



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 4/20/2021

TEAM: Legal

STAFF CONTACT: Ron Shaver and Kristi Orbin

SUBJECT: One-year contract extension with Donald J. Smith, Timothy J. Arehart, and Lenin Guerra for public defender services with the Municipal Court.

ITEM DESCRIPTION:

Consideration of one-year contract extension with Donald J. Smith, Timothy J. Arehart, and Lenin Guerra for Public Defender services with the Municipal Court.

SUMMARY:

On May 1, 2018, the City Council awarded a competitively bid contract to attorneys Donald J Smith, Timothy J Arehart, and Lenin Guerra to provide public defender services for cases in the Olathe Municipal Court. The Public Defenders represent all defendants found indigent by the Court who are facing possible jailtime.

The 2018 contract (**Attachment A**) had an initial three-year term which runs through April 30, 2021. The Contract also includes two optional one-year contract extensions.

The 2018 contract was amended on May 7, 2020 (**Attachment B**). The 2020 amendment was made to account for docket cancellations, and provides that during any period of docket cancellation, the Public Defender will be paid \$150.00 per hour upon submission and approval of itemized invoices for legal services. For any month when dockets are partially cancelled, the flat fee would be prorated for the days when the dockets were not cancelled.

The Municipal Court spent \$83,200 in the first two contract years and \$81,500 in the last contract year due to docket cancellations in May, 2020.

Staff recommends approving a one-year contract extension with Donald J. Smith, Timothy J. Arehart, and Lenin Guerra for an additional one-year term from May 1, 2021 through April 30, 2022 (**Attachment C**).

FINANCIAL IMPACT:

Estimated annual expenditures for Public Defender services will be \$83,200 which will be charged to the Municipal Court operating budget.

ACTION NEEDED:

Approve the contract extension with Donald J. Smith, Timothy J. Arehart, and Lenin Guerra for Public Defender services with the Municipal Court.

ATTACHMENT(S):

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- A. 2018 Contract for Public Defender Services
- B. 2020 Amendment to Public Defender Contract
- C. Extension of 2018 Contract for Public Defender Services