

ORDINANCE No. 110947

COUNCIL BILL No. 103443

Law Dept

AN ORDINANCE authorizing the Mayor to enter into an interim agreement with King County (King County Office of Public Defense) for the provision of legal services in January and February 1983 to indigent persons who are charged with criminal offenses under City ordinance.

215182 PASS

COMPROLLER FILE No. _____

Introduced: DEC 13 1982	By: <i>Executive Request</i>
Referred: DEC 13 1982	To: <i>PS&H</i>
Referred:	To:
Referred:	To:
Reported: DEC 20 1982	Second Reading: DEC 20 1982
Third Reading: DEC 20 1982	Signed: DEC 20 1982
Presented to Mayor: DEC 21 1982	Approved: DEC 23 1982
Returned to City Clerk: DEC 23 1982	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: OK

DT/lo
12/9/82

ORDINANCE 110947

AN ORDINANCE authorizing the Mayor to enter into an interim agreement with King County (King County Office of Public Defense) for the provision of legal services in January and February 1983 to indigent persons who are charged with criminal offenses under City ordinance.

WHEREAS, the King County Office of Public Defense has been coordinating the City of Seattle's indigent defense services since 1978; and
WHEREAS, the City will need these services in 1983; Now, Therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As requested by the Mayor in the attached materials, the Mayor is authorized to execute for and on behalf of the City of Seattle an interim agreement during January and February 1983 or until a permanent contract is executed for the provision of legal services to indigent persons who are charged with criminal offenses under City ordinance, substantially in the form of the document entitled "Interim Defense Service Agreement" attached hereto.

Section 2. Execution of the agreement authorized in Section 1 hereof, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(To be used for all Ordinances except Emergency.)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 20th day of December, 1982, and signed by me in open session in authentication of its passage this 20th day of December, 1982.

Joseph M. Williams
President of the City Council.

Approved by me this 23rd day of December, 1982.

Charles Porter
Mayor.

Filed by me this 23rd day of December, 1982.

Gina Hill
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....
By *Theresa Dunbar*
Deputy Clerk.

INTERIM DEFENSE SERVICE AGREEMENT

THIS INTERIM AGREEMENT made and entered into this ____ day of _____, 1982, by and between KING COUNTY, a municipal corporation of the State of Washington, hereinafter referred to as "County," and the CITY OF SEATTLE, a municipal corporation of the State of Washington, hereinafter referred to as "City,"

WITNESSETH:

WHEREAS, the County, through the Office of Public Defense, has been providing defense services to indigents charged in Seattle Municipal Court with criminal offenses that are punishable by imprisonment under City ordinances, and

WHEREAS, the County Office of Public Defense has an established list of attorneys who participate in the defense of indigents in King County, and also contracts with nonprofit legal corporations for said defense, and

WHEREAS, the County Office of Public Defense has an established method of determining indigency and assigning qualified cases to attorneys where Constitutionally required, and

WHEREAS, the City has a need for obtaining appointed counsel for qualified indigents charged with criminal offenses under City ordinances, that are punishable by imprisonment, and

WHEREAS, a permanent contract for 1983 public defense services will most likely not be agreed upon before the beginning of the 1983 calendar year when the current contract ends,

IT IS AGREED:

1. The County Office of Public Defense will interview defendants who are charged with criminal offenses that are punishable by imprisonment under City Ordinances and have requested counsel, interview such defendants to determine indigency, obtain legal counsel for qualified indigents ("City defendants"), and pay such legal counsel.
2. The City agrees to reimburse the County as follows:
 - (a) A sum of \$22,108 for the period January 1, 1983 to February 28, 1983 for interviewing, indigency determination, case assignments, administrative expenses, billing and docketing, translation services and 24-hour telephone service related to City defense service, payable at \$11,054 per month, commencing the month of January, 1983, and pursuant to certification procedures set forth in paragraph 4 below, and
 - (b) A sum of \$172,724 for the period January 1, 1983 through February 28, 1983, for all necessary and Constitutionally required legal services including representation at arraignment for City defendants, payable at \$86,362 per month, commencing the month of January, 1983, and pursuant to certification procedures set forth in paragraph 4 below. Representation at arraignment will include a minimum of two attorneys for at least one hour prior to and throughout all scheduled Municipal Court arraignment calendars.
3. Payment is based upon an estimated 1,366 case assignments made during the period January 1, 1983 through February 28, 1983. Should the number of case assignments vary more than 5% of this two months estimate, then it is agreed that:
 - (a) The County will reimburse the City in the sum of \$50 per case assignment if the number of case assignments is less than 1,298; or
 - (b) The City will reimburse the County in the sum of \$50 per case assignment if the number of case assignments is greater than 1,434.

NOTICE:
IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- (c) Final adjustment in payment, if any is required, shall be made on the February 1983 certification, pursuant to paragraph 4 and 5 below.
4. Within ten days of the last day of each calendar month, the Administrator of the Office of Public Defense will certify to the City the number of cases assigned to legal counsel during that previous month, and upon acceptance of that certification, the City shall pay the County in accordance with the provisions of paragraphs 2 and 3 above.
 5. The term of this interim agreement shall be from January 1, 1983 through February 28, 1983, unless terminated earlier by written agreement of the parties hereto, or unless superseded by a permanent defender services agreement for 1983.
 6. This agreement may be amended at any time by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

KING COUNTY

By Randy Revelle, King County Executive

CITY OF SEATTLE

By Charles Royer, Mayor

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle

Executive Department-Office of Management and Budget

John D. Saven, Director
Charles Royer, Mayor

December 9, 1982



*Okay DHS/RPK
AK*

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Office of Management and Budget

SUBJECT: An ordinance authorizing the Mayor to enter into an interim agreement with King County authorizing the King County Office of Public Defense to provide indigent defense services in the Seattle Municipal Court in January and February 1983.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

John Saven
For John Saven
Budget Director

JS/dt/la

Enclosure

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.