

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2012-14

SUBJECT: Indigent Defense Standards

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 08/29/2012
- (X) Passed by the City Council: 09/05/2012
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 09/21/2012
- (X) Effective: 09/26/2012
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
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- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website

Jill A. Boltz
City Clerk

September 14, 2012
Date

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE PROVISIONS OF PMC 2.20.030 and 2.20.040 TO ADOPT INDIGENT DEFENSE STANDARDS REQUESTING THE MAYOR AND STAFF TO BEGIN A PROCESS TO EVALUATE CASE COUNTS, REVIEW STANDARDS, AND POTENTIAL ADDITIONS TO OR CLARIFICATIONS THEREOF; INCORPORATION OF THE STANDARDS INTO PUBLIC DEFENSE CONTRACTS, AND PROVIDING FOR A CONTINUING PROCESS TO REVIEW AND UPDATE THESE STANDARDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, RCW 10.101.030 requires each City to adopt public defense standards, establishing as guidance the standards of the Washington State Bar Association -- Standards for Indigent Defense Services, approved June 3, 2011, and

WHEREAS, the City enacted Chapter 2.20 Public Defense Services in accordance with state law, and

WHEREAS, the Supreme Court of Washington by order No. 25700-A-1004 adopted June 15, 2012, has adopted "New Standards for Indigent Defense" to be effective September 1, 2012 since extended to October 1, 2012 with the exception of Standard 3.4 relating to case counts to be effective September 1, 2013, and

WHEREAS, the Poulsbo City Council has a limited meeting schedule for the month of August and deems it to be in the public interest to adopt the new State Bar Association standards by reference, adopting as guidance the Washington State Bar Association guidelines, as a first step in the process of conducting a complete review of standards for indigent defense, incorporating those standards in its public defense contract, providing for each public defender providing services to the City to meet such

standards, and initiating an ongoing process to evaluate the City's indigent defense case loads and determine, well prior to September 1, 2013 an appropriate methodology for counting and, as necessary, weighting cases, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Poulsbo Municipal Code, Chapter 2.20 **PUBLIC DEFENSE SERVICES** Section 2.20.030 **Duties and responsibilities of counsel** is hereby amended to read as follows:

2.20.030 Duties and responsibilities of counsel.

Pursuant to the requirements of RCW 10.101.030, indigent defense shall be provided by counsel in accordance with the standards established in Order No. 25700-A-100 of the Supreme Court of Washington, provide, however, that Standard 3.4 shall not become effective until September 1, 2013. The guidelines adopted by the Washington State Association as Standards for Indigent Defense Services, approved by the Board of Governors on July 3, 2011 shall serve as a guide to interpret and apply the Supreme Court standards. In addition, counsel shall follow the duties and responsibilities set forth in the individual contract, included but not limited to:

- A. Counsel shall maintain and practice insurance with agreed-upon policy limits.
- B. The individual contract shall require that public defender services be provided to all clients in a professional, skilled manner consistent with the minimum standards established, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal case.
- C. Counsel shall certify compliance with the Standards to the Poulsbo Municipal Court and shall provide copies of all certifications to the City.

Section 2. The Poulsbo Municipal Code Chapter 2.20 **PUBLIC DEFENSE SERVICES**, Section 2.20.040 **Case load limits and types of cases** is hereby amended to read as follows:

2.20.040 Case load limits and types of cases.

In anticipation of the implementation of Standard 3.4 of the Supreme Court rules, the City hereby indicates its preliminary intent to utilize an unweighted system. The City reserves the right to amend the case count methodology based upon its assessment of the needs of the City. Until September 1, 2013, counsel shall comply with the limitations contained in the existing contract. The types of cases for which representation is to be provided and the maximum number of cases which each attorney shall be expected to handle shall be incorporated in the individual contract.

Section 3. The City Council emphasizes that its action initiates a process for review for standards for indigent defense and requests the Mayor and staff to begin a process to review and update these standards:

3.1 The staff is requested to use as guidelines the Washington State Bar Association Standards for Indigent Defense Services, as approved by the Board of Governors June 3, 2011. The Washington State Bar Association guidelines shall also serve as a guide to interpret and apply the standards adopted by the Supreme Court of Washington.

3.2 Work cooperatively with the contractors providing public defense services to the City, the Poulsbo Municipal Court, to review the case loads of public defenders and provide a report to the City Council regarding the number and type of cases to which public defenders are assigned.

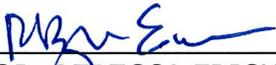
3.3 Review all existing contracts, and initiate extensions as appropriate to provide sufficient time for the City Council to evaluate the case count information in order to determine an appropriate case count level and, if appropriate, a weighting system for adoption by September 1, 2013.

Section 4. Severability. If any section, sentence, clause or phrase of

this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

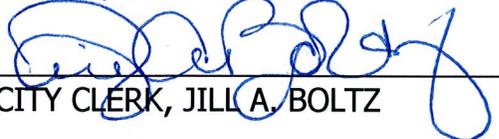
Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK, JILL A. BOLTZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 08/29/2012
PASSED BY THE CITY COUNCIL: 09/05/2012
PUBLISHED: 09/21/2012
EFFECTIVE DATE: 09/26/2012
ORDINANCE NO. 2012-14

SUMMARY OF ORDINANCE NO. 2012-14

of the City of Poulsbo, Washington

On the 5th day of September, 2012, the City Council of the City of Poulsbo, passed Ordinance No. 2012-14. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE PROVISIONS OF PMC 2.20.030 and 2.20.040 TO ADOPT INDIGENT DEFENSE STANDARDS REQUESTING THE MAYOR AND STAFF TO BEGIN A PROCESS TO EVALUATE CASE COUNTS, REVIEW STANDARDS, AND POTENTIAL ADDITIONS TO OR CLARIFICATIONS THEREOF; INCORPORATION OF THE STANDARDS INTO PUBLIC DEFENSE CONTRACTS, AND PROVIDING FOR A CONTINUING PROCESS TO REVIEW AND UPDATE THESE STANDARDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 11th day of September, 2012.


CITY CLERK, JILL A. BOLTZ