

# Seattle City Attorney's Office

## *Annual Report* 2007

**Thomas A. Carr**  
Seattle City Attorney

## The Mayor and the Seattle City Council

Pursuant to Article XXII, section 12 of the Seattle City Charter; as the City Attorney for the City of Seattle, I am submitting the Annual Report for the year ending December 31, 2007.

This report displays the breadth and scope of our work on behalf of the City. In 2007, as in previous years, our office was involved in almost every aspect of city government. From the Public and Community Safety Division (PCS) side we prosecuted 15,168 crimes, including 1,861 domestic violence (DV) cases and 1,168 driving under the influence (DUI) of alcohol cases. Once again, we also provided continuous leadership for a changing mindset in criminal justice.

Seattle has become a nationally-recognized leader in the application of community-based solutions to promote public safety. Our Community Court, which started in 2005, was the 27<sup>th</sup> in the country and remains a model for other cities to follow. Since its inception, we have had several jurisdictions from around the country and other parts of the world visit our Community Court in order to replicate the model. We continue to implement evidence-based procedures that use less jail time, but have proven more effective in reducing crime. Recidivism rates for Community Court defendants will be discussed at length later in the report.

From the Civil Division side, the office continued its long tradition of providing high quality legal services, economically and efficiently. We assisted with drafting and revising ordinances, including a new noise ordinance in an effort to regulate the booming nightclub business and the effects it has on neighborhoods. Our attorneys litigated cases in the Washington State Supreme Court, the Ninth Circuit Court of Appeals, the Washington State Court of Appeals and, of course, in various trial courts. The Annual Report that follows provides an overview of our office's work during 2007.



Thomas A. Carr  
Seattle City Attorney

# Thomas A. Carr, City Attorney

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## **Office Overview**

Seattle City Attorney Thomas A. Carr is a nonpartisan elected official. Seattle has elected its attorney since 1875. Mr. Carr is the 29<sup>th</sup> person to serve in this position and is currently serving the third year of his second term. Mr. Carr heads the Seattle City Attorney's Office, which employs 152 people, including 90 attorneys. It is the fourth largest public law office in the State of Washington. The office provides legal advice to City officials to help them achieve their goals, represents the City in litigation, and protects public health, safety, and welfare by prosecuting criminal and civil violations of City ordinances. The office consists of three divisions: Civil, Public & Community Safety (PCS), and Administration.

The Civil Division is organized into eight specialized areas of practice. Civil Division attorneys provide legal counsel, as well as representation in litigation at all levels of state and federal courts, and administrative agencies. The practice areas are: Civil Enforcement, Contracts, Employment, Environmental Protection, Land Use, Municipal Law, Torts and Utilities.

The Public & Community Safety Division prosecutes misdemeanors committed in the City of Seattle, provides legal advice to City clients on criminal justice matters, monitors state criminal justice legislation of interest to the City and takes an active role in criminal justice policy development and management of the criminal justice system. The PCS Division participates in and helps to manage the Mental Health Court, the Community Court and the Domestic Violence Court. These groundbreaking programs promote public safety by both effectively prosecuting criminals and taking alternative approaches to preventing crime.

The PCS Division also has attorneys placed in each of the City's police precincts. These attorneys work to address community problems to prevent crime and promote community livability. The Division also operates an extensive volunteer program through which citizens can provide service to, and gain a better understanding of the criminal justice system. And finally, the Civil and PCS Divisions continued to jointly manage an Infraction Prosecution Program. With the assistance of Rule 9s, the program has resulted in a

dramatic increase in public safety by making drivers more accountable for their actions and increased revenue for the City by way of fines and fees collected by the Seattle Municipal Court.

### **City Attorney's Activities**

In 2007, the City Attorney once again actively pursued his primary mission to promote public safety. Part of that involved new partnerships with private, non-profit and other public enterprises to provide community service opportunities and social service contacts for our non-violent, low risk offenders who recycle through the criminal justice system. These partnerships offer an alternative way out for defendants with repeat criminal behavior by offering social services such as housing, job skills, GED training, and community service opportunities to pay back society for their misdemeanors and help prevent recidivism. We partnered with Americorps and Seattle University to provide extensive help in making Community Court a success.

Also in 2007, the City Attorney was appointed by Governor Christine Gregoire to chair the Public Records Exemptions Advisory Committee, also known as the Sunshine Committee. This is an on-going oversight committee made up of legislators, local politicians, public and private lawyers, and media representatives from around the state to examine Public Disclosure laws, exemptions and the myriad of complications arising from the complexity of the existing laws.

In addition, the City Attorney released the new filing and disposition standards for the City's prosecutors, which represented the culmination of a collaborative work process that began in 2006. This was the first comprehensive update of these standards, which were originally adopted during the administration of City Attorney Mark Sidran.

Another area of focus for the City Attorney was active participation in nightclub and noise regulation in conjunction with various executive departments. A new Joint Enforcement Team (JET) and a subsequent JET Policy Action team was formulated under the auspices of the Mayor's Office to plan and design policy with regard to nightclubs and other restaurant and bar businesses serving alcohol. Alcohol-related criminal activity resulting from a burgeoning nightclub industry in our city has continued to be a public

safety problem in Seattle. While supervising the office's efforts to address and sometimes shut down problem establishments, the City Attorney also participated in two statewide efforts to reform Washington state's alcohol laws.

The City Attorney has continued to serve as an active member in the Interagency Council of King County Committee to End Homelessness, which is a region-wide effort in King County formulated to provide real solutions to the problem of homelessness.

### **PUBLIC & COMMUNITY SAFETY DIVISION**

The year 2007 was another successful one for the Public and Community Safety Division (PCS). There was an increase in both reports received and cases filed. The return of the Driving While License Suspended cases in the absence of impound drove a significant caseload rise. There was also a 5% increase in domestic violence case filings, based upon a stable number of reports received. The PCS division participated actively in the planning and implementation of the Seattle Municipal Court's shift to an individual calendaring system, replacing the 20-year-old master calendar system. Division lawyers also worked closely with the Seattle Municipal Community Court in its third year of operation. Division attorneys continued their focus on auto theft cases, worked on closing open-air drug markets and implemented the city's new assault by motor vehicle ordinance.

#### **PCS Highlights:**

The PCS Division is made up of five work units: two regular trial teams consisting of 12 attorneys and two assistant paralegals; the Domestic Violence Unit, consisting of six attorneys, eleven victim advocates and an assistant paralegal; a team that handles in-custody filings and arraignments, Mental Health Court, and Community Court, consisting of the equivalent of 6.5 full-time attorneys and a harassment advocate; the Case Preparation Unit; the Community Prosecution Program, consisting of five attorneys; and an Administrative Unit.

