

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
THE LAW FIRM OF OGDEN MURPHY WALLACE, PLLC, FOR POLICE AUDITOR SERVICES**

WHEREAS, Olympia Municipal Code (OMC) 2.38.010 provides that the Olympia City Council may, by contract, retain the services of a Police Auditor who shall be totally independent from the Olympia Police Department and who shall report directly to the City Council; and

WHEREAS, the purpose of retaining a Police Auditor is to provide an independent review and audit of investigations of complaints and use of force relating to the Police Department, among other duties and responsibilities; and

WHEREAS, OMC 2.38.030 provides that the position of Police Auditor shall be selected by the City Council and may be retained under a professional service contract for a term of one year, which may be extended for additional one-year terms as determined appropriate by the City Council; and

WHEREAS, the Police Auditor shall have duties and responsibilities, including but not limited to, review of professional standards investigations relating to complaints and uses of force about the Police Department and its employees to determine if investigations meet the standard of being complete, thorough, objective, and fair; and

WHEREAS, the City Council approved Ordinance No. 7314 on March 1, 2022, amending OMC Chapter 2.38 to modify the duties, responsibilities, and scope of work of the Police Auditor to (1) review the Police Department's response to public demonstrations and crowd management when an event results in serious physical injury; and (2) to clarify the Police Auditor's review and recommendations to Police Department policies, procedures, and trainings based on audit findings; and

WHEREAS, complaints about police employees to be reviewed shall include alleged use of excessive force, civil rights violations, or bias and other cases as described in the contract; and

WHEREAS, each investigative audit is intended to be an impartial review of the Police Department's internal investigative process and a verification of the Police Department's compliance with established policy and procedures, and that materials utilized by the Police Auditor in investigative audits are confidential and anonymous, containing the name of no employee, complainant, or witness; and

WHEREAS, the Police Auditor shall be empowered to make written request to the Chief of Police for further investigation whenever the Police Auditor concludes that further work is needed for an investigation to meet the established standard; and

WHEREAS, the Police Auditor shall, at a minimum, make a mid-year and annual report to the City Council to include data as set forth in OMC 2.38.080, or as further requested in the contract by the City Council; and

WHEREAS, the Police Auditor shall be totally independent and any findings, requests for further investigations, recommendations, and reports shall reflect the views of the Police Auditor alone and no person shall attempt to undermine the independence of the Police Auditor in the performance of the duties set forth in OMC Chapter 2.38; and

WHEREAS, on November 3, 2020, the City of Olympia (City) and Ogden Murphy Wallace, PLLC (Consultant) entered into a Professional Services (Agreement) for Police Auditor services; and

WHEREAS, on May 18, 2021, the City approved Amendment No. 1 to the Agreement, which increased the compensation and extended the term of the Agreement; and

WHEREAS, public trust and confidence in the Olympia Police Department is of primary importance to the City and as such, the City Council wishes to extend the Agreement with the law firm of Ogden Murphy Wallace, PLLC, for one year to provide Police Auditor services to the Olympia City Council and the City of Olympia;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. Amendment No. 2 to the Professional Services Agreement with the law firm of Ogden Murphy Wallace, PLLC, for Police Auditor services in the sum of \$100,000 for a term of one year, is hereby approved on the terms and conditions set forth in the agreement.
2. The City Manager is authorized to execute the Amendment No. 2 to the Professional Services Agreement on behalf of the Olympia City Council and the City of Olympia, and to make any amendments or minor modifications as may be required and are consistent with the intent of the professional services agreement for Police Auditor services, as amended, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY