



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119260

Record No.: CB 119260

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125583

In Control: City Clerk

File Created: 05/07/2018

Final Action: 06/01/2018

**Title:** AN ORDINANCE related to civil legal aid services; authorizing an amendment to the Interlocal Agreement for Public Defense Services with King County, previously authorized under Ordinance 125411, to carry out a program for civil legal services for indigent clients according to the terms of Resolution 31802.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – First Amendment to ILA for Public Defense

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:  Yes  No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	05/15/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	05/15/2018	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	05/17/2018	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	<b>Notes:</b>						

- 1 City Council 05/21/2018 referred Civil Rights, Utilities, Economic Development, and Arts Committee  
**Action Text:** The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee  
**Notes:**
- 1 Civil Rights, Utilities, Economic Development, and Arts Committee 05/22/2018 pass Pass  
**Action Text:** The Committee recommends that Full Council pass the Council Bill (CB).  
**Notes:**  
In Favor: 2 Chair Herbold, Member O'Brien  
Opposed: 0
- 1 City Council 05/29/2018 passed Pass  
**Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:  
**Notes:**  
In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant  
Opposed: 0
- 1 City Clerk 05/30/2018 submitted for Mayor's signature Mayor
- 1 Mayor 06/01/2018 Signed  
**Action Text:** The Council Bill (CB) was Signed.  
**Notes:**
- 1 Mayor 06/01/2018 returned City Clerk  
**Action Text:** The Council Bill (CB) was returned. to the City Clerk  
**Notes:**
- 1 City Clerk 06/01/2018 attested by City Clerk  
**Action Text:** The Ordinance (Ord) was attested by City Clerk.  
**Notes:**
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**CITY OF SEATTLE**

**ORDINANCE** 125583

**COUNCIL BILL** 119260

AN ORDINANCE related to civil legal aid services; authorizing an amendment to the Interlocal Agreement for Public Defense Services with King County, previously authorized under Ordinance 125411, to carry out a program for civil legal services for indigent clients according to the terms of Resolution 31802.

WHEREAS, civil legal aid has been a critical means for vulnerable populations in safeguarding their basic legal rights, navigating the intricacies of the justice system, and avoiding unanticipated collateral consequences to benefits, employment, housing, and other impacts to quality of life; and

WHEREAS, clients and public defenders may not fully understand the civil consequences of criminal convictions and plea agreements on housing, child and family issues, licensure, employment, public benefits, and other issues; and

WHEREAS, the Revised Code of Washington (RCW 2.53.005) states that “[t]he provision of civil legal aid services to indigent persons is an important administration of civil and criminal justice”; and

WHEREAS, the Seattle City Council appropriated civil legal aid funding for the King County Department of Public Defense (KC DPD) to hire civil legal aid attorneys tasked with providing civil legal advice in plea agreements to avoid collateral consequences; and

WHEREAS, the KC DPD civil legal aid attorneys provided civil legal advice for 297 clients since July 2017 and have successfully advised public defenders and clients in pursuing better outcomes involving collateral consequences including, but not limited to, proper enforcement of the Fair Change Employment Ordinance, preservation of Social Security

1 benefits, eviction prevention, management of legal financial obligations, obtaining  
2 protective orders against abusers, and education for non-citizens on legal rights; and

3 WHEREAS, King County (County) operates and maintains a Department of Public Defenses  
4 (KC-DPD), and is available to continue to provide such legal services to the City; and

5 WHEREAS, the County and the City are currently Parties to the Interlocal Agreement for Public  
6 Defense Services which became effective January 1, 2018 and will be effective through  
7 December 31, 2022; and

8 WHEREAS, KC-DPD provides civil legal aid attorneys to provide civil legal advice in plea  
9 agreements to avoid collateral consequences; and

10 WHEREAS, the City Council adopted Resolution 31802 on March 19, 2018, approving a scope  
11 of work to provide civil legal representation for misdemeanor defendants in Seattle  
12 Municipal Court; and

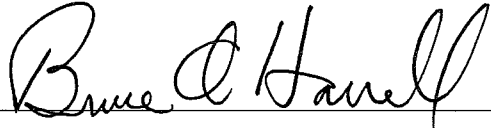
13 WHEREAS, the Parties are desirous of an amendment to the current agreement to allow direct  
14 civil legal representation where criminal convictions and plea agreements result in civil  
15 consequences related to housing, child and family issues, licensure, employment, public  
16 benefits, and other issues; NOW, THEREFORE,

17 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

18 Section 1. The City Budget Director or the Director's designee is authorized to execute,  
19 for and on behalf of The City of Seattle, an amendment to the King County and The City of  
20 Seattle Interlocal Agreement for Public Defense Services substantially in the form of the First  
21 Amendment to the Interlocal Agreement for Public Defense Services between The City of  
22 Seattle and King County, attached to this ordinance as Attachment 1.