## Caseload

With cooperation from the Seattle Police Department, the Seattle Municipal Court significantly reduced the time between the violation and the first court appearance. Previously, the police would issue a citation, which was filed with the Court and the City Attorney's office. Generally, cases were set four to six weeks after the violation. The delay, combined with inaccurate addresses, resulted in a significant failure to appear rate. The Court issues an arrest warrant when a defendant fails to appear for a hearing. Thus, a reduction in failures to appear saves both police time and jail costs resulting from arrests.

In June 2006, the police began a program giving defendants a specific appearance date when the defendant is cited. This date is within two weeks of the date of violation. This puts additional pressure on PCS division attorneys and staff, who must review the citation and the defendant's licensing history and prepare a complaint. While previously the case was not filed until the PCS Division completed its work, now all of this work must be done in less than two weeks. Therefore, the PCS Division acquired additional time pressure to complete the increased DWLS 3 workload. It does appear, however, that this new program has reduced significantly the failure to appear rate for DWLS cases.

Overall, caseload remained reasonably level. Unfortunately, there has been an increase in pretrial hearings. Although the annual hearings are up only 2%, the additional workload has caused the Court to add both Wednesday and Thursday pretrial hearings. The cause of this increase is unrelated to caseload and appears to be driven by an unusually high number of continuances. Overall, caseload numbers were as follows:

Overall	1st Q	2nd Q	3rd Q	4th Q	Totals
2006 Reports Received	4766	5143	5192	5402	20,503
2007 Reports Received	5239	5020	5266	4224	19,749
DIFF 2007-2006	473	-123	74	-1178	-754
% Change	10%	-2%	1%	-21.18%	-4%
2006 Cases Filed	3,460	3700	3,967	4016	15,143
2007 Cases Filed	3,956	3904	4,051	3257	15,168
DIFF 2007-2006	496	204	84	-759	25
% Change	0	5%	0	-18.90%	0.17%
2006 In Custody Arrg.	3541	3700	3993	3553	14,787

2007 In Custody Arrg.	3731	3861	3895	3117	14,604
DIFF 2007- 2006	190	161	-98	-436	-183
% Change	5%	4%	-2%	-12.27%	-1%
2006 PTH Settings	3668	3734	3994	3915	15,311
2007 PTH Settings	3782	3953	4038	3855	15,628
DIFF 2007-2006	114	219	44	-60	317
% Change	3%	5%	1%	-1.53%	2%
2006 Jury Trial Settings	521	472	547	502	2,042
2007 Jury Trial Settings	503	394	471	404	1,772
DIFF 2007-2006	-18	-78	-76	-98	-270
% Change	-3%	-17%	-14%	-19.52%	-13%

DWLS remains a growing portion of the office's caseload. We are still in a growth period. Although the increase is much smaller than the 360% increase in cases filed from 2005 to 2006, the division still filed 27% more DWLS cases from 2006 to 2007. DWLS caseload numbers were as follows:

DWLS	1st Q	2nd Q	3rd Q	4th Q	Totals
2006 Reports Received	604	701	869	1053	3,227
2007 Reports Received	1105	1045	1,031	891	4,072
DIFF 2007-2006	501	344	162	-162	845
% Change	83%	49%	19%	-15.38%	26%
2006 Cases Filed	594	643	891	1043	3,171
2007 Cases Filed	1094	1027	1,031	896	4,042
DIFF 2007-2006	500	384	140	-147	871
% Change	84%	60%	16%	-14.09%	27%
2006 PTH Settings	257	308	382	557	1,504
2007 PTH Settings	581	683	1,031	682	2,612
DIFF 2007-2006	324	375	649	125	1,108
% Change	126%	122%	170%	22.44%	74%
2006 Jury Trial Settings	11	7	19	19	56
2007 Jury Trial Settings	16	15	1,031	18	63
DIFF 2007-2006	5	8	1,012	-1	7
% Change	45%	114%	5326%	-5.26%	13%

Domestic violence remains a high priority for the Seattle City Attorney. The year 2007 was the first full year of the High Risk Offender program. Under this program, a paralegal reviews office files to identify offenders who present a high risk to victims.



Cases against these offenders are assigned to a dedicated prosecutor who handles them vertically from filing to trial. This increases the likelihood that the defendant will see significant sanctions. The Domestic Violence Unit also increased its focus on early filing of cases against defendants who are not in custody. These tend to be defendants who are no longer present when the police arrive. In some circumstances, they present a greater risk to the victim. The unit also continued its pattern of increasing the percentage of reports received, from 41% in 2005, to 51% in 2006 to 53% in 2007. Domestic Violence Unit caseload numbers were as follows:

Domestic Violence	1st Q	2nd Q	3rd Q	4th Q	TOTAL
2006 Reports Received	864	938	891	807	3500
2007 Reports Received	905	854	949	834	3542
DIFF 2007-2006	41	-84	58	27	42
% Change	5%	-9%	7%	3.35%	1%
2006 Cases Filed	445	518	461	347	1771
2007 Cases Filed	446	469	550	396	1861
DIFF 2007-2006	1	-49	89	49	90
% Change	0%	-9%	19%	14.12%	5%
2006 PTH Settings	644	625	743	574	2586
2007 PTH Settings	606	642	778	807	2833
DIFF 2007-2006	-38	17	35	233	247
% Change	-6%	3%	5%	40.59%	10%
2006 Jury Trial Settings	170	141	173	164	648
2007 Jury Trial Settings	152	160	198	168	678
DIFF 2007-2006	-18	19	25	4	30
% Change	-11%	13%	14%	2.44%	5%

### **Precinct Liaison Program**

Like the police, prosecutors over time have come to realize that some public safety and neighborhood livability problems can be better addressed through proactive community oriented problem-solving rather than by traditional "case-by-case" prosecution. The Seattle City Attorney's Precinct Liaison Program currently involves four full-time liaisons covering the five Seattle police precincts.

Our community prosecution program, like many others, involves a long-term, proactive partnership between the prosecutor's office, law enforcement, public and private organizations, and the community to solve neighborhood problems, improve public safety, and enhance the quality of life of community members.

The specific goals of our Precinct Liaison Program are to:

- Reduce crime and enhance the quality of life in Seattle neighborhoods.
- Develop a more efficient and effective response to public safety problems.
- Improve communication between citizens, city attorneys, police and other city departments involved in problem solving efforts.

