

RESOLUTION R-4851

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND KING COUNTY FOR JAIL SERVICES.

WHEREAS, the City of Kirkland wishes to secure the use of additional jail bed capacity; and

WHEREAS, King County is willing to accept City of Kirkland inmates for a rate of compensation mutually agreed upon by the parties; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Amendment to Interlocal Agreement for Jail Services."

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of December, 2010.

Signed in authentication thereof this 7th day of December, 2010.

  
MAYOR

Attest:

  
City Clerk

Amendment to Interlocal Agreement for Jail Services

WHEREAS, on November 1, 2002, King County and the City of Kirkland (the "City") entered into an Interlocal Agreement for the provision of jail services; and

WHEREAS, on May 1, 2010, King County and the City entered into an agreement that amended the November 1, 2002 jail services agreement; and

WHEREAS, King County and the City have determined that the May 1, 2010 agreement should be modified in order to further clarify City payment obligations as set forth herein;

NOW, THEREFORE, King County and the City agree that the May 1, 2010 Amendment to Interlocal Agreement Between King County and the City of Kirkland for Jail Services is amended as follows:

1. **Exhibit III B (REVISED FEE PERIOD)** is modified in part as follows:

Subsection 5 (INFLATORS AND RE-SETS OF FEES AND CHARGES)

a. All fees and charges, excluding Offsite Medical Care Charges and the Capital Expenditure Charge components of the maintenance charge and WER Charge, shall be annually inflated by the percentage rates described below, effective January 1 of each calendar year starting January 1, 2011, in order to determine the final rates and charges for said calendar year, subject further to re-set of the underlying "base rates" periodically as described in subsection 5.b below.

**Non-Medical Charges:** the following fees and charges are subject to an annual inflator of 5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 3%)~~ unless otherwise specified in Subsection 5.b below:

- i. Maintenance Charge
- ii. WER Charge
- iii. Reduced Booking Fee and Standard Booking Fee
- iv. Acute Psychiatric Housing Surcharge
- v. 1:1 Guarding.

**Medical Charges:** the following fees and charges are subject to an annual inflator of 6.5%, ~~(except for calculations requiring inflation of 2009 costs for purposes of determining 2010 costs, 2009 non-medical costs shall be subject to an annual inflator of 5%)~~ unless otherwise specified in Subsection 5.b below:

- i. Infirmary Care Surcharge
- ii. Psychiatric Care Surcharge.

b. **Attachment III-1** shows the allocation of 2007 **Actual Jail Costs** to derive the 2007 fees and charges. As indicated on Attachment III-1, these 2007 fees and charges were then inflated as described in subsection 5.a above in order to calculate the fees and charges applicable in 2010 as set forth above in Sections B.1, Maintenance Charge, B. 2, Booking Fees, B.3, Surcharges, and B.4, Offsite Medical Care Charges (*excluding the Capital Expenditure Charge which will be a periodically adjusted component added to the maintenance charge and WER Charge*). Fees and charges payable by the City shall be re-calculated each year based on Actual Jail Costs periodically recalculated, using the same allocation methodology as illustrated in Attachment III-1, and applying the inflators described in subsection 5.a, as follows (*excluding the Capital Expenditure Charge which will be a periodically adjusted component added to the maintenance charge and WER Charge*):

i. Fees and Charges in 2011 shall be based on **Actual Costs** for 2009, inflated ~~as follows per subsection 5.a above. Thus, the~~ The 2009 Actual Jail Costs will be used to derive the set of 2009 base charges and fees in a manner consistent with the calculations in Exhibit III-I, except that the total number of maintenance days, WER maintenance days, bookings, maintenances days for the Infirmary, maintenance days for inmates receiving Psychiatric Care Services, and maintenance days for Acute Psychiatric Housing will be calculated by averaging the actual numbers for 2007, 2008, and 2009. These charges and fees will be inflated by ~~the 2009 inflators (3% for non-medical fees and charges, and 5% for medical charges) described in subsection 5.a above to derive the 2010 charges and fees, and then these charges and fees will be inflated again by at the rates described in subsection 5.a (53% for non-medical fees and charges, and 6.55% for medical charges) to determine the 2011 fees and charges.~~

ii. Fees and Charges in 2012 shall be ~~determined by inflating the 2011 charges and fees by the inflators described in subsection 5.a above (5% for non-medical fees and charges, 6.5% for medical charges)~~ based on **Actual Costs** for 2009, inflated as follows. Thus, the 2009 Actual Jail Costs will be used to derive the set of 2009 base charges and fees in a manner consistent with the calculations in Exhibit III-I. These charges and fees will be inflated by the 2009 inflators (3% for non-medical fees and charges, 5% for medical charges), will be inflated by the 2010 inflators at the rates described in subsection 5.a (5% for non-medical fees and charges, 6.5% for medical charges), and will be inflated by the 2011 inflators at the rates described in subsection 5.a (5% for non-medical fees and charges, 6.5% for medical charges) to determine the 2012 fees and charges.

iii Fees and Charges in 2013 shall be based on **Actual Jail Costs** for 2011, inflated per subsection 5.a above (e.g., the 2011 Actual Jail Costs will be used to derive the set of 2011 base charges and fees in a manner consistent with the calculations in Exhibit III-1; these charges and fees shall be

inflated by 5%, or 6.5% , per paragraph a above, to derive the 2012 charges and fees, and those charges and fees will be inflated again by 5% or 6.5% (per subsection 5.a) to determine the 2013 fees and charges).

iv. Fees and Charges in 2014 shall be determined by inflating the 2013 charges and fees by the inflators described in subsection 5.a above.

v. Fees and Charges in 2015 shall be based on **Actual Jail Costs** for 2013, inflated per subsection 5.a above (e.g., the 2013 Actual Jail Costs will be used to derive the set of 2013 base charges and fees in a manner consistent with the calculations in Exhibit III-1; these charges and fees shall be inflated by 5% or 6.5% per subsection 5.a above, to derive the 2014 charges and fees, and those charges and fees will be inflated by 5% or 6.5% per subsection 5.a above to determine the 2015 fees and charges).

vi. Fees and charges in 2016 shall be determined by inflating the 2015 charges and fees by the inflators described in subsection 5.a above.

**Actual Jail Costs** means the direct and indirect costs related to operating the Jail, including without limitation health services, as determined by the County's budget reconciliation completed after the end of each calendar/budget year.

2. Except as otherwise expressly provided above, the May 1, 2010 Amendment to Interlocal Agreement Between King County and the City of Kirkland for Jail Services remains in effect without revision.

3. This amendment shall be effective January 1, 2011.

For King County

For the City of Kirkland

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Dow Constantine  
King County Executive

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By: Kurt Triplett  
City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form:

Approved as to form:

\_\_\_\_\_  
King County  
Deputy Prosecuting Attorney

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Robin Jenkinson  
City Attorney

\_\_\_\_\_  
Date

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Date