

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: FIRST READING OF ORDINANCE AMENDING SECTION 2.56.030
APPOINTED COUNSEL'S FEE OF TITLE 2 OF THE COTTAGE GROVE
MUNICIPAL CODE.

DATE: August 9, 2023

Background

On October 28, 2013, the City Council adopted the current hourly rate for court appointed counsel. In the intervening ten years, the court has struggled to recruit and retain court appointed attorneys, in part due to our lower-than-average rates and non-payment of mileage. It is recommended to increase the hourly rate of pay for court appointed counsel. The hourly rate would be retroactive to July 1, 2023.


The attached ordinance changes the hourly rate to \$75 per hour with a maximum of \$750.00 for cases resolved without a trial and \$1,500.00 for cases resolved after trial.

Recommendation

That the City Council hold the first vote on the attached ordinance amending Section 2.56.030 of the Cottage Grove Municipal Code relating to court appointed counsel's fee. The ordinance cannot be adopted at one meeting.

Cost

Additional cost resulting from increased defense attorney fees. Cost will depend on cases or their resolution. Staff will monitor the impact.



Richard Meyers, City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.56.030 RELATING TO APPOINTED
COUNSEL'S FEE OF THE COTTAGE GROVE MUNICIPAL CODE

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to increase the hourly rate of pay and the maximum allowable compensation for court appointed defense attorneys.

Section 2. Enactment. Section 2.56.030 of the Cottage Grove Municipal Code is hereby amended to read as follows:

2.56.030 Appointed Counsel's Fee

Upon completion of all services by the counsel appointed pursuant to Section 2.56.020, the counsel shall submit to the court a detailed billing statement of all reasonable expenses paid or incurred in connection with such services, supported by appropriate receipts or vouchers. The court shall enter an order directing the City to pay the counsel the amount of expenses, if any, or such portion thereof as may be approved by the court, together with fees for the services rendered as follows:

- A. At a rate of \$75.00 per hour, up to the following maximums:
1. If a case is resolved without a trial, \$750.00.
 2. If a case is resolved after a trial, \$1,500.00.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____
DAY OF AUGUST, 2023.

Candace Solesbee, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____