



Receiving #8752.02

**SECOND AMENDMENT TO CONTRACT FOR SERVICES
(ORIGINAL CONTRACT NUMBER: 8752)**

Whereas an agreement was entered into by and between the City of Shoreline, Washington, and Sarah Roberts, PLLC on March 2, 2017; and said agreement was later amended on December 1, 2017; and

Whereas the parties desire to amend said agreement once again in order to reflect a change of circumstances, to wit:
Increase total compensation and term of the contract, as well as increase the Scope of Services as shown on Exhibit A-1.

Now, therefore, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Existing Agreement Amended:**

The City and Sarah Roberts, PLLC entered into an agreement on March 2, 2017 identified as: Agreement for Prosecution Services.

The City and Sara Roberts, PLLC entered into an amendment to said agreement, identified as First Amendment No. 8752.01, dated December 1, 2017.

The parties hereby amend the original agreement as amended.

2. **Amendment to Existing Agreement:** The agreement is amended in the following respect(s):

Exhibit A is deleted in its entirety and replaced with Exhibit A-1.

Section 2 Compensation is amended as follows:

a. Services will be paid at the rate of \$17,265.25 per month not to exceed a maximum of \$207,183 per year for the base rate services, without prior written approval of City including all fees, infrastructure, support and systems necessary to perform the services agreed to herein, with annual COLA adjustments at 90% CPI-U.

b. Additional compensation in the amount of \$750 per half day calendar, not to exceed \$12,000 annually, for additional in custody hearings of up to two hearings per month as determined and scheduled by mutual agreement of the City and the Attorney.

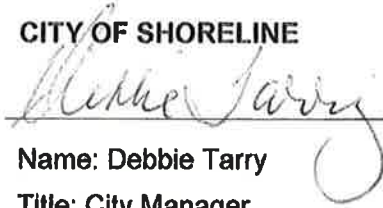
c. Beginning January 1, 2020, through May 31, 2020, the City shall pay \$1,925 per Community Court proceeding. Beginning June 1, 2020 through the remainder of this contract, the City shall compensate the attorney at a rate of \$1,000 per Community Court proceeding, with annual COLA adjustments at 90% CPI-U beginning January 1, 2021. A Community Court proceeding is defined as one half day per week on Tuesday afternoon at Shoreline City Hall.

Section 3. Term is extended to end at midnight on the 31st day of December, 2022.

3. **Terms and Conditions of Existing Agreement Remain the Same:** The parties agree that, except as specifically provided in this amendment, the terms and conditions of the existing agreement continue in full force and effect.

EXECUTED, this the ^{12th} day of ^{July} January, 2020.

CITY OF SHORELINE



Name: Debbie Tarry

Title: City Manager

CONSULTANT



Name: Sarah Roberts

Title: City Prosecutor

EXHIBIT A -1
CITY OF SHORELINE
SCOPE OF SERVICES

I. Scope of Services

Attorney shall ensure that prosecution services are provided on behalf of the City for individuals charged with misdemeanor or gross misdemeanors filed by the City of Shoreline in Shoreline Municipal Department of Shoreline District Court. Representation at in-custody preliminary hearings and arraignments at the King County Jail, Regional Justice Center, SCORE jail or other venue other than Shoreline District Court is not required, with the exception of Community Court hearings held at Shoreline City Hall on Tuesday afternoon. The lead managing prosecuting attorney shall also act as the City liaison with respect to prosecutorial related questions and court scheduling.

Attorney will provide all supplies, equipment and shall provide an adequate number of attorneys and support staff to efficiently manage the court calendar in a manner which avoids unnecessary delays in completing the calendar, or unnecessary periods in custody. Sufficient attorneys shall be provided to prosecute cases during vacation and illness.

Shoreline regular court calendar days are currently Monday afternoon, Thursday all day, and Tuesday mornings at the Shoreline Courthouse. Jury trials are typically held on the last full week of each month (Monday, Tuesday, Thursday, and Friday, with Jury call the 3rd Wednesday). Community Court is currently held at City Hall on Tuesday afternoons beginning at 12:30 p.m. The City Court Calendar is set forth in the Table below:

City of Shoreline Court Schedule				
Monday	Tuesday	Wednesday	Thursday	Friday
Shoreline Courthouse				
10:15 a.m. (Contested infractions w/ witnesses; first Monday of the month) 1:30 – 4:00 p.m. (regular court)	8:45 a.m. – 12:00 p.m. (regular court)	1:30 – 4:00 p.m. (jury call, 3 rd Wednesday only)	8:45 a.m. – 4:00 p.m. (regular court)	
Shoreline City Hall				
	12:30 – 4:00 p.m. (Comm. Court)			
Shoreline Courthouse – Jury Trials (4th week of the month)				
8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.	8:45 a.m. – 4:00 p.m.

