

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE:

AGENDA ITEM: Extension of Agreement for Public Defender Services	AGENDA SECTION:	
PREPARED BY: Grant K. Weed, City Attorney	APPROVED BY:	
ATTACHMENTS: Amendment to Agreement	MAYOR	CAO
	AMOUNT:	
BUDGET CODE:		

DESCRIPTION:

This Agenda Bill seeks Council approval for the extension of a Public Defense Service Agreement with the law firm of Feldman & Lee.

Pursuant to the 6th Amendment to the United States Constitution, every person charged with a crime for which jail time is a potential penalty and who is unable to pay the cost of an attorney is entitled to have an attorney appointed to represent them at public expense. Washington law (Chapter 10.101 RCW) places an obligation to pay for public defense services for indigent defendants upon the charging jurisdiction.

The Washington Supreme Court issued new rules that apply to public defenders. These rules, some of which have already gone into effect and others which will go into effect later in 2013, impose new restrictions on attorneys who provide criminal defense services, including restrictions on the maximum number of public defense cases that attorneys may handle at any one time. Public agencies, may find it necessary to adjust their contracts with attorneys who provide public defense services, to ensure that the public agencies as well as the attorneys remain compliant with the 6th Amendment and the new Supreme Court rules, respectively.

At the current time, public agencies statewide are developing methods, procedures, and best practices to address the new Supreme Court Rules, and ensure compliance. While we think that the City has been, and will remain, in compliance with the new rules, we also think it best to carefully examine the agreement to make certain that the agreement reflects the practices of the City and the public defenders in the context of the new rules. The extension of the existing agreement through June, 2013 will allow the City the opportunity to examine the best practices of other jurisdictions, and make appropriate modifications as necessary to the agreement. The City will then be in a position to select an attorney or attorneys best able to provide the services.

RECOMMENDED ACTION:

Authorize the Mayor to enter into the attached Amendment to Agreement through June 30 to the Professional Services Agreement with Feldman & Lee, P.S., to provide indigent defense services.

COUNCIL ACTION:

AMENDMENT TO AGREEMENT

THIS AMENDMENT, entered into this _____ day of _____, 2012, by and between the CITY OF MARYSVILLE, a Washington municipal corporation (hereinafter referred to as the "City") and FELDMAN & LEE, P.S., a Washington corporation doing business at 19303 – 44th Avenue West, Lynnwood, WA (hereinafter referred to as the "Attorney").

WITNESSETH:

WHEREAS the City entered into an Agreement with the Attorney dated March 8, 2010 for the provision of Public Defense Services (hereinafter the "Agreement"); and

WHEREAS the parties hereto wish to amend the Agreement by extending the term thereof;

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

A. Section 3.3 – Time of Performance of the Agreement is hereby amended to read as follows:

Unless terminated earlier pursuant to Section 3.7 below, the Attorney shall provide Services from March 29, 2013 at 12:01 p.m. through June 30, 2013, at 12:00 a.m.

B. All other terms and conditions of the Agreement shall remain the same.

CITY OF MARYSVILLE

FELDMAN AND LEE

By _____
Mayor Jon Nehring

By 
James Feldman, President


Date _____

Date NOVEMBER 1 2012

Attest:

Sandy Langdon, City Clerk

Approved as to form:



Grant Weed, City Attorney