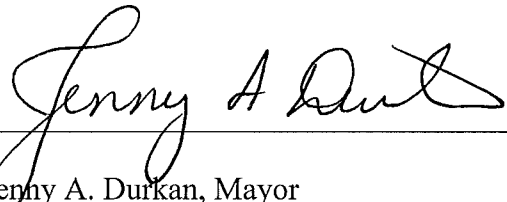
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 29<sup>th</sup> day of May, 2018,  
5 and signed by me in open session in authentication of its passage this 29<sup>th</sup> day of  
6 May, 2018.

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\_\_\_\_\_

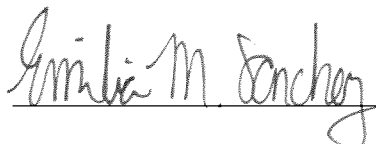
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 1<sup>st</sup> day of June, 2018.

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\_\_\_\_\_

11 Jenny A. Durkan, Mayor

12 Filed by me this 1<sup>st</sup> day of June, 2018.

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14 for Monica Martinez Simmons, City Clerk

15 (Seal)  
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20 Attachments:

21 Attachment 1 – First Amendment to the Interlocal Agreement for Public Defense Services  
22 between The City of Seattle and King County

**First Amendment to the  
Interlocal Agreement for  
Public Defense Services  
Between The City of Seattle and King County**

This First Amendment to the Interlocal Agreement for Public Defense Services (First Amendment) is entered by and between The City of Seattle, a Washington municipal corporation (City) and King County, a Washington municipal corporation and legal subdivision of the State of Washington (County). The City and County are each a “Party” and together the “Parties” to this Agreement. The Parties agree as follows.

**RECITALS**

This First Amendment is made with reference to the following facts:

- A. The County and the City are Parties to the Interlocal Agreement for Public Defense Services which became effective on January 1, 2018 (the Agreement).
- B. The Parties mutually desire to make an amendment to the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to amend the Agreement as follows:

**1. Section 6: Scope of Work**

- A. The civil legal services scope of work found in Subsection 6.E.14 is amended as follows:

14. Civil Legal Services: The County will

- a) Provide comprehensive advocacy to CLIENTS to fully advise CLIENTS regarding civil collateral consequences related to criminal plea agreements, and to assist CLIENTS in mitigation and avoidance of such consequences. KC-DPD attorneys with experience in civil legal representation will work collaboratively with KC-DPD criminal defense attorneys and social workers to assess CLIENTS’ legal needs and to assist with plea negotiations. These attorneys will also be involved in community trainings, public education, and data collection and analysis.
- b) DPD attorneys may also represent Clients in civil legal proceedings where doing so will mitigate the harm of criminal justice involvement for the Client under the following circumstances:

- i. The Client is not represented by a Conflict Attorney Panel attorney;
- ii. The Client is experiencing legal problems in one or more of the following areas:
  - (a) evictions,
  - (b) housing discrimination,
  - (c) public benefits,
  - (d) matters involving no contact or protection orders, and
  - (e) issues involving licensing, records, and legal financial obligations.

- c) Evictions and matters involving clients from communities most adversely impacted by racial inequity in the criminal justice system will be prioritized. In deciding which Clients to represent in civil legal proceedings, DPD will also consider the Client's ability to represent herself, the complexity of the civil case, and departmental resources required to complete the representation. The Public Defender must approve such representation and this approval process must be consistent across the DPD divisions providing services under this agreement.

B. The duties and responsibilities of attorneys is amended in Subsection 6.F.2 as follows:

2. Use City funding to represent Clients in criminal matters in SMC and related infractions, writs, and RALJ appeals. KC-DPD attorneys shall not use City funding to represent Clients in any matter which is civil in nature other than infractions and writs arising out of, or relating to a Criminal Case and civil legal services relating to plea agreements as provided under Section 6.E.14.

**Continued Effect of Terms not amended; Agreement includes Amendments.**

All of the terms and conditions of the Agreement, shall continue in full force and effect as written except as expressly modified by this First Amendment. If there is any inconsistency or conflict between the terms of the Agreement as originally executed by the Parties, and the terms of this First Amendment, this First Amendment shall govern, but only to the extent necessary to resolve the inconsistency or conflict. From and after the Effective Date of this First Amendment, all references to the Agreement shall mean the Parties' original Interlocal Agreement for Public Defense Services as amended by the First Amendment.

IN WITNESS WHEREOF, in consideration of the terms, conditions, and covenants contained herein, or attached and incorporated and made a part hereof, the parties have executed this First Amendment by having their representatives affix their signatures below.

**KING COUNTY**

**THE CITY OF SEATTLE**

By \_\_\_\_\_  
Signature Date  
  
Lorinda Meier Youngcourt  
Director,  
Department of Public Defense

By \_\_\_\_\_  
Signature Date  
  
Ben Noble  
Director,  
City Budget Office