Council Meeting Date: October 9, 2006 **Agenda Item: ~~7(d)~~ 8(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Contract Amendment for Legal Services
DEPARTMENT:	City Attorney
PRESENTED BY:	Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

The City Attorneys Office retains outside counsel to access resources available for specialized areas of municipal law, for complex litigation that would disrupt availability of in-house resources for city departments and other litigation, or for matters where a professional conflict arises. Firms are selected based on a firm's area of expertise and cost considerations. For example, in 2005 contracts were issued to five different law firms for a total of approximately $39,000.

The City Attorney's Office has an annual stand-by contract with Foster Pepper for matters assigned by the City Attorney or the City Manager that meet the above criteria (e.g. Aurora SEPA appeal, bond counsel support). This contract is typically written for services not to exceed $25,000 during the calendar year. For example billings for Foster Pepper were $4,695 in 2005. The contract limits may be amended if litigation is assigned which becomes extended. Such is the case in 2006.

In February, 2006, Council authorized legal defense for Mayor Ransom, Deputy Mayor Fimia, Councilmember Way and former Councilmember Chang in a civil suit filed January 1st seeking declaratory judgment, penalties and attorney fees for violations of the Open Public Meetings Act (*King et al v. Fimia et al*, King County Sup. Ct. N0. 06-2-0803-1 SEA). The plaintiffs notified the City Attorney that he would be called as a witness at trial which creates a conflict for attorneys in the City Attorneys Office. All the City defendants have accepted a joint defense using Steve DiJulio of Foster Pepper.

On March 30th a group of citizens filed a petition with King County to recall Mayor Ransom and Deputy Mayor Fimia Deputy based on the same allegations that had been presented in the earlier civil suit. Council approved defense of this recall as allowed by state law on April 10th. This matter was also assigned to Steve DiJulio under the Foster Pepper for efficiency given the identity of issues, and in consideration of Mr. DiJulio's past experience in the recall proceedings.

The defense of the recall petition resulted in a dismissal by the court upon request of the petitioners immediately before the superior court hearing and after the City filed an extensive hearing brief. The City filed a partial summary judgment motion in the civil suit on September 25th which will be heard on October 20th. This motion requests dismissal of allegations that there was a knowing violation of the Open Meetings Act