



E-NEWSLETTER

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Ensuring open meetings

The Open Public Meetings Act (OPMA) requires that every time a governing body—such as the Seattle City Council—meets, it must allow members of the media and general public to observe its discussions and decisions. In general, this allows citizens to sit in on council sessions. However, this OPMA requirement isn't absolute. In certain situations, the Council can call what is known as an "executive session" to discuss matters that are considered confidential.

RCW (Revised Code of Washington) 42.30.110 lays out the reasons that the Council can call an executive session. Some of the reasons are:

1. To discuss "matters affecting national security."
2. To discuss issues that would hurt the City's treasury if discussed publicly. For example, discussing the planned purchase of real estate publicly might raise the final price, because the seller would know how much the City was interested in buying the property.
3. To discuss lawsuits involving the City, in cases where discussing them publicly would affect the outcome.
4. To "receive and evaluate" complaints brought against a City officer or employee. If that officer or employee requests it, the meeting can be opened to the public.

Every time that the Council calls an executive session, moreover, members are required to have a CAO lawyer on hand to ensure that they don't stray into other business. Also, the Council is required to post notice of what topic the members are discussing in an executive session, and final decisions have to be made publicly.

Gary Smith, Jessica Nadelman and Mary Perry are the lawyers from CAO's Government Affairs Section who typically sit in on these sessions. When asked what a typical executive session might be, Perry answered: "Routine." Perry explained, "The Council is very responsible about this stuff. Usually, I don't have to redirect them too much. If I do, they generally know that they might be going off the rails before I have a chance to say anything, and they're all looking at me."

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So why have an OPMA monitor at all? First of all, it's required by the same statute that allows the Council to call the executive session. "We like to be careful," Perry said. She noted that there are some cases where it's less clear what constitutes an executive session, and recounted a story of a small-town council that had been in the habit of going out for pizza after its meetings. "They talked business when they were eating pizza, and pretty soon the whole Town Council was in trouble for violating OPMA." Has something like that ever happened with the Seattle Council? "No, our councilmembers are pretty careful," Perry said.

The issue turns, Perry explained, on the fact that if every member of the Council is in one place discussing Council affairs, they are technically in a meeting and must notify the public. This doesn't apply to purely social gatherings, meaning that the entire council can go out for pizza if they want to—provided they don't bring up issues about City government. As Perry's story reminds us, this is a real concern, despite the fact that the Council is generally sensitive to OPMA's requirements.



Gary Smith of the Government Affairs Section attends an executive session at City Hall

With that in mind, the City Attorney's Office takes the job seriously. "It would be very foolish for anyone to violate OPMA," Perry said. "The fine isn't that severe, but any actions that are in violation of OPMA are automatically void; individual legislators could be held personally liable." It also furthers existing CAO policies encouraging public disclosure. "I believe that open government is good government," City Attorney Pete Holmes said in a past statement. He also serves on the Washington State Sunshine Committee, which reviews exemptions to the Public Records Act of 1971, passed in the same year as OPMA.

After all, public access to government is the point of a democratic system, both in City Hall and in Olympia. It is very easy to look at politics today and decide that there isn't any way to be informed, and that political decisions are made for us instead of by us. At least in Washington though, the Open Public Meetings Act requires that citizens have the opportunity to observe their local and state representatives at work, and that when the Council does have an executive session, there are lawyers present to make sure that they stay strictly within the bounds of what they are allowed to discuss.



At left, Pete Holmes speaks to the brand-new lawyers at the King County Bar Association ceremony last month.

At right: Pete assumed the persona of Abraham Lincoln the Vampire Slayer for Halloween. Standing with him is Marge Simpson, AKA Megan Copper-smith from the City Council staff



CAO staffers offer their labor to El Centro de la Raza

More than 30 CAO employees descended on El Centro de la Raza in October to volunteer their hard labor as part of the United Way Day of Service and CAO's commitment to the City's Racial and Social Justice Initiative (<http://www.seattle.gov/rsji/>).