Precinct Liaison Responsibilities include:

- Identifying public safety and community livability problems in their precinct.
- Building problem solving partnerships to address these problems.
- Litigating appropriate code and criminal violations resulting from these efforts.
- Facilitating community and intergovernmental communication and cooperation.
- Getting "outside the box" of traditional case-by-case prosecution and getting into problem-solving in the community.

Unfortunately, liaison attorneys spend a great deal of their time dealing with problem liquor establishments. While liquor establishments can be focal points for neighborhood gatherings and events, they can also be the starting point for various criminal activities in that same community. The liaisons' work included legal aid to Seattle police officers to conduct stings in nightclubs and bars. The goal of the sting was to:

- Determine whether establishments were selling high alcohol content single serving containers to street drunks;
- Determine whether establishments were also selling drug paraphernalia and weapons;

- Build cases to close establishments associated with violence or drug dealing;
- Negotiate good neighbor agreements with hundreds of establishments;
- Prosecute establishments that sell alcohol to minors; and
- Work to limit the impact of large nightclubs that often require extensive police presence.

A liaison attorney also designed and implemented a community education program to assist community members in accessing City resources to deal with nuisance properties in their neighborhood. Another attorney developed a program to assist problem motels in addressing and reducing illegal drug activity and prostitution. Having liaison attorneys work closely with police and community members to address problems before they become crimes is one of their key responsibilities. In recognition of their value the Council and Mayor included in the 2007 budget 1.5 new precinct liaison positions, which will allow for full-time coverage of the South Precinct and half-time coverage of the Southwest Precinct. In addition, one attorney will work with Vice and Narcotics to bring this problem-solving approach to those sections.

### **Community Court**

Community Court gives misdemeanor offenders the opportunity to give back to the community where their offenses occurred. Rather than go to jail, defendants who enter the program can help themselves as they complete community service hours and make linkages with social service organizations that can help them overcome their problems.

Now in its 3rd year in 2007, Seattle's Community Court has reached full expansion from the original model serving only the downtown geographic core to city-wide. Currently, there are 12 precinct-based community service partnerships that provide opportunities for misdemeanor defendants to 'give back' to the communities that they took from. Defendants complete their hours as they improve neighborhoods through litter removal and urban green space restoration. They also assemble and distribute hygiene kits for the homeless, and work in food banks and non-profit organizations.

Additionally, over 15 social service organizations have partnered with Community Court to provide resources to participants with issues in their lives that lead to crime, such as homelessness, unemployment and mental health or drug/alcohol problems. Assessed for needs as they opt in to the program, defendants are required by the court to make contact with agencies that can help them.

Identified at point of entry by an assistant City Attorney, defendants are determined eligible by the following criteria and considerations:

- Low-level, non-violent crime
- Not a present risk to public safety
- Defendant has less than three previous Community Court adjudications
- Up front assessment of defendant's appropriateness to the alternate sanctions

Eligible first time offenders are able to enter the Pre-trial Diversion program, where they agree to complete 8 hours of community service in the precinct where they committed their crime, and stay out of trouble for 90 days. Repeat offenders, those with previous criminal histories, appear in Community Court before the judge, who re-inforces the importance of seeking help. The judge also requires them to make prescribed social service linkages and complete community service hours.

There is a very quick turnaround in providing immediate defendant accountability to the community. An offender that is arrested one day may be seen in court the following day. If they agree to enter the program, they often are released from jail the next morning and transported directly to the community service site.

In 2005, the City Attorney and the Seattle Municipal Court were awarded a federal grant to hire a program coordinator to manage the expansion and operations of Community Court. In addition to the Program Coordinator, the City Attorney's office has engaged four AmeriCorps members to support and monitor participants in completing their court-ordered requirements. Recruited for their idealism and commitment to making a difference in people's lives, these young adults have improved the lives of many of our defendants, who work along-side them doing their community service hours.

The following data show the city-wide changes that occurred in 2007:

In 2006, a total of 355 defendants from the downtown catchment area entered into Community Court, with 34% completing the program as prescribed. Reaching full city wide expansion in 2007, 1,314 defendants participated in the program; 1,052 were mandated to complete community service hours and 53% were in full compliance. Defendants completed 5,120 community service hours, often working alongside volunteers from 12 neighborhood councils and business associations representing precincts across the city. Given the homeless, drug addicted and unemployed population we work with, this is a very positive result. An even more positive statistic is that recidivism decreased significantly in 2007.

Our community partners have given positive feedback:

- **Belltown:** “The neighborhood is consistently cleaner since the Community Court participants began their community service activities” and “It is great to see these individuals positively and enthusiastically giving back.”
- **Beacon Alliance of Neighbors:** “The Community Court people have done so much work clearing and cleaning of the previously impassable staircase leading to the bottom of the hill- we can now walk down the stairs.”
- **Colman Neighbors Association:** “It’s been great to have Community Court helping us keep our neighborhood clean.”

A number of defendants were also surveyed, and they indicated overall satisfaction with the program:

- 95 % of defendants report that the outcome of their case was fair, 5% no comment
- 81% did not feel discriminated against, 19% had no comment
- 90.5% felt that the court treated them with respect, 9.5% had no comment
- 87% felt that the social service referrals were helpful, 6.5% had no comment and 6.5% felt they were not helpful
- 100% felt that the community service monitors were supportive

## **Drug Cases/Stay Out of Drug Areas**

The City of Seattle has limited jurisdiction over drug violations. Virtually all drug crimes are felonies under the jurisdiction of King County. The only exception is possession of less than 40 grams of marijuana, which is a gross misdemeanor. In late 2004, the County Prosecutor, as part of a budget cut, decided to stop prosecuting cases involving possession of trace amounts of controlled substances. These cases are generally those involving crack addicts who purchase and use crack cocaine on the streets of Seattle. The cocaine residue in the pipe constitutes a controlled substance, possession of which is a felony under Washington law.

During 2005, the City experienced an apparent increase in open-air drug markets. Such markets involve not only drug sales, but almost always involve prostitution and theft. The City Attorney received feedback from the police department about its frustration at being unable to address this problem because there was nothing that it could do to suppress the demand by arresting the buyers.

