

**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 06/09/2016
Agenda Item: 5B11**

ACTION: Approve one-year contract renewals with Scott McAlister (Division I), Robert A. Butler (Division II), and Samantha Herd (Division III) to provide public defender representation for indigent defendants whose cases are filed with the City of Tempe Municipal Court.

FISCAL IMPACT: Total combined cost of these contracts will not exceed \$300,000 during the one-year contract period. Sufficient funds have been budgeted in the General Fund – Cost Center 1410 (Judicial Division – Administration) – for the anticipated expenditures.

RECOMMENDATION: Approve the renewal of the contracts.

BACKGROUND INFORMATION: (T16-016) City Council originally approved the award of contracts to Scott McAlister (Division I), Robert A. Butler (Division II) and Samantha Herd (Division III) to provide public defender representation for indigent defendants whose cases are filed with the City of Tempe Municipal Court on August 13, 2015 for an initial one-year contract period with four, one-year renewal options. This renewal request is for the first of four available renewal options.

The law requires that people charged with crimes who face the possibility of being sentenced to jail have an attorney present to represent them if they cannot afford one. Additionally, the public defenders may provide representation for Seriously Mentally Ill (SMI) individuals and Veterans’ Court participants. The City has utilized contracted public defenders to provide these services for in excess of twenty years.

The Tempe Municipal Court contracts for three public defender positions. The attorneys assigned to Division I and Division II have a workload of approximately 500 annual cases each, the Division III position has a workload of approximately 300 annual cases. These attorneys also provide public defender services for indigent defendants who have been arrested and held to be seen at assigned in-custody dockets.

The Tempe Municipal Court has some of the lowest costs for indigent representation among municipal courts of similar size and seeks reimbursement, when possible, by assessing fees to some defendants to offset a portion of the costs attributed to their defense.

Contractor Performance

The performance of the Public Defenders was scored by the Tempe Municipal Court as follows:

Criteria	Scott McAlister	Robert A. Butler	Samantha Herd
Personnel are responsive, cooperative and available	A	A	A
Overall quality of products or services delivered	A	A	A
Timeliness of performance	A	A	A
Quality of follow-up in resolving complaints or problems	A	A	A
Firm’s promptness in submitting accurate invoices	A	A	A

A = Exceeds Standards; B = Meets Standards; C = Below Standards

Renewal Cost

There is no change in the compensation rate (\$150 per case) with this renewal.

ATTACHMENTS: None

STAFF CONTACT(S): Deborah Schaefer, Court Administrator, (480) 350-8252

Department Director: Renie Broderick, Internal Services Director

Legal review by: David Park, Assistant City Attorney

Prepared by: Tony Allen, CPPB, Procurement Officer