Services include:

- Charge through criminal complaint based on officer reports
- Prepare pleas and pleadings
- Draft pleadings
- Provide victims and witnesses with information about the legal process and options available to them through the legal system
- Assist victims of domestic violence including telephone counseling, assessing the victims' immediate safety needs and providing assistance with appropriate community resources
- Assist victims of domestic violence with obtaining protection orders whether or not criminal charges have been filed
- Prosecute jury trials one week per month on Monday, Tuesday, Thursday and Friday
- Prosecute bench trials, vehicle impounds, sentencing and motion hearings scheduled on Thursday afternoon
- Conduct pre-trial hearings scheduled on Tuesday mornings and Thursdays
- Provide written bail requests and conditions of release for arraignment hearings and attend specific arraignment hearings at the request of the City or Police
- Attend probation review hearings on Monday afternoon
- Attend Community Court on Tuesday afternoon
- Attend in-custody hearings on Tuesday and Thursday
- Attend and prosecute contested infraction hearings requiring testimony of civilian and police witnesses scheduled on the first Monday morning of each month
- Prosecute and defend all RALJ appeals in State court
- Defend Writs of Habeas Corpus and Personal Restraint petitions in State court up to 40 hours per year. If the City elects to hire the Attorney to defend these petitions beyond a total of 40 hours per year, the City agrees to pay Attorney \$150 per hour for each hour in excess of 40 hours per year
- Consult with the City and the Court and act as the City's liaison related to prosecution and District Court administrative matters

Prosecution and City representation will extend through final disposition and shall include any appeals filed, and post-conviction probation violations or sentence notification; or 60 days after a defendant has failed to appear at a mandatory hearing. Representation shall include all counts arising from a single transaction or event and or charged in a single complaint.

Attorney will prosecute all defendants unless the Rules of Professional Responsibility prohibit representation of the City.

II. Billing, Reporting and Consultation

- Monthly billings shall be prepared ten (10) working days after the end of each calendar month using the City's Professional Services Invoice form.
- Provide quarterly reports in printed and electronic format (Microsoft Excel) showing offender, offense(s), case number, and case disposition.

- Attend conferences with the City's representative as needed to review performance, develop and monitor performance benchmarks, review issues of common concern.
- Attendance at any King County District Court – Shoreline Courthouse - or City initiated meetings to address any ad hoc or ongoing issues or concerns with prosecution related issues or Court operations, or to review, revise or enhance district court operations, if necessary.
- In-person discussion with the City's contract manager, if initiated by the contract manager, at the end of each annual term of the Agreement to discuss any issues with the Agreement or services provided over the preceding year.

III. Associated Counsel

- Any counsel associated with, contracted or employed by the Attorney shall have the authority to perform the services set forth in this Scope of Services. Attorney and all associates or attorneys who perform the services set forth in this Agreement shall be admitted to the practice pursuant to the rules of the Supreme Court of the State of Washington and will at all times remain members in good standing of the Washington State Bar.
- Attorney shall be responsible for this Agreement, notwithstanding that other counsel may be employed or associated by the Attorney to perform services hereunder. The Attorney shall actively supervise associated and employed counsel throughout the term of this Agreement and during any renewals or extensions, to ensure that all cases are promptly and effectively handled. Sufficient counsel shall be provided to prosecute cases during vacation and illness.

IV. Record Keeping and Confidentiality

Records must be maintained and archived according to the Washington State Public Records Act chapter 42.56 RCW, chapter 44-14 WAC. Confidential information shall be adequately protected as required by law and as otherwise set forth in the Agreement between the Attorney and the City.

V. Compensation

Work performed for prosecution services shall be billed at the flat monthly rate of Sixteen Thousand Dollars (\$16,000), including all fees and expenses, beginning in January 2017. If extended, fees shall be adjusted by 90% of the increase for CPI-U (June), at the beginning of each calendar year the contract is extended, beginning January 2018. In addition, Attorney shall receive additional compensation in the amount of \$750 per half day calendar for additional in custody hearings of up to two hearings per months, as determined and scheduled by mutual agreement of the City and the Attorney. An additional amount of \$71,425 for Community Court proceedings for 2020 and then an amount of \$1,000 per Community Court proceeding, in accordance with the Contract and the City of Shoreline Court Schedule above. Beginning January 1, 2020, through May 31, 2020, the City shall pay \$1,925 per Community Court proceeding. Beginning June 1, 2020 through the remainder of this contract, the City shall compensate the attorney at a rate of \$1,000 per community Court

proceeding, with annual COLA adjustments at 90% CPI-U beginning January 1, 2021. A community Court proceeding is defined as one half day per week on Tuesday afternoon at Shoreline City Hall.

VI. Payment Terms

A service charge shall accrue at the rate of 12% per annum (1% per month) and be added to any balance remaining unpaid sixty (60) days after the statement date.

VII. Code Provided

The City shall notify Attorney of any amendments or adoptions to the Shoreline Municipal Code that may relate to Scope of Services including, but not limited to, annexation that may impact jurisdictional boundaries of the City.

Heidi Webb

From: Darcy Forsell
Sent: Wednesday, July 15, 2020 2:17 PM
To: Heidi Webb
Subject: FW: [EXTERNAL] Second Amendment[84148].pdf
Attachments: Second Amendment[84148].pdf

From: Sarah Roberts <Sarahmroberts@comcast.net>
Sent: Wednesday, July 15, 2020 2:14 PM
To: Darcy Forsell <dforsell@shorelinewa.gov>
Subject: [EXTERNAL] Second Amendment[84148].pdf

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Darcy,

I am attaching the approved signature page for contract #8572.02 and attest that I have approved this contract.

Sincerely,
Sarah Roberts

Sent from Mail for Windows 10