Starting in March 2006, the City Attorney's office, in cooperation with the King County Prosecutor's office, started a new program to address this issue. These parties reached an agreement that the PCS Division would charge individuals arrested with trace residue of a controlled substance with the crime of Attempted Violation of the Uniform Controlled Substances Act (VUCSA), a gross misdemeanor. At their first appearance, defendants would be offered a choice: either 1) agree to a disposition under which the case would be dismissed in four months as long as the defendant complied with an order to stay out of the geographical area in which he or she was arrested or; 2) be charged with felony Violation of the Uniform Controlled Substances Act by the county prosecutor. From March 2006 through December 2007, the PCS Division filed 948 Attempted VUCSA cases. The breakdown of those cases was as follows:

	Totals
Total Cases Filed	948
Total Dispositions	899
Sent to King County Prosecutor	127
Filed By King County Prosecutor	58
Declined by King County Prosecutor	19

At least one SODA violation	192
At least two SODA violations	94
At least three SODA violations	50
At least four SODA violations	24
At least five SODA violations	16
At least six SODA violations	10
At least seven SODA violations	5
At least eight SODA violations	3
At least nine SODA violations	1
Defendants with at least 2 cases	129
Defendants with at least 3 cases	42
Defendants with at least 4 cases	15
Defendants with at least 5 cases	6
Defendants with at least 6 cases	2
Defendants with at least 7 cases	1
Cases with no violations	624
Cases with no recidivism	757
% of cases with no violations	79%
% of cases with no recidivism	83%

This program does not come without cost. Although there is no jail sanction as part of the original sentence, violators are jailed on a fixed schedule. Over the year, defendants charged with Attempted VUCSAs accounted for an average daily jail population of 23, with a total jail cost to the City of Seattle of approximately \$1,000,000. On balance, however, the program is very successful. Seventy-nine percent of the defendants did not violate the SODA order and 83% did not commit another Attempted VUCSA during the period. Thus, the program appears to be achieving its goal of limiting drug users' return to open air drug markets. The cost is associated with a small number of offenders who commit multiple violations or multiple offenses.

### **Mental Health Court**

The City Attorney's office has continued its leadership role in the area of mental health law. Representatives have given presentations and provided assistance to representatives, both nationally and in Canada, who are interested in forming Mental Health Courts of their own. The City Attorney's office also continued to increase the efficiency of the system for handling competency to stand trial matters, both within Seattle's Mental

Health Court and statewide. The City Attorney's office has played, and is continuing to play, a significant role in drafting proposed legislation that will decrease the time it takes Western State Hospital to complete a competency evaluation, which will save the City significant jail costs. Many portions of the draft legislation incorporate recommendations from an article published by an assistant city attorney. Finally, prosecutors across the state continue to seek advice regarding competency issues and mental health courts in general.

### **CIVIL DIVISION**

This division of the Seattle City Attorney's office has expertise in many specialized areas of law. The City Attorney's office provides prompt, cost-effective and professional legal assistance to City clients without the expense of retaining outside counsel. This policy results in substantial savings to the City's taxpayers, while allowing the City to develop expertise in areas unique to municipal government. Once again in 2007, Civil Division attorneys provided more than 100,000 hours of legal service to the City at a "cost" of \$6.8 million. This same level of service in the private sector would cost more than \$15 million (assuming a conservative market average hourly rate of \$250 per hour). On average, the City's "cost" was less than \$70 per hour.

The Civil Division has been under increasing stress recently. The City's budget grew dramatically in the late 1990s, resulting in increased activity and expansion throughout Seattle coupled with increased litigation and increased need for legal guidance, particularly in the areas of land use, contracts, environmental protection and torts. Civil Division lawyers were involved in many aspects of all these projects from drafting the original levies and ordinances to negotiating the transactions, and where necessary, handling construction claims.

Highlights from each section follow:

#### **Contracts Section**

The City Attorney's Contracts Section provides legal advice and assistance as well as handles litigation associated with the City's capital projects, its property acquisitions



and dispositions, and other contractual matters. While what follows are the major accomplishments of the Contracts Section in 2007, it should be noted that the Section also handles the constant flow of small and often routine contract matters that, in many ways, are just as important as large projects in supporting the diverse interests of the City.

### **Viaduct**

The Section provided substantial legal guidance on this major project, including contracting, litigation preparation, and project management. The Section has led the office's attorney team, and worked closely with Seattle Department of Transportation in negotiating with the State the key utility relocation agreements that will pave the way for viaduct improvements. Key areas of concern are protecting the City's proprietary interests and regulatory interests in its neighborhood preservation, land use, and right of way use, while cooperating with the State to improve the aging viaduct structure.

### **Sonics litigation**

The Section has spearheaded the City's legal efforts to force the Seattle Supersonics to honor the remaining term of its lease of Key Arena.

### **Civic Square**

The Section has been involved in the negotiation of the sale of the former Public Safety Building block to Triad. Triad has agreed to build a new Civic Square on the south 55% of the block. The development also includes the construction of a mixed office/residential/retail building on the north portion of the block with associated underground parking.

### **Associated Recreational Council (ARC):**

The Section worked on the total restructuring of a 30-year-old agreement between Parks and the Associated Recreation Council involving a multi-million dollar City revenue stream.

### **Condemnation matters**

The Section provided legal advice and drafted documents for client matters involving real property acquisition, appraisal, environmental analysis and condemnation issues on potential projects including: Two-Way Mercer Corridor, South Lander Street

Grade Separation, SPU South Transfer Station (Kenyon St.), Fire Facilities Levy and ProParks Levy. Combined, these projects involve contemplated and completed real estate transactions valued at more than \$150 million. The Section has also provided analysis and advice to the Office of Inter-governmental Relations on proposed legislation regarding changes to condemnation law.

### **Seattle Streetcar**

The Section assisted in the vigorous negotiation of this agreement with King County for the operation of the South Lake Union Streetcar. The County initially was unwilling to provide any significant protection to the City for the County's acts or omissions, but the County eventually relented and agreed to protect the City. Additionally, the Section worked with OPM regarding the development of Sponsorship Agreements for the Streetcar to provide part of the funding for the Streetcar.

### **Northgate South Lot**

The Section provided assistance to SPU for the development of this former parking lot just south of the Northgate Mall by Lorig and Associates, ERA Living, and SPU. Lorig is building a mixed commercial/residential/parking facility on the northwest portion of the block, ERA Living is building a senior residential building facility on the southeast portion of the block, and SPU is building a drainage amenity also known as the Thornton Water Quality Channel between the Lorig and ERA Living developments.

### **Mercer Arena lease to Seattle Opera**

The Section was closely involved in the lease of this aging facility to the Seattle Opera. The lease entails an anticipated \$40 million capital investment in the facility.

### **Magnuson Park**

The Section has been involved in the negotiation of several long-term leases at Magnuson Park including leases for the new Tennis Center, an indoor soccer facility, Building 11, and Civic Light Opera.

