



## **STAFF REPORT**

DATE: March 8, 2023

TO: Governing Body

FROM: Finance Director/City Attorney

RE: Contract for Municipal Court Appointed Attorney

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**Background:** Bel Aire's contracted court appointed attorney has requested his contract be modified from the original 2013 agreement as the market for court appointed work has changed since he first contracted with the City. Surrounding cities (Wichita, Park City, and Valley Center) are paying the rate proposed in this contract. The City may approve this contract as presented (staff's recommendation), approve with conditions, or initiate a search for a new attorney for court appointment services.

The City is required to provide defendants a court appointed attorney in cases where they cannot afford one. Whenever a defendant faces a jail term of 6 months or more and the municipal judge finds he or she does not have the financial means to hire an attorney, the court will appoint an attorney to represent that defendant. Contracting with a single attorney for court appointed services allows Bel Aire courts to run more efficiently since the appointed attorney will be exclusively available to Bel Aire on court nights and will prioritize our off docket appointed cases. This allows the public to have a more efficient interaction with our court system.

### **Discussion:**

1. The contract presented has two primary changes from the original 2013 contract.
  - a. The cost structure goes from an hourly rate that averaged about \$150 per cases to a flat rate of \$225 per case.
  - b. If the attorney has to be reappointed on a case for some reason the rate is reduced to \$100. For instance, if the case the attorney was originally appointed to went to warrant status and warrant closed out, or probation that was violated, the attorney must be reappointed to the same case with the additional factors to be adjudicated.
2. The attorney is treated as an independent contractor and this contract may be terminated at any time by either party with 30 days written notice.
3. Staff anticipates the budget costs for this contract increasing from an average of \$6,000 to roughly \$12,000. Additional costs for the current year will be adjusted and future cost accounted for within the annual budget cycle.
4. City staff and the municipal judge find the contractor is easy to work with, reasonable when invoicing the City, and responsible when taking care of his appointed clients' cases.

**Recommendation:** Staff recommends approving the new contract effective upon signature. If approved, this contract will expire in December 2023 and is set to automatically renew on an annually basis thereafter.