

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
City Budget Office	Linda Taylor-Manning 684-8376	Catherine Cornwall 684-8725

Legislation Title:

AN ORDINANCE relating to indigent public defense services; authorizing contracts for primary and secondary defender services; amending Ordinance 122602; ratifying and confirming prior acts; and, declaring an emergency to provide for the continuation of essential services immediately following the expiration of current contracts for indigent defense services.

Summary of the Legislation:

This legislation will authorize the Director of the City Budget Office to execute three-year public defense contracts with two non-profit indigent public defender agencies.

Background:

The City Budget Office (CBO)) began a process to solicit proposals for indigent public defense services for contracts which expire June 30, 2011. In February 2011, CBO released a request for proposals (RFP) that was reviewed by a RFP Review Panel as called for in Ordinance 122602. The panel considered four proposals for the Primary and Secondary positions and recommended defender agencies at the end of April. The Mayor accepted their recommendation and awarded the Primary contract to the Associated Counsel for the Accused (ACA) and the secondary contract to Northwest Defenders Association (NDA). CBO negotiated the contracts attached to the ordinance with each agency. The final contracts were reviewed by the law firm of Foster Pepper PLLC.

X **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations:

Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
TOTAL				

**See budget book to obtain the appropriate Budget Control Level for your department.*

Appropriations Notes:

\$6,044,000 is included in the Adopted 2011 Criminal Justice Contract Services Department budget through the Indigent Defense Services Budget Control Level (BCL) to pay for these contracts as well as fund private attorneys when the contracted defender agencies have a conflict

of interest and cannot accept the case.

Anticipated Revenue/Reimbursement: Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
TOTAL				

Revenue/Reimbursement Notes: Not applicable.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2011 Positions	2011 FTE	2012 Positions*	2012 FTE*
TOTAL							

* 2012 positions and FTE are total 2012 position changes resulting from this legislation, not incremental changes. Therefore, under 2012, please be sure to include any continuing positions from 2011.

Position Notes: Not applicable.

Do positions sunset in the future? Not applicable.
 (If yes, identify sunset date)

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes: Not applicable.

What is the financial cost of not implementing the legislation?

Indigent public defense services are a constitutional requirement and a requirement of Chapter 10.101 RCW. The current contracts expire June 30, 2011. Not implementing this legislation will mean a conflict with the regulatory requirements noted.

Does this legislation affect any departments besides the originating department?

This legislation will have an operational impact on the Seattle Municipal Court (SMC). The

SMC Presiding Judge and Chief Clerk have reviewed and commented on the agency contracts. Current monthly meetings of the Case Assignment Workgroup will work out operational protocols.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?

Indigent public defense services are a constitutional requirement and a requirement of Chapter 10.101 RCW. The current contracts expire June 30, 2011. There are no alternatives to this legislation.

Is the legislation subject to public hearing requirements? No.

Other Issues: (Include long-term implications of the legislation.) Not applicable.

List attachments to the fiscal note below: Not applicable.