### **MOHAI at Lake Union**

The Section has been involved with the ongoing discussions/negotiations surrounding the anticipated occupation of the Lake Union Armory by Museum of History

and Industry. Such discussions/negotiations have included resolution of issues pertaining to the former convention center site that MOHAI originally intended to occupy.

### **Seattle Monorail Project**

For much of the year, the Section negotiated with the Seattle Monorail Project (SMP) regarding the possible transfer of its final assets to the City. As part of this effort, the Section needed to analyze significant legal risks in this possible transfer and worked closely with the Finance Department so that the City could make a fully-informed decision regarding the City's acceptance of the assets and the attendant risks.

### **King County Jail Agreement**

The Section provided legal assistance in the City's ongoing negotiations with King County regarding revisions to the agreement with the County regarding housing the City's inmates at the County's correctional facility. The City is seeking, among other things, significant changes in the duration of the agreement and in the number of beds available to the City. The County is seeking substantial increases in the charges for its services.

### **Shaughnessy Litigation**

The Section sued the transporter of one of City Light's large transformers that the transporter dropped when moving the transformer from its temporary site to its permanent location. The Section negotiated a settlement of \$900,000 from the transporter's insurance carrier to cover City Light's costs of repairing the damaged transformer.

### **Fremont Bridge Claim**

The Section provided legal assistance to SDOT in the resolution of a large claim brought by a subcontractor on the Fremont Bridge project regarding the drive system that raises and lowers the center portion of the bridge for boat traffic.

### **Civil Enforcement Section**

The Civil Enforcement Section is the affirmative litigation and problem-solving arm of the City Attorney's office. The section pursues actions for collection of funds

owed to the City and handles a wide range of enforcement duties ranging from civil rights violations to animal control matters.

### **Collections**

In 2007, the Section collected a total of \$1,874,961. This total included recovery of \$1,000,000 in settlement of a lawsuit challenging the City's false alarm ordinance.

### **Civil Rights**

The Section obtained two appellate decisions upholding the City's Hearing Examiner in cases in which a landlord failed to accommodate persons with disabilities. The landlord then admitted liability in a similar third case.

### **Infraction Prosecution**

#### **a. Traffic Camera Enforcement**

The Section has the lead role in providing advice and drafting ordinances related to enforcement of traffic infractions by means of automated traffic cameras.

#### **b. Infraction Prosecution Program.**

The Section has continued to successfully administer and supervise the Infraction Prosecution Program. A person who is issued a notice of infraction has a right to a contested hearing to challenge the ticket. Historically, the City Attorney has not provided an assistant city attorney to represent the City at contested hearings. Unfortunately, some drivers learned to take advantage of this fact to the point where the dismissal rate for contested traffic infraction hearings reached 41%. The City Attorney initiated an infraction prosecution program in which law students, under the supervision of an experienced assistant city attorney, represent the City at contested infraction hearings. Through the hard work of these law students, the City has dramatically reduced the dismissal rate of traffic infractions. In addition, the students prosecute other infractions, including animal control infractions and noise disturbances infractions.

### **Other**

The Section obtained a favorable appellate opinion affirming a trial court's order denying challenges to the Mayor's Executive Order providing for equal medical, funeral leave and sick leave benefits to City employees in same sex marriages.

## **Employment Section**

The City has over 10,000 employees, most of them represented by unions and protected by civil service. The City Attorney's Employment Section advises City departments on legal requirements related to labor and employment law and represents the City in legal disputes with employees and labor unions.

### **Advice**

The Section's eight attorneys give day-to-day legal advice on issues such as disability accommodation, harassment and discrimination complaints, wage and hour laws, labor law, contract requirements, employee discipline, safety, employee classification and leave rights. By advising departments before decisions are made, Section attorneys are able to both prevent litigation and make sure management actions are defensible when challenged.

### **Litigation**

When litigation cannot be prevented, Section attorneys represent the City in lawsuits, arbitrations, civil service appeals and settlement negotiations. The litigation demands in the Section range from complex class actions to hearings into employee misconduct before arbitrators and civil service commissions.

### **Class Actions**

In 2007, the Section defended the City against three class action lawsuits. In *Lawson v. City of Seattle*, plaintiffs challenged the timing of regular and overtime payments to city employees. Based on the Section's efforts, class certification was denied and the claims were dismissed. The matter is now on appeal. *Sievert v. City of Seattle*, involved a challenge by former Parks Department employees who lost their city employment when the Woodland Park Zoo was taken over by the Woodland Park Zoo Society. An initial summary judgment motion was successful and the case is still pending. A wage and hour class action lawsuit against City Light was also settled.

### **State and Federal Cases**

The Section litigated a number of complex individual suits in state and federal court in 2007. Among those cases are a defamation suit brought by a terminated police

officer, a sexual orientation discrimination lawsuit brought by two employees disciplined for safety violations, a wrongful termination suit brought by a Municipal Court employee terminated for violating rules on handling of employee parking tickets and fines, and a reverse discrimination suit brought by a firefighter. The Section handles all such cases through the discovery, trial and appeal phases.

### **Civil Service Hearings and Arbitrations**

A large portion of the Section's work involves discipline hearings against City workers, including police officers and others accused of misconduct. These hearings may be held before either the Seattle Civil Service Commission, the Seattle Public Safety Civil Service Commission or, pursuant to a collective bargaining agreement, before an arbitrator. Many hearings are lengthy and complicated because City employees' due process and contract rights mean that full evidentiary hearings are common whenever a City employee is suspended or terminated.

### **Public Employees Relation Commission (PERC)**

The Section's attorneys also spend many hours preparing for and attending hearings before the PERC. That Commission hears challenges to purported changes in wages, hours and working conditions of City employees represented by unions. For example, in 2007 the Section represented the City when the Seattle Police Guild challenged a City ordinance that gave the Office of Professional Accountability Review Board access to un-redacted police misconduct investigative files. When the Hearing Examiner ruled against the City, the matter was appealed to the entire Commission where it is pending.

### **Training and Legislative Review**

To the extent feasible given litigation demands, Section attorneys also provide training to City departments. In 2007, Section attorneys developed and provided training on basic employment discrimination law, sexual harassment policies, and disability accommodation as well as gave updates on recent cases on equal employment opportunity. The Section also reviews ordinances related to employment and advises the Personnel Director on programmatic changes.

## **Environmental Protection Section**

The Environmental Protection Section works with City departments on a wide range of environmental issues, including water rights, wetlands, clean up of contaminated sites, and environmental issues that arise in the context of property transactions.

