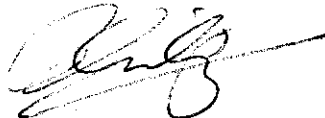


**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Philip Morley, County Administrator



DATE: March 4, 2013

SUBJECT: AGREEMENT re: Legal Services; in the amounts of \$205 per hour (Partner), \$155 per hour (Associate), and \$85 per hour (paralegal services); Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S.

STATEMENT OF ISSUE:

AGREEMENT re: Legal Services for Belenski vs. Jefferson County Case #12-2-01065-2; \$205 per hour (Lawyer); \$155 per hour (Associate); and \$85 per hour (Paralegal Services); Jefferson County Prosecuting Attorney; Law Lyman, Daniel, Kamerrer & Bogdanovich.

DISCUSSION:

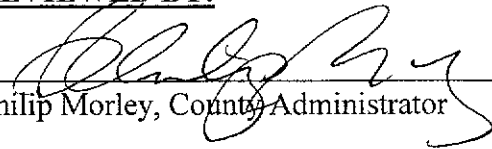
The Jefferson County Prosecuting Attorney wishes to receive legal advice and representation in litigation concerning Belenski vs. Jefferson County (12-2-01065-2) including any appeal to any higher court.

FISCAL IMPACT: \$205 per hour (Lawyer); \$155 per hour (Associate); and \$85 per hour (Paralegal Services) from Non-Departmental.

RECOMMENDATION:

Approve AGREEMENT re: Legal Services for Belenski vs. Jefferson County Case #12-2-01065-2; \$205 per hour (Lawyer); \$155 per hour (Associate); and \$85 per hour (Paralegal Services); Jefferson County Prosecuting Attorney; Law Lyman, Daniel, Kamerrer & Bogdanovich.

REVIEWED BY:


Philip Morley, County Administrator

2/27/13
Date

AGREEMENT FOR LEGAL SERVICES

WHEREAS JEFFERSON COUNTY, by and through its elected Prosecuting Attorney, wishes to receive legal advice and representation in litigation concerning Public Records Act (Ch. 42.56 RCW) requests and related matters from LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S. (hereafter "LLDKB");

NOW THEREFORE, it is hereby agreed by the parties as follows:

1. LLDKB shall be available to provide legal advice and consultation to JEFFERSON COUNTY on an hourly fee basis for specific matters referred to LLDKB by the Prosecuting Attorney. Consistent with the Rules of Professional Conduct, LLDKB shall work in coordination with the Prosecuting Attorney, and shall appear to represent the County in *Belenski v. Jefferson County*, Clallam County Superior Court No. 12-2-01065-2, (including any appeal to any higher court) and such other matters as may be or are specified by the Prosecuting Attorney of Jefferson County
2. Specific matters and requests for representation shall be referred to LLDKB by the Prosecuting Attorney. The contact person for LLDKB will be Jeffrey S. Myers, although matters may be referred to other attorneys depending on their individual expertise. Pursuant to RCW 36.27.040, Mr. Myers will serve as a special deputy prosecuting attorney to represent the County in the matter of *Belenski v. Jefferson County* (including appeals) and other matters assigned in writing by the Prosecuting Attorney. Billing shall be directed to the Prosecuting Attorney and will be paid within 30 days.
3. LLDKB reserves the right to review all requests for representation under this Agreement for conflicts and to decline such requests. If a matter is declined, LLDKB will attempt to refer the County to alternate legal counsel.
4. Matters will be billed monthly to Jefferson County, c/o Jefferson County Prosecuting Attorney's Office on an hourly basis. Billing rates for partners at LLDKB will be \$205 per hour and \$155 per hour for associates. Paralegal services may be utilized and will be billed at \$85 per hour. There will be no charge for clerical or administrative services. Reimbursable costs incurred for this representation, such as copying, postage, filing fees, expert witness fees, etc. will also be billed at the actual cost incurred.
5. This agreement shall be effective upon signature of the parties below and shall run until all matters referred by the City have been concluded or are transferred to the Prosecuting Attorney. LLDKB agrees to cooperate and coordinate any continuing representation of the County with the Prosecuting Attorney. This Agreement may otherwise be terminated by written notice of either party.
6. LLDKB maintains professional liability insurance in the following minimum amounts: occurrence limit of no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

AGREED TO this 5 day of February, 2013.

JEFFERSON COUNTY

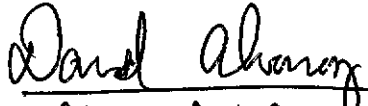
LAW, LYMAN, DANIEL, KAMERRER &
BOGDANOVICH P.S.

By:


Scott W. Rosekrans,
Jefferson County Prosecuting Attorney


Jeffrey S. Myers, Partner

APPROVED AS TO FORM

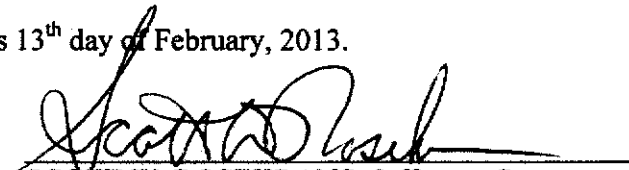
 2/28/13
DAVID ALVAREZ, DPA

**APPOINTMENT AND OATH OF
SPECIAL DEPUTY PROSECUTING ATTORNEY**


I, SCOTT W. ROSEKRANS, Prosecuting Attorney for Jefferson County, State of Washington, pursuant to RCW 36.27.040, do hereby appoint JEFFREY S. MYERS, effective February 19, 2013, for the purpose of representing Jefferson County in Michael Belenski v. Jefferson County, Clallam County Superior Court Cause No. 12-2-01065-2, and further for representing Jefferson County in any further legal actions resulting from such representation.

This appointment shall be deemed commenced on February 19, 2013 and shall continue until all matters relating to this matter are complete. I further give Jeffrey S. Myers, the said special deputy prosecuting attorney, full power and authority to do and act in my name the same as I would in law be empowered to do if personally present for the express purpose of fulfilling the obligations under this appointment.

DATED AND SIGNED this 13th day of February, 2013.

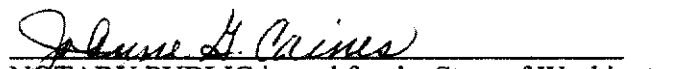

SCOTT W. ROSEKRANS, Jefferson County
Prosecuting Attorney

I, JEFFREY S. MYERS, do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington; and that I will faithfully and impartially perform and discharge my duties as a special deputy prosecuting attorney for Jefferson County, Washington, to the best of my ability.


JEFFREY S. MYERS, WSBA #16390
Special Deputy Prosecuting Attorney



FORWARDED AND SWORN to before me this 15th day of February, 2013.


NOTARY PUBLIC in and for the State of Washington.
My appointment expires: 9/8/2016

RECEIVED
FEB 19 2013
JEFFERSON COUNTY
PROSECUTING ATTORNEY