



# CITY OF LAKE FOREST PARK

## CITY COUNCIL

### AGENDA COVER SHEET

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<b>Meeting Date</b>	November 9, 2023
<b>Originating Department</b>	Executive
<b>Contact Person</b>	Phillip Hill, City Administrator
<b>Title</b>	Resolution 23-1930/Authorizing the Mayor to enter into a Contract for Public Defense Services with Stewart MacNichols Harmell, Inc., P.S.

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#### Legislative History

- First Presentation: November 9, 2023 – Regular Meeting
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#### Attachments:

1. Resolution 23-1930
  2. Proposed contract
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#### Executive Summary

In 2018, the Administration completed a process to select a new law firm to provide Public Defense Services for the City. Per RCW 10.101.005, the right to counsel is guaranteed by the U.S. Constitution, the Washington State Constitution, statutes, and court rules. When an individual has a right to counsel but is indigent, the government is required to provide a competent public defense attorney to represent that person.

Three law firms responded to that RFP, with the selection committee interviewing two of those firms and unanimously selecting the firm of Stewart MacNichols Harmell, Inc., P.S.

#### Background

The Municipal Court and the Administration have been pleased with the service provided and recommend executing a new contract with Stewart MacNichols Harmell, Inc., P.S. Increased case load, and additional time required in representing defendants has necessitated the firm utilizing a second attorney to provide services, resulting in the proposed fee for services being \$10,000 per month, a \$2,500 per month increase over the previous contract. The Administration finds this a reasonable fee for the services being provided.

The initial term of the contract is for three years and allows for two additional one-year extensions upon mutual agreement of the parties.

### **Fiscal & Policy Implications**

The budget was set based on the existing contract plus inflation. The increase included in the proposed contract exceeds the budgeted amount which will need to be reconciled in an upcoming budget amendment.

### **Alternatives**

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• Approve the proposed contract</li></ul>	The city will continue to provide public defense as required per RCW 10.101.005
<ul style="list-style-type: none"><li>• Do not approve the proposed contract</li></ul>	The city would be in violation of RCW 10.101.005, requiring that the city provide public defense for indigent defendants, and will need to start the process of finding a law firm to provide such services

### **Staff Recommendation**

Review the proposed contract and provide the Administration with any requests for information.