According to one of the RSJI organizers, Sara O'Connor-Kriss, landscaping was the order of the day. "A big part of this project involved hacking, weed whacking, tree trimming, and removal of invasive species (blackberry and holly bushes) from the overgrown property located outside of the fenced yard to the sidewalk. The yard waste container was delivered late, so we also had to transfer trim-



mings and clippings from the heaping pile to the container. Due to the ingenuity of [Civil Division attorney] William Foster, we were able to wrap this part of the project up quickly by rolling the pile into a huge burrito! (pun intended) It was tough work, but by the end of the day (as evidenced in the before and after pictures,) it was clear we had made a significant difference in the appearance of the grounds. And the lunch provided by El Centro was tasty as well!"

El Centro, an organization grounded in the Latino community, was founded to build unity across all racial and economic sectors, to organize, empower, and defend our most vulnerable and

marginalized populations and to bring justice, dignity, equality, and freedom to all the peoples of the world. Our vision is a world free of oppression based on poverty, racism, sexism, sexual orientation, discrimination of any kind.

Find out more at www.elcentrodelaraza.org



City offers one-stop-shopping to renters

"You saved the life of a friend this weekend," CAO Chief of Staff Darby DuComb wrote to Maureen Kostyack at the City's Office of Housing after using www.HousingSearchNW.org, Seattle's online affordable housing locator. The website was one that Kostyack had helped to create, by serving on a panel that recommended its creation in 2010. Money for its initial startup costs came from a legal settlement that was the result of CAO negotiations.

On a weekend in September, a close friend of DuComb's answered the door to discover an 80-year-old neighbor. He was broke, living out of his car, and had come in search of help. That friend turned to DuComb for assistance, and she went to the HousingSearchNW site. By sorting properties according to their monthly rent, she found him an apartment in minutes, at a price he could afford.

HousingSearchNW is the direct result of a settlement between Margola Associates *et al.* and the City of Seattle, signed by DuComb on behalf of the City Attorney's Office in 2010. *Margola v. Seattle* was originally settled in 1996, but the terms of the agreement remained in part unmet. As part of the agreement, the City deposited \$300,000 into a fund for the improvement of rental housing, but only \$35,000 was spent between 1996 and 2000. The remainder was held in trust by the City until 2009, when the community oversight committee tasked with deciding how those remaining funds would be spent was reformed to put the remaining money to work.



One of the initiatives proposed by the committee was the creation of an online tool to locate rental housing with rents pegged at somewhere between 60 and 80% of area median income. Because the housing locator reduces the number of days that an apartment remains vacant and so saves a landlord money, it meets the *Margola* settlement's requirement that the funds be used to "improve rental housing maintenance." The online locator, later to become HousingSearchNW, was also planned to "provide relevant information via the website, including educational materials produced with Margola Settlement funds." Initially funded by the *Margola* settlement dollars, the website is now funded by the City at an estimated annual cost of \$70,000. It is free for tenants, as well as landlords who therefore have no reason not to list their affordable-rate properties.

By providing a "one-stop-shop" for available affordable housing in Seattle, HousingSearchNW makes it easier for those with lower incomes to learn about their housing options. As anyone who has ever searched for an apartment knows, the process is complicated and often takes a great deal of time—time that many people in dire need of housing do not have. For those in need, immediate access to accurate information is sometimes a literal matter of life or death, as it was for the elderly man who came to DuComb's friend for help.

HousingSearchNW's resources aren't limited to listings of affordable housing. The website also provides resources such as referrals to food banks, social and health services, specific information for veterans and people with disabilities, and information regarding a tenant's rights. Language assistance is available for those whose native language is not English. A calculator designed to produce the total cost of a move—including transportation costs, necessary appliances, various deposits, and cleaning supplies—helps renters calculate the actual price of a new apartment. For those unfamiliar with the process of renting an apartment, resources like these open up new opportunities for housing and allow more informed decision-making. That's important in a housing environment that changes as quickly as Seattle's.

