

Subject: RES 761 – Amendment #4 to Interlocal Agreement With City of Fircrest for Municipal Court Services

Dept. Origin: Mayor

**Prepared by: Jennifer Robertson
 City Attorney’s Office**

For Agenda of: December 6, 2022

Exhibits: RES 761 & Amendment #4 to Interlocal Agreement for Court Services

Initial & Date

Concurred by Mayor: _____

Approved/form by City Atty: JSR/11-15-22

Approved by _____ Director: _____

Approved by Department Head: _____

Proposed Council Action:

Adopt Resolution No. 761.

INFORMATION / BACKGROUND

Ruston entered into an interlocal agreement with the City of Fircrest for the provision of municipal court services in 2018 via passage of Resolution No. 688. The original Agreement took effect on January 1, 2019 and was a one-year agreement. The Agreement automatically renews unless notice to terminate is provided by October 1st for the next fiscal year. The initial cost of the Court services was \$232,000 for up to 2,500 cases, with additional cases costing the City \$90 per case. This expense will be offset to some degree by Ruston receiving any/all fines or other payments made to the Court on Ruston cases.

The proposed amendment does two things:

1. It extends the Agreement through the end of 2023; and
2. It increases the fixed annual cost to \$254,100 to account for Ruston’s proportionate cost of increases in annual expenses of the Court.

Other than these changes, the Agreement will remain the same.

FISCAL CONSIDERATION

The expected annual cost for 2023 under this Amendment is \$254,100.

RECOMMENDATION / MOTION

Adopt Resolution No. 761.

MOTION: I move approval of Resolution No. 761 authorizing the Mayor to execute an Amendment to the Interlocal agreement with the City of Fircrest for the municipal court services and to implement this agreement.

RESOLUTION NO. 761

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #4 TO THE INTERLOCAL AGREEMENT WITH THE CITY OF FIRCREST FOR MUNICIPAL COURT SERVICES.

WHEREAS, in accordance with Chapter 39.34 RCW, the “Interlocal Cooperation Act”, the City is authorized to contract with other governmental agencies to provide services that the City is authorized to perform; and

WHEREAS, Ruston entered into an interlocal agreement with the City of Fircrest for the provision of municipal court services in 2018 via passage of Resolution No. 688; and

WHEREAS, the original Agreement took effect on January 1, 2019 and was a one-year agreement which automatically renews unless notice to terminate is provided by October 1st for the next fiscal year; and

WHEREAS, the Parties wish to enter into an Amendment to extend the Agreement through 2023 and to adjust the Agreement costs to account for Ruston’s proportionate cost of increases in annual expenses of the Court; and

WHEREAS, the City Council finds it in the public interest to authorize the Mayor to execute the proposed Amendment #4 to the Interlocal Agreement for Municipal Court Services with the City of Fircrest which is attached to this Resolution as Exhibit “1”; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Authorization of Agreement. The Mayor is hereby authorized to execute Amendment #4 to the Interlocal Agreement for Municipal Court Services between the City of Ruston and the City of Fircrest in substantially the form attached hereto as Exhibit “1”.

Section 2. Implementation of Agreement. The Mayor is hereby authorized to take all necessary steps to implement the Agreement.

Section 3. Posting on Website Required. The Clerk is directed to post a copy of this Agreement, once fully executed, on the City’s website.

RESOLVED this 6th day of December, 2022.

APPROVED:

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: _____ 761 _____

Attachment “1”
Interlocal Agreement
Between
City of Fircrest
and
City of Ruston
For Municipal Court Services

AMENDMENT #4

**TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF FIRCREST AND THE
CITY OF RUSTON FOR THE PROVISION OF MUNICIPAL COURT, PROSECUTION
AND PUBLIC DEFENDER SERVICES**

This Amendment #4 hereby made and entered into this __ day of __, 2022, by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as "Fircrest" and the City of Ruston, a Washington municipal corporation, hereafter referred to as "Ruston," to be effective January 1, 2023.

The parties hereby amend their existing Agreement as follows:

The purpose of this amendment is to amend the November 1, 2018 agreement. This amendment is limited to the amendments as set forth herein. All of the remaining terms and conditions of the November 1, 2018 agreement as amended shall remain in full force and effect. The amendments are as follows:

1. **Section H. Term** is hereby amended to read as follows:

The initial term of this Agreement is November 1, 2018, through December 31, 2019, with the parties consulting on a regular basis to establish whether amendments are needed to achieve the best results possible for both parties. Without such notice by October 1st of each year, the Agreement will automatically renew as is for the following fiscal year. The term of this Agreement shall be extended to be in effect from January 1, 2023, to December 31, 2023, and may be extended or modified by mutual consent of the parties.

2. **Subsection 1 of Section D. Financial Provisions** is hereby amended to read as follows:

In the event that Ruston appoints Fircrest's judge as judge of the Ruston Municipal Court, Ruston shall pay to Fircrest an annual fee of \$254,100. The annual fee shall be determined based on the cost of the Fircrest Municipal Court and includes factors such as the cost of the court system and administrative costs associated with running the court. The fee will be reviewed and adjusted on an annual basis. Ruston shall be notified of the changes to the calculation of court costs and administrative costs. This fee shall be invoiced and paid monthly.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in two counterparts, each of which shall be deemed as originals, in the year and day first above mentioned.

CITY OF FIRCREST

CITY OF RUSTON

Colleen Corcoran, Interim City Manager

Bruce Hopkins, Mayor

Dated: _____

Dated: _____

Attest:

Attest:

Jayne Westman, City Clerk

City Clerk

Approved As To Form:

Approved As To Form:

City Attorney



Jennifer S. Robertson, City Attorney