### **Contribution lawsuits**

The Duwamish waterway is a Superfund site subject to clean up under a joint order of EPA and Ecology. The City voluntarily, with the guidance of the Section, signed a MOA to conduct a remediation and feasibility study for seven particularly contaminated sites. The range of cleanup costs ranges from \$60-\$250 million. The Section initiated two lawsuits to recover costs the City has incurred in investigating and cleaning up contamination in the Duwamish River, and to allocate liability for future costs to parties who have not been participating in the investigation and cleanup. Section attorneys are deeply involved in all aspects of these cases, including the review of tens of thousands of documents. These lawsuits are likely to shift millions of dollars in costs from City ratepayers to other parties who are responsible for the contamination.

### **Municipal Stormwater Permit Appeal**

The City intervened in an appeal brought by other municipal entities and by environmental groups of the permit issued by the Washington Department of Ecology for municipal stormwater systems. An Assistant City Attorney with many years of experience with the issues played a major role in preparing for a two-week trial on the validity of the permit. The outcome of the trial, scheduled for early 2008, will effect how the City manages stormwater and the magnitude of additional costs that City ratepayers will bear.

### **Code Revisions**

Section attorneys have been working on major revisions to the City's Stormwater Ordinance, particularly the enforcement mechanisms. The new enforcement provisions, if adopted, would authorize tougher penalties for dumping prohibited substances into the municipal stormwater system. Section attorneys have also provided help with revisions to the Side Sewer Ordinance and implementation of the recently revised Environmentally Critical Areas Ordinance.

## **Land Use Section**

Seattle plans and regulates its growth through a comprehensive plan, zoning and other land use regulatory ordinances, including building and construction codes, environmental regulations, and landmarks preservation ordinances. The Land Use Section advises City administrators and elected officials regarding the adoption and implementation of these various regulatory measures, advises and represents City property owners on compliance with these and other regulatory measures and defends in litigation challenges to the City's land use regulatory measures. The section also provides training on land use matters both within the City Attorney's office and for other City employees, and to other municipal attorneys. Highlights of 2007 litigation and projects follow:

### **Litigation**

- **Glasser v. Seattle.** Section attorneys defended a challenge to the City's Environmental Impact Statement issued for the Cedar River Fish Hatchery by SPU in Court of Appeals and on petition for review to Supreme Court.
- **Seattle v. Burien; Burien v. Seattle.** Section attorneys asserted and defended challenges before the Growth Management Hearings Board regarding the City's designation of North Highline as a potential annexation area.
- **Alley 24 v. Seattle.** Section attorneys are defending a lawsuit seeking approximately \$500,000 reimbursement for street repairs necessitated by collapse of a street when an applicant made street improvements claimed to be required by permit.
- **Accredited Homes v. Seattle.** Section attorneys defended a challenge by a sub-prime lender resulting from enforcement action against owner who illegally short platted a lot, placed home jacked up on wood cribbing on unbuildable lot, and then defaulted to sub-prime lender.
- **Wallingford Community Council v. Seattle.** Section attorneys defended early 1900's street vacation in Court of Appeals and in petition for review to Supreme Court.



- **Lower Woodland Neighbors v. Seattle.** Section attorneys defended Parks Department issuance of a Declaration of Non-Significance for the skate park in Lower Woodland in Superior Court and Court of Appeals.
- **Brigman v. Seattle.** Section attorneys defended Parks Dept. SEPA decision and the Department of Neighborhoods Certificate of Approval in Superior Court and on remand regarding Occidental Park improvements.
- **City v. McDonald.** Section attorneys brought an action against a neighboring property owner for reimbursement of repair and replacement costs when the abutting owner encroached onto Parks Department property and cut trees and regraded hillside in an environmentally sensitive area.
- **In Re Appeal of Aurora Avenue Merchants.** Section attorneys defended the Department of Transportation's SEPA determination for improvements to be made to Aurora Avenue North.
- **El Chupacabra v. Seattle and City v. Waid's.** Section attorneys prosecuted code enforcement actions against two nightclubs.

### **Landmarks litigation**

- **Treat House Appeal.** Section attorneys represented Department of Neighborhoods and advised the City Council in appeal to the City Council of controls and incentives for designated landmark.
- **Charlotte Stokes Appeal.** Section attorneys defended Ballard Avenue Landmark Board's denial of a Certificate of Approval for improvements to a landmark structure.

### **Projects**

The Land Use Section provides advice and assistance to the Mayor and City Council on land use matters, both on City related projects and on City land use regulatory matters. Some of the noteworthy projects of the past year include:

- **Alaskan Way Viaduct.** Section attorneys advised the Mayor and City Council regarding street use permitting, land use and real property issues.

- **Civic Center.** Section attorneys advised the Mayor and City Council regarding redevelopment of Civic Center block.
- **Land Use Related Code Amendments.** Section attorneys provided advice, drafting and review of various code amendments.
- **Multifamily Tax Exemption.** Section attorneys advised on amendments to the program and reviewed resolutions for individual projects to be approved by Council.

### **Code Enforcement**

The Land Use Section handles land use related enforcement cases, primarily for the Department of Planning and Development, the Seattle Department of Transportation and the Parks Department. Section attorneys file code enforcement cases in the Seattle Municipal Court to collect penalties and encourage compliance. Section attorneys also seek court orders of abatement, so that the City can correct the violation. In addition to these non-routine enforcement matters, the Section obtained **\$1,509,543.00 in judgments** in enforcement matters in 2007, collected **\$173,560 in penalties**, and **filed 109 enforcement cases** in Seattle Municipal Court, and **closed 120 enforcement cases**.

### **Municipal Law Section**

The Municipal Law section primarily handles matters that arise from the City's role as a government entity. These include advising on and litigating a myriad of constitutional, election law, ethics and finance issues.

#### **Litigation**

- Prevailed at Ninth Circuit Court of Appeals in lawsuit claiming that the Seattle Center's rules governing conduct of "street performers" violated the performers' free-speech rights. *En banc* re-hearing under consideration (*Berger*).
- Prevailed at Washington Supreme Court in lawsuit claiming that protesters' free-speech rights had been violated when security guards at the Westlake Mall asked them to lower their picket signs for safety reasons (*Sanders*).

