

CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of an amendment to renew an agreement with Stein, Lotzkar and Starr, P.S., Inc., to provide public defense services for the period January 1, 2022 through December 31, 2025, in the amount of \$915,036 per year plus all applicable taxes for up to 1,812 cases annually, plus other sums as provided for therein, including appeals and court costs.

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City Manager's Office

EXECUTIVE SUMMARY

This Resolution authorizes the renewal of the contract agreement for public defense services with Stein, Lotzkar and Staff, P.S., Inc.

RECOMMENDATION

Move to adopt Resolution No. 10046

BACKGROUND/ANALYSIS

Since the mid-1980's, the City has provided public defense services to indigent defendants accused of misdemeanor or gross misdemeanor offenses which occurred within the City by contracting with private individuals and/or firms that provide such services. The City entered into a contract with Stein, Lotzkar, and Starr, P.S., Inc. (SLS) to provide these services for a four-year period starting on January 1, 2018, with the option to renew for an additional four-year term. The current contract for public defense services expires on December 31, 2021. The City and SLS entered into conversation in October to renew the contract and the parties arrived at a mutually agreeable renewal of the contract, subject to Council approval. The City has been satisfied with the performance of services provided by SLS during the duration of the contract. At the conclusion of the contract extension, staff intends to issue a Request for Proposals for qualified contractors to provide public defense services on behalf of indigent defendants.

The City of Bellevue has the largest caseload of any city contracting with King County for court services, which has resulted in higher costs in providing public defense services to indigent defendants. Moreover, City-specific requirements help to contribute to the increase in costs. For instance, the City requires that the contracted firm maintains a Bellevue office and seasoned public defenders. Generally, seasoned attorneys assess cases quicker and are more efficient in the court which results in cost saving. While it costs more initially to attract and retain a seasoned attorney, there is a cost savings to the City over time.

POLICY & FISCAL IMPACTS

Policy Impact

This contract is a continuation of an existing service. Under state and federal law, a person subject to criminal prosecution is entitled to be defended by counsel, and the City is responsible for ensuring defendants have access to adequate legal counsel. Without this service, the City would violate RCW 10.101.005, which requires effective legal representation be provided to indigent persons.

As part of the City's commitment to public safety and ensuring a safe community for community members, Bellevue prosecutes misdemeanors committed within the City. To provide this service, the City employs prosecutors, and contracts with King County for court services. Public defense services have historically been provided by contract.

Fiscal Impact

The cost of this contract is estimated to be \$915,036 plus all applicable taxes for up to 1,812 cases assigned during the 2022 calendar year. Additional cases over 1,812 cases per year will be paid at a rate of \$400 per case. For each subsequent year after 2022, the contract shall increase at the annual Seattle-Tacoma-Bellevue CPI-W for the month of June. For 2023 the base rate will be \$915,036 increased by the June 2022 CPI-W. Separate from the base amount the contract includes \$400,000 over the four-year term for appeals, court costs and other expenses related to the increase in the CPI-W. Sufficient funding exists within the 2021-2022 General Fund budget to fund this contract. Funding for subsequent years will be requested as part of the 2023-2024 and 2025-2026 biennial budget processes.

OPTIONS

1. Adopt the Resolution authorizing execution of an amendment to renew an agreement with Stein, Lotzkar and Starr, P.S., Inc., to provide public defense services for the period January 1, 2022 through December 31, 2025, in the amount of \$915,036 per year plus all applicable taxes for up to 1,812 cases annually, plus other sums as provided for therein, including appeals and court costs.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

Proposed Resolution No. 10046

AVAILABLE IN COUNCIL LIBRARY

Draft Amendment of Contract for Public Defense Services