New apartment buildings, some pegged at affordable rates and some not, are going up in Yesler Terrace, Capitol Hill, the University District and elsewhere. As Seattle becomes even more urban, it is crucial for people of all income levels to have access to accurate, clear information about their housing choices. HousingSearchNW is one of many tools that people can use to improve access, and as DuComb's example shows, it can be an excellent resource in a time of crisis.

Over the past few months, the CAO offered several "Lunchtime Conversations" for employees as part of our newly developed Trial Advocacy Program for Assistant City Attorneys and Prosecutors. Guests of honor included state Supreme Court Justice Steven Gonzalez, King County Superior Court Judge Susan Craighead and U.S. Rep. Adam Smith. These roundtable talks were created to allow CAO employees to learn from others in government and the legal profession. The speakers shared different perspectives on important issues.

The Trial Advocacy Program, starting in January 2013, offers opportunities for attorneys to enhance legal advocacy skills in and out of the courtroom. High-profile lectures will educate and critique their skills during weekly classroom sessions. They will participate in mock trials to ensure the highest level of effective prosecution. Furthermore, they will also get instruction from judges and experienced public and private attorneys about legal research and writing techniques.



Rep. Adam Smith,
former Criminal Division attorney



Supreme Court Justice Steven Gonzalez,
former Criminal Division attorney



King County Superior Court Judge Susan Craighead

EVENTS

12/11/12 – Pete will attend the Urban League of Metropolitan Seattle breakfast at the Westin Hotel. <http://www.urbanleague.org/>

12/13 to 12/14/12 – Pete and Chief of Staff Darby DuComb will participate in the Governing for Racial Equity conference at Seattle University. As part of the conference, Pete will take part in a forum of elected officials on 12/14. <http://www.iaohra.org/governing-for-racial-equity/>

LINKS TO NEWS STORIES :

10/24/12 – Editorial: Refocus political energy on Seattle police reforms – A federal judge will make the final selection, but having Seattle Mayor Mike McGinn and the Seattle City Council in agreement on a choice to monitor Seattle Police Department reforms is a good start. (Seattle Times)
http://seattletimes.com/html/editorials/2019515193_editpolicemonitorxml.html

11/1/12 – Stores seeking huge spike in liquor thefts -- The switch to private liquor sales has made it easier for shoppers to get their hands on booze, but it's also made it easier for crooks. (KOMO) <http://www.komonews.com/news/local/Liquor-theft-reaching-epidemic-proportions-176909241.html>

11/11/12 – Pete Holmes talks with KING5's Robert Mak about the impact of Initiative 502, which Washington voters approved on Nov. 6. <http://www.king5.com/news/up-front/Initiative-502-178678431.html>

11/15/12 – City asks full appeals court to hear Yellow Pages case -- City of Seattle has asked the full Ninth Circuit Court of Appeals to reconsider a ruling last month by a three-judge panel that Seattle's opt-out provision for the Yellow Pages violates the First Amendment. (Seattle Times)
<http://blogs.seattletimes.com/today/2012/11/city-asks-full-appeals-court-to-hear-yellow-pages-case/>

11/16/12 – Justice Department seeks more Seattle police records -- The Department of Justice recently jolted Seattle officials with a broad request for information, including records related to the fatal shooting by police of a 77-year-old man and three other incidents in which officers used force, according to newly released documents. (Seattle Times)
http://seattletimes.com/html/localnews/2019699761_dojrequest17m.html

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please click here:

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

With more than 90 lawyers, the City's Law Department is one of the largest law offices in Seattle and is the third largest public law office in the state.

The City Attorney's Office has three divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

How to apply for an internship/externship in the Civil and Criminal Divisions: [http://
www.seattle.gov/law/volunteer_program/](http://www.seattle.gov/law/volunteer_program/)



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