

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 11/13/17

AGENDA ITEM:	
Supplemental Agreement #1 for Feldman & Lee, P.S.	
PREPARED BY:	DIRECTOR APPROVAL:
Gloria Hirashima, Chief Administrative Officer	
DEPARTMENT:	
Executive	
ATTACHMENTS:	
Supplemental Agreement #1	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The proposed supplemental agreement No. 1 provides for a three year (2018-2020) extension of the professional services agreement between the City and Feldman & Lee, P.S. for public defender services for indigent criminal defendants charged under the city of Marysville Municipal Court who qualify for appointed counsel. Marysville has utilized the services of Feldman & Lee, P.S. since 2010. The firm is contracted to provide qualified personnel and facilities necessary for the work and services identified within the contract. The work must be performed City’s specifications, guidelines and/or rules specified by the State Office of Public Defense, and/or the Washington State Supreme Court.

The agreement addresses the caseload limits established by the Washington State Supreme Court and in effect since January 1, 2015. In addition, the Memorandum Decision dated December 4, 2013, in Wilbur v. City of Mount Vernon, United States District Court for the Western District of Washington Case No. C11-1101RSL, provides additional guidance on the delivery of public defense services, including municipal responsibilities for funding, administering and monitoring a constitutionally adequate public defense program under the Sixth Amendment to the U.S. Constitution.

The proposed fee for 2018 is \$48,000 per month, or \$576,000 annually. Based on the caseload limits established by the Supreme Court, this provides for four attorneys at \$12,000 per attorney per month. The prior contract amount established in 2014 was \$42,000 per month, or \$504,000 annually. The 2017 increase provides for both inflation and costs of providing the full services identified through the 2015 standards.

The proposed fee for 2019 is \$50,000 per month, or \$600,000 annually. This assumes caseload will remain at current 2017 levels, providing for four attorneys at \$12,500 per month.

The proposed fee for 2020 is \$52,000 per month, or \$624,000 annually, providing for four attorneys at \$13,000 per attorney per month.

RECOMMENDED ACTION: Staff recommends that City Council approve the public defense service agreement with Feldman & Lee, P.S.

**SUPPLEMENTAL AGREEMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND FELDMAN AND LEE, P.S.**

THIS SUPPLEMENTAL AGREEMENT NO. 1 (“Supplemental Agreement”) is made and entered into this _____ day of _____, 20____, by and between the City of Marysville, a Washington State municipal corporation (“City”) and Feldman and Lee, P.S., a professional services corporation (“Firm”).

WHEREAS, the parties hereto have previously entered into an agreement for indigent defense services for individuals with charges before the Marysville Municipal Court (the “Original Agreement”), said Original Agreement being dated December 15, 2014; and

WHEREAS, both parties desire to supplement the Original Agreement, by altering the rate of compensation in light of changing conditions and past performance;

WHEREAS, both parties desire to supplement the Original Agreement, by extending the Contract Term;

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performances contained herein or attached and incorporated, and made a part hereof, the parties hereto agree as follows:

1. Section 2 of the Original Agreement, “COMPENSATION”, is amended to read:

“Subject to the provisions of this section, the City shall pay to the Firm a flat fee each month, including all proceedings in the Municipal Court and all appeals therefrom, as follows:

For 2018 Forty-eight thousand dollars (\$48,000.00) per month. This flat monthly fee is based on twelve thousand dollars (\$12,000.00) per attorney.

For 2019 Fifty thousand dollars (\$50,000.00) per month. This flat monthly fee is based on twelve thousand five hundred dollars (\$12,500.00) per attorney.

For 2019 Fifty-two thousand dollars (\$52,000.00) per month. This flat monthly fee is based on thirteen thousand dollars (\$13,000.00) per attorney.

2. Section 3 of the Original Agreement, “TERM”, is amended to add that the parties agree to extend the term of the Original Agreement to terminate at midnight December 31, 2020.

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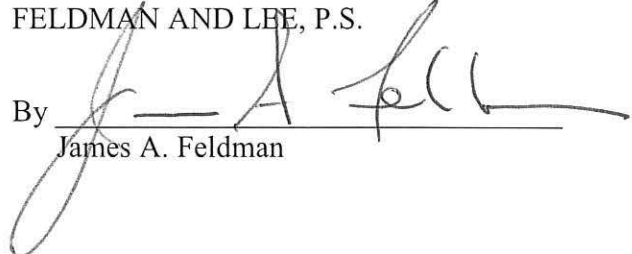
3. Each and every provision of the Original Professional Services Agreement for Indigent Defense Services, dated December 15, 2014 shall remain in full force and effect, except as modified herein.

DATED this _____ day of _____, 20 ____.

CITY OF MARYSVILLE

FELDMAN AND LEE, P.S.

By _____
Jon Nehring, Mayor

By 
James A. Feldman

ATTEST/AUTHENTICATED:

April O'Brien, Deputy City Clerk

Approved as to form:

Jon Walker, City Attorney