

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: January 14, 2019

SUBJECT: Approval of Public Defender Contract Addendum

DEPARTMENT: City Manager/City Attorney **PREPARED BY:** City Attorney - Jon Sitkin

AGENDA LOCATION: Consent Agenda Council Action Unfinished Business

ATTACHMENTS:

1. Proposed Public Defender Contract Addendum

BACKGROUND/SUMMARY:

Cities and Counties have the obligation to provide indigent criminal defense services. The City has an existing contract with Sharon Westergreen to provide indigent criminal defense services. There have been more in custody appearances at the Whatcom County Jail by the City's public defense services than were anticipated, and a number of these appearances do not result in appointments for representation.

The City of Blaine staff recommends additional compensation as set forth in section 3.1 of the contract addendum. This provides a fee of \$150.00 for appearance at the County Jail when the public defender would not otherwise be present, and a \$60.00 fee when the public defender would otherwise be present at the jail. If the public defender is otherwise appointed to any of the defendants, then the City would be credited for this fee.

BUDGET IMPLICATIONS: Authorized In Current Budget New Budget Request
 No Budgetary Implications

A modest increase in public defense services costs is anticipated.

RECOMMENDATION:

Move to approve the contract addendum with Sharon Westergreen as the City's Public Defender for indigent defense services, and approve the contract presented by the City Attorney.

REVIEWED BY:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

ADDENDUM TO THE CITY OF BLAINE CONTRACT FOR PROFESSIONAL SERVICES – INDIGENT DEFENSE DATED DECEMBER 13, 2017

**SECTION 3
CONSIDERATION**

3.1

- h. Unless the Contractor is already required to appear in jail court on a given day pursuant to paragraph 1.3 a of the Contract, the City will pay the Contractor one hundred fifty dollars (\$150.00) for each day that the Contractor appears at the Whatcom County Jail for an in-custody hearing. If the Contractor is appointed to represent any of the defendants appearing at such hearing, then the City shall be credited sixty dollars (\$60.00) towards the usual flat rate fee for up to two (2) newly appointed defendants. This will result in the Contractor receiving either \$150.00 (if no new clients are appointed), \$90.00 (if one is), or \$30.00 (if two are) for appearing at this hearing when she otherwise would not be scheduled.

- g. If the Contractor is already appearing in jail court on a given day pursuant to her duties under paragraph 1.3 a of the Contract, then the City will pay the Contractor sixty dollars (\$60.00) for each defendant whom she represents “cold” upon the request of the Court. For each and every one of these “cold” representations, if the Contractor is appointed on the matter, then the City shall be credited back the sixty dollars (\$60.00) towards the applicable flat rate fee for that matter.

IN WITNESS WHEREOF the parties have executed this Addendum to the City of Blaine Contract for Professional Services – Indigent Defense, dated December 13, 2017, on the date indicated below:

CITY OF BLAINE

WESTERGREEN LAW

Michael Jones, City Manager

Sharon D. Westergreen

Date: _____

Date: _____