- Prevailed at State Court of Appeals in City's pre-ballot challenge to initiative that would have directed City to provide funds to the Seattle School District for specified purposes (*Great Schools*).
- Successfully defended the City's interests in challenges to the ballot title and City Attorney's explanatory statement for the advisory ballot measures concerning citizen preferences for replacement of the Alaskan Way Viaduct (*Sherwin and Resolutions 30956 and 30958*).
- Prevailed at State Court of Appeals in lawsuit challenging the Mayor's authority to provide employee benefits to same-gender couples (*Leskovar*).
- Prevailed at Washington Supreme Court in litigation challenging the City's Business and Occupation (B&O) tax on wholesale sales of automobiles delivered to dealers in the City; assisted in drafting response to the plaintiff's unsuccessful petition to the U.S. Supreme Court for a writ of certiorari (*Ford Motor Company*).
- Prevailed at King County Superior Court in challenge to the City's authority to impose B&O taxes (*Group Health Cooperative*).
- Prevailed in tax appeal against State Department of Revenue, resulting in refund of almost \$158,000 in sales taxes paid by the City; successfully settled another such appeal, resulting in an \$88,000 refund (*Seattle Drainage and Wastewater Utility*).
- Won summary judgment motion in challenge to City false-alarm licensing and penalty ordinance, defeated motion for discretionary review at Court of Appeals, and subsequently obtained \$1,000,000 from delinquent alarm company in settlement (*ADT*).
- Collected hundreds of thousands of dollars in B&O taxes through litigation and negotiation in other matters before King County Superior Court and Seattle Hearing Examiner.
- Briefed and argued Superior Court case under the Public Records Act involving the adequacy of a search for records and the search for electronic documents (*Rheaume*).

- Litigated case involving the disclosure of records concerning a pending police investigation, sought as discovery by a criminal defendant (*Mendoza-Rivera*).
- Litigated the disclosure of attorney-client privileged records and attorney work product in response to a public records request (*Beal*).

## **Projects:**

### **Legislation and rules**

- Drafted or advised on a variety of City legislation and rules, including:
  - A City lobbyist registration and reporting ordinance.
  - A proposed “nightlife” ordinance to regulate entertainment venues and reduce their effects on surrounding neighborhoods.
  - Legislation formulating and adopting the City’s 2008 budget.
  - Legislation implementing a new “square-footage” B&O tax, in addition to other business-licensing and tax-related legislation and rules.
  - Rules concerning various activities in public places, including rules relating to parade permits, activities in parks, and commercial vending.

### **Ballot measures**

Provided client advice on advisory measures concerning replacing the Alaskan-Way Viaduct, and two city-council proposed charter amendments; drafted ballot measures, ballot titles and explanatory statements for these measures as well.

### **Other**

- Represented various boards and commissions, including the Ethics and Elections Commission, the Civil Service Commission, the Public Safety Civil Service Commission, the Human Rights Commission, the Retirement Board, the Library Board, and the Special-Events Committee; assisted commissions in conducting hearings and drafting decisions.
- Helped research electronic discovery issues and assisted in drafting guidance documents.

- Conducted ongoing client training in areas including the Public Records Act, the Open Public Meetings Act, the Records Retention Act, and constitutional issues.
- Provided ongoing advice and assistance in all areas of municipal law, including tax, finance, budgeting, ordinance drafting, open records and open meetings, business improvement areas, public development authorities, bonds, constitutional issues, initiatives, and referenda.
- Managed Seattle Municipal Code revisions to reflect all amendments enacted by ordinance. Consulted with multiple City departments and other sections of the City Attorney's office to investigate the legislative history of the Code and address possible errors.

## **Torts Section**

The Section opened 121 litigation cases and 28 project files in 2007. The Section also engaged in a wide-ranging advisory practice focused on loss prevention and litigation avoidance.

### **Personal Injury and Property Damage Litigation.**

The Section's cases ranged from allegations of catastrophic brain damage to minor sidewalk slip and falls. The section obtained dismissal without any City payment in such matters as *Baughner* (challenging SPD's handling of the exclusion of a service dog from private business), *Crory* (alleged failure to investigate medical misbehavior allegedly occurring at Harborview Medical Center), and *Wilson* (planting strip fall case). Following a jury trial adverse verdict in *Ashley* (alleged police pursuit with multiple pedestrian injuries) the Section's tenacious attorneys persuaded the trial judge to reduce the judgment against the City by 90%.

### **Advantageous Settlements**

The Torts Section achieved advantageous settlements for the City in numerous litigation matters, including *Owen* (sidewalk fall case), and *Schmelzer* (alleged SPD negligent pursuit), and assisted the Risk Management Division of the Department of

Executive Administration in obtaining an advantageous settlement of the *Nakata* claim (pedestrian crosswalk fatality).

### **Risk Management**

The Section has provided legal support for risk management activities in operating departments such as the Human Services Department's Case Management Program, Seattle Municipal Court's Probation Services Division, and Seattle Public Utilities. The Section's attorneys have also provided legal support regarding a host of other incidents, exposures, programs, and opportunities. The Section's attorneys have provided direct training to operating departments on risk management techniques and approaches.

### **Appellate Litigation**

The Torts Section engaged in an active appellate practice in 2007. In *Rosengren*, the City argued in the Court of Appeals for the imposition of liability on abutting property owners who plant private trees that damage the public sidewalk and cause pedestrian injuries. The City successfully defended against a systemic challenge to the City's method of issuing parking citations in *Zottolo* and *Pappas*. Appeals in the *Ashley* case have been brought by the City challenging an adverse verdict and by the plaintiff challenging the trial judge's reduction of the judgment against the City by 90%.

### **Workers' Compensation Litigation and Advice**

The Torts Section represented the City in workers' compensation litigation before the Board of Industrial Insurance Appeals and in the courts. Thirty-nine new workers' compensation cases and 16 workers' compensation projects were opened, a challenge to which the Section's workers' compensation attorney and paralegal responded bravely. The Section's workers' compensation attorney has also supported the work of the Workers' Compensation Section of the Personnel Department with legal advice. She also monitors legislative developments affecting the City's workers' compensation programs.

### **Police Litigation.**

The Torts Section Director works with outside counsel to manage the City's defense in police professional litigation. Seventeen police action cases were opened in 2007. The program had an outstanding year, achieving numerous dismissals and advantageous settlements. Police litigation also has resulted from extensive discovery

directed to SPD in *State v Nelson*, a criminal felony narcotics prosecution case. The defense asserts a selective enforcement based on race defense.

### **Insurance Coverage Tenders**

One of the City's primary risk management tools is additional insured status under insurance policies issued to the City's contractors, concessionaires, vendors and those who hold events on City rights-of-way pursuant to a street use permit. The Section's attorneys aggressively asserted the City's interests in insurance coverage in the face of denial or delay, obtaining an acceptance of the City's defense in *Torgerson* (fall into the Westlake Park Waterfall Fountain during 2005 Christmas tree lighting event, \$1.9 million plaintiff's demand).

