. If a maximum ceiling inflator of 5% is used, the base rate of the contract for the total six-years would be \$2,203,819.

The 2023-2024 biennial budget for this service is adequate to cover the first year and a portion of the second year's cost. A budget amendment for the remainder of the second year will be included as part of the mid-biennial budget review.

RECOMMENDATION

Staff recommends that the Council move to authorize the City Manager to execute a contract for prosecution services with the Law Office of Sarah Roberts, in a form to be approved by the City Attorney, for the year 2023, with five additional one-year options to extend, for a total contract not to exceed amount of \$2,203,819 over six years.