



TO: Elizabeth Pauli, City Manager
FROM: Kathryn Johnston, Budget Officer, Office of Management and Budget
Andy Cherullo, Director, Department of Finance
COPY: City Council and City Clerk
SUBJECT: Contract with Pierce County for Indigent Defense Legal Services
DATE: 1/28/2020

SUMMARY & PURPOSE:

The Office of Management & Budget recommends a contract be awarded to Pierce County Department of Assigned Counsel (DAC) for \$ 4,305,291, plus applicable taxes, for an initial contract term of two years, for the provision of legal services for individuals who otherwise would not be able to afford it. This agreement is pursuant to Section 5 of the Interlocal Agreement by the City and Pierce County dated November 23, 2003. All services rendered by the Department of Assigned Counsel are for indigent individuals who appear before the Municipal Court.

BACKGROUND:

The Office of Management and Budget (OMB) works with the Pierce County Department of Assigned Counsel (DAC) to update this contract on a yearly basis. This contract is very similar to past contracts between the City and the DAC. The Department of Assigned Counsel regularly provides data to the Office of Management and Budget to evaluate the performance of this contract. Exhibit C of the contract details the data collected by the Department of Assigned Counsel and provided to OMB—including but not limited to caseload per attorney, types of cases handled by the DAC, and outcomes.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Not all individuals are able to pay for legal advice. Because legal proceedings affect individuals of all income levels, the US and Washington State Supreme Courts have found that the provision of legal services is essential for those who may not be able to afford them. This contract ensures that individuals appearing before the City Municipal Court who may not be able to afford a lawyer have access to legal advice.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Access to legal services is important for anyone who appears before a court of law. The Sixth Amendment of the United States Constitution explicitly protects the right “to have the Assistance of Counsel.” Thus, access to legal advice is at the very heart of American democracy. As such, this contract fulfills the vision of equal access to legal advice, not merely for those who can afford it.

Civic Engagement: *Equity Index Score:* Moderate Opportunity

Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Livability: *Equity Index Score:* Moderate Opportunity

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Increase positive public perception of safety and overall quality of life.



STAFF RECOMMENDATION:

Staff recommends approval of the contract with the Department of Assigned Counsel, Pierce County.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Do not approve contract		Delay in contract award, potential service disruption
2. Seek other service providers		Potential service disruption, potential conflict with interlocal agreement

EVALUATIONS AND FOLLOW UP:

Terms of the contract require the Department of Assigned Counsel to provide the Office of Management and Budget with performance metrics. These metrics are available upon request.

FISCAL IMPACT:

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. 0010 – General Fund – Non-Departmental	654000	5311300	\$2,137,418
TOTAL			\$2,137,418

What Funding is being used to support the expense? General Fund Revenues

Are the expenditures and revenues budgeted in this biennium’s current budget?

YES

Are there financial costs or other impacts of not implementing the legislation?

YES. Failure to renew this contract could potentially disrupt provision of this service.

Will the legislation have an ongoing/recurring fiscal impact?

YES. This contract sets the terms for FY 2020 (\$2,137,418 impact to the current budget) and FY 2021 (\$2,167,873 impact to the budget under development).

Will the legislation change the city’s FTE/personnel counts?

No

ATTACHMENTS:

- Contract for Indigent Defense Legal Services, Department of Assigned Counsel, Pierce County