



Legislation Details (With Text)

File #: RES 17-0074 **Version:** 1
Type: Consent - SR w/Resolution **Status:** Agenda Ready
In control: City Council Regular Meeting
On agenda: 7/5/2017 **Final action:**
Title: Approval of Restated and Amended Agreement with Joan Stein Jenkins for Municipal Code Prosecution Services (City Attorney Barrow).
ADOPT RESOLUTION NO. 17-0074 APPROVING AGREEMENT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 17-0074, 2. Amended Agreement

Date	Ver.	Action By	Action	Result
7/5/2017	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Mark Danaj, City Manager

FROM:
Quinn M. Barrow, City Attorney

SUBJECT:
Approval of Restated and Amended Agreement with Joan Stein Jenkins for Municipal Code Prosecution Services (City Attorney Barrow).
ADOPT RESOLUTION NO. 17-0074 APPROVING AGREEMENT

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution approving the agreement between the City and Ms. Jenkins for prosecution services.

FISCAL IMPLICATIONS:

The projected legal costs for prosecutor services during the next fiscal year - \$95,904 -are included within the adopted budget for FY 2017-18. While the proposed hourly rate is higher than the current rate, we anticipate a decrease in prosecution costs because of increased reliance on the administrative citation process, where criminal prosecution services are not needed.

BACKGROUND

In 1997, the City entered into an agreement with Joan Stein Jenkins under which Ms. Jenkins has prosecuted municipal code violation. The hourly billing rate established pursuant to the 1997 agreement was \$70, and was increased thereafter. The rate was last increased by the former City Attorney to \$110 at some time prior to 2012.

DISCUSSION

For over 20 years, Joan Stein Jenkins has served as Manhattan Beach's primary prosecutor, initiating criminal investigations, obtaining warrants, filing criminal actions, conducting office conferences, and other legal proceedings to enforce the City's municipal code. Ms. Jenkins appears in Torrance Superior Court and represents the City for booking fee hearings, probation violation and restitution proceedings. In addition, she has advised department heads, law enforcement personnel, code enforcement personnel, and acts as a resource in the City Attorney's office for city staff.

She has been a pioneer in working with the Police Department on a juvenile diversion program, which has been cited as a model by other jurisdictions. The program, implemented in 2012, is offered to juveniles who have been cited in the City or, in certain cases, arrested, for misdemeanors and, occasionally, felonies. This process allows the offenders who successfully comply and complete the program to avoid the criminal court system.

In the juvenile diversion program, the objectives are:

1. To have offenders accept total responsibility for their actions;
2. To have offenders make amends and restitution;
3. To present safe alternative techniques for at-risk youth to view and react to pressures and potential criminal situations;
4. To create insight so that juvenile offenders understand why they acted as they did, what the consequences of their actions were, and how to foster the strength of character to transform their behavior and outlook;
5. To help juvenile offenders become law-abiding, socially responsible, and constructive members of society;
6. To motivate positive interaction between the juveniles and family, school, peer group, and the police;
7. To prevent juvenile offenders from recommitting offenses.

In light of inflation, the Agreement contemplates the following graduated pay schedule:

- \$125.00 an hour for Services performed during the period of July 1, 2017 - June 30, 2019.
- \$130.00 an hour for Services performed during the period of July 1, 2019 - June 30, 2021.
- \$135.00 an hour for Services performed after June 30, 2023.

Attachments:

1. Resolution No. 17-0074
2. Amended and Restated Agreement