### **Disaster Planning and Emergency Operations Center Legal Support**

Torts Section attorneys provide legal support to the Police Department's Emergency Management Section during the process of drafting and redrafting the City's Disaster Response Plan. The Section's attorneys also help staff the City's Emergency Operations Center to provide legal support during emergencies. The increased tempo of disaster tabletop and field exercises has required significant legal work by the Section's attorneys.

### **Paralegal Support**

The Section's paralegals provided vital support to the attorneys handling cases and projects. The paralegals have worked with sophisticated document management litigation support systems such as Summation. The paralegals have tracked down critically important experts and worked with them so that their favorable opinions are well supported by facts.

### **Administrative Support**

The Section's legal assistants provided the absolutely essential document management, word processing, and other administrative support functions for the Section. They act as liaison between our attorneys, courts, opposing counsel/paralegals/secretaries, and other City departments, concerning scheduling or the exchange of case and project information. They maintain our litigation calendars and provide quality control. Their work on creating litigation forms is invaluable.

## **Non-City Litigation Advice**

The Torts Section provided review and legal advice to individual City employees and client departments regarding City business-related non-City litigation, trial and deposition subpoenas and required witness appearances, requests for production of documents, public disclosure requests, and other non-City litigation related issues.

## **Utilities Section**

The City of Seattle is unique in that it owns its own water, electricity and drainage utilities. Utilities law is a highly specialized and complex area. Accordingly, the City Attorney's office has specially-trained attorneys who support these complex operations.

### **Litigation**

- *Lane v. Seattle* (“fire hydrants”) –In 2007, Utilities briefed and/or argued two issues on the appellate level: (i) the City’s authority to increase an excise tax upon SPU in the amount necessary for the General Fund to pay the ongoing costs of fire hydrants and (ii) whether statutory interest or a significantly less expensive “cost of money” approach should be applied to refunds previously made by SPU to ratepayers. The Washington Supreme Court heard oral argument in February 2008, and a decision is pending.
- *Ventenbergs v. Seattle* - A private hauler of construction, demolition and land clearing waste (“CDL”) challenged the City’s decision to restrict the collection of CDL within the City to two haulers, claiming that the restriction violates the privileges and immunities clause of the State Constitution. The Section successfully defended the decision all the way to Washington Supreme Court, which ruled in favor of the City in February 2008.
- *Burns v. Seattle* – In August 2007, Washington Supreme Court upheld the validity of City Light’s franchise agreements with several suburban cities against a challenge that the franchises violated state law limiting franchise fees.



- 2000-2001 West Coast Energy Crisis Refunds – The Section works with specialized outside counsel to represent City Light in (i) appeal of Federal Energy Regulatory Commission’s denial of refunds to City Light and others for energy purchases during the energy crisis and (ii) lawsuits filed in state court in California by investor-owned utilities against City Light and others seeking refunds for transactions during the energy crisis.
- Cedar River Hatchery Appeal – The Section successfully defeated in the Court of Appeals an attack on sufficiency of SPU’s EIS for the Cedar River Hatchery. A petition for review is before the Supreme Court.

### **Advisory**

- City Light Power Supply – Negotiation of long-term power contracts with the Bonneville Power Administration in Portland, a multi-year process. Also advice on regional electric transmission issues (Columbia Grid), power sales transactions and a long-standing contractual dispute between City Light, Tacoma and the Grand Coulee Hydroelectric Authority.
- South Lake Union (North Downtown) – Ongoing advice to SCL on acquisition of real property for a new substation and on financing network electric service in the area.
- Solid Waste System – Ongoing advice to SPU on acquiring real property for expansion of major facilities. Advised on and drafted RFPs for and ongoing assistance in the negotiation of new SPU contracts for solid waste collection.
- Undergrounding – Ongoing advice to City Light and OPM on authority for and financing of the relocation of electrical facilities from overhead to underground.
- Alaskan Way Viaduct – Ongoing advice on utility relocation issues; contract drafting and negotiation.

- *Electric Utility Poles* – Ongoing advice and contract negotiation regarding (i) poles jointly owned by Qwest, SCL and King County and (ii) rental of space on poles (pole attachments).
- *Real Property* – Negotiating and drafting of easements and other real property documents for SPU and SCL; ongoing advice on property management problems.
- *Expansion of Solid Waste System* – The Utilities Section provided advice to Seattle Public Utilities on acquiring real property for expansion of north and south transfer stations and for a new intermodal facility.
- *Boundary Dam Relicensing* – Section attorneys assisted Seattle City Light on federal relicensing of Boundary dam.
- *Grand Coulee Hydroelectric Power Authority* – The section provided advice to Seattle City Light on arbitration process relating to the Grand Coulee Dam.

## **ADMINISTRATIVE DIVISION**

The Administration Division provides support to the other divisions with clerical, accounting, human resource and technological assistance. The information technology support staff provides not only routine computer maintenance, but also innovative solutions to reduce costs and increase office efficiency.

### **Interns and Volunteer Programs:**

The City Attorney's office actively recruits interns and externs from law schools in the Seattle area to assist the assistant city attorneys with legal research. This office strongly believes in giving law students the experience and skills necessary for them to become full-fledged practicing lawyers with on-the-job training.

The City Attorney's office provided Legal Intern opportunities for 20 law school students during 2007. Typically, the legal interns are in their third year of law school and their internship provides an opportunity for real world legal research and trial exposure experience. In addition to the City Attorney's interest in providing intern opportunities,

15 volunteers assisted the Public and Community Safety Division staff with administrative and record keeping tasks. The volunteer program provides citizens with a first-hand opportunity to expand their knowledge of the criminal justice system.

**Information Technology Capabilities Expanded:**

The City Attorney continued his focus on efforts to increase the information technology support available to staff. In collaboration with the Department of Information and Technology (DoIT) City Attorney staff can now utilize the central helpdesk for additional IT support. Other coordinated efforts included centralizing file storage and retrieval for the entire department. Work continued on the expansion of the SeaJIS project to improve information exchanges between Seattle’s Municipal Court, Seattle Police and the King County Jail. Application, server and desktop security was substantially improved during the year. Mandated electronic discovery, records retention and retrieval procedures have been revised and improved in light of recent federal and state laws and this work will continue as part of a citywide effort.

**Public Disclosure Request Responses:**

Fifty-nine public disclosure requests sent specifically to the City Attorney’s office were processed during 2007. In addition, the City Attorney’s office gave legal advice on public disclosure requests sent to other City agencies, the Mayor’s office and the City Council.

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