

E-NEWSLETTER

September 2017

ISSUE: 33

Washington Supreme Court upholds City's tax on firearm and ammunition sales

The City of Seattle has the legal authority to enact a \$25 per firearm tax on retailers to address the costs of gun violence, the Washington Supreme Court ruled in a decision issued last month that upheld a trial court finding in December 2015.

The ordinance, championed by City Councilmember Tim Burgess and defended by City Attorney Pete Holmes, is not pre-empted by a state law that deals specifically with the regulation of guns, as the City ordinance levies a tax on the sale of firearms and ammunition.

"Seattle Ordinance 124833 is constitutionally valid and not preempted by RCW 9 .41.290. Under Covell, the Ordinance imposes a tax because its primary purpose is to raise revenue for the public benefit. That tax is specifically authorized under RCW 35.22.280(32), which grants first class cities broad tax powers, including the authority to levy a flat tax on gun sales. Finally, the Ordinance is not preempted by RCW 9 .41.290 because the plain meaning of the statutory text excludes taxation from its preemptive scope," the court said in its 8-1 decision.

"I'm grateful our Supreme Court recognized the challenges the state's largest city faces in protecting its residents from gun violence," City Attorney Pete Holmes said, "and the need to identify sufficient revenue sources to fund its core missions."

"We are very gratified by the Supreme Court's clear decision in favor of the City of Seattle," said William Abrams of Steptoe & Johnson, who argued the case pro bono for the City. "The Court affirmed the City's right to raise revenue, despite the NRA's attempt to block the City's tax on gun sales. This is an important victory for the citizens of Seattle, and against the NRA's attack on a city ordinance that the Supreme Court held, in no uncertain terms, is valid."

[Gun Tax Decision](#)



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Federal judge dismisses challenge to City's collective negotiations ordinance for Uber, Lyft drivers

A federal judge has dismissed a high-profile challenge to an ordinance allowing people who drive for companies like Uber and Lyft to engage in collective negotiations with those companies.

The suit was brought by the U.S. Chamber of Commerce to invalidate City of Seattle Ordinance 124968, which took effect in January 2016. The court decision characterized the ordinance as providing “a mechanism through which for-hire drivers in Seattle can collectively bargain with the companies that hire, contract with, and/or partner with them. The ordinance applies only to for-hire drivers who are independent contractors, not employees.”

Lasnik said in part in the decision issued Aug. 1, “The Court finds that the City’s role in enacting and enforcing the Ordinance, including authorizing private parties in the for-hire transportation industry to collectively bargain, is immune from suit under the federal antitrust laws,” U.S. District Judge Robert Lasnik said in part in the decision issued Tuesday.

[Order Granting City’s Motion to Dismiss](#)

August 25, 2017 Update

Late Thursday afternoon, a federal judge in Seattle rejected a lawsuit by individual Uber drivers, who were represented by the National Right to Work Legal Defense Fund, that challenged Seattle’s first-of-its-kind collective negotiations law. The individual drivers claimed that the law violated the National Labor Relations Act as well as the First Amendment. In rejecting the claim, the court determined that the City’s law was not at odds with federal law or the federal Constitution. This is the second time, in less than a month, that the court has rejected a challenge to the law. Earlier this month, the court turned away a suit by the U.S. Chamber of Commerce based on federal labor and antitrust law. That ruling is currently on appeal. Also, the court rejected the U.S. Chamber’s request for an injunction pending appeal and dissolved a previously issued injunction.

City Attorney Peter S. Holmes said: “Yesterday, the court cleared the way for the City to implement its first-in-the-nation law. In so doing, the court recognized the public importance of maintaining and promoting the safety and reliability of the for-hire transportation industry in the City of Seattle, goals which this law advances. We are very pleased with the court’s decision and will continue to vigorously defend this publicly important law on appeal.”

[Preliminary injunction dissolved](#)

[Second suit dismissed](#)

City prevails in land use case brought by the UW

The Washington Supreme Court on July 20 unanimously rejected the University of Washington's claim of immunity from local development regulations meant to protect local communities and the environment.

Fearing the City's Landmarks Preservation Ordinance (LPO) would stop its plans to demolish its old Nuclear Reactor Building and expand its Computer Science and Engineering facilities, UW sued the City of Seattle to establish that UW was immune from the LPO. UW claimed it had statutory authority granting it full control of its property to the exclusion of local development regulations. Because that authority is common to all state universities, UW's argument, if accepted by the Court, would have meant schools from Pullman to Bellingham could decide which local zoning, critical areas protections, historic preservation laws, and similar laws to follow or reject.

After securing a victory on a narrow issue from King County Superior Court last year, UW tore down the Nuclear Reactor Building while the City and local historic preservation groups pressed an appeal to resolve the larger issues.

The Supreme Court decision reverses the Superior Court and rejects UW's arguments. The Court agreed with the City that UW is subject to local development regulations adopted pursuant to the Growth Management Act, provided they do not preclude the siting of a state education facility.

"We are grateful the Court applied the clear language of the law," said Roger Wynne, the Assistant City Attorney who argued the case. "The City looks forward to continuing to work cooperatively with the University, especially on its new Campus Master Plan, now that we all have a clearer understanding of the ground rules."

"This is a victory for the rule of law and local communities across Washington," added City Attorney Pete Holmes. "Our Office fights when called on to defend the law as written. Now we turn to our other strength: working with members of our community, including UW, to craft workable solutions within the bounds of the law."



Seattle commits to accessibility



The City of Seattle has reached a landmark settlement of a class action lawsuit by committing to the installation or remediation of 22,500 accessible curb ramps throughout the city over the next 18 years. The City of Seattle is a national leader in accessibility and today's announcement reaffirms this commitment. Curb ramps provide people with mobility disabilities a safe way to get on and off sidewalks as they travel throughout the city.

Since the passage of the Americans with Disabilities Act (ADA), Seattle has struggled to meet the standards for curb ramp access required by law. Under the leadership of Mayor Murray and City Attorney Pete Holmes, this settlement will put the City of Seattle on a path to meet the accessibility requirements of the ADA for the first time since the law went into effect 25 years ago. The settlement was reached amicably after a lengthy negotiation process in which the City and the plaintiffs committed to engage in mediation rather than to spend resources litigating the issues in court.

“With inclusion as our guiding principle, today, we are making Seattle safer and more accessible for everyone by correcting a problem that has persisted for decades,” said Mayor Ed Murray. “By building thousands of curb ramps we are righting a wrong that prevented people with mobility disabilities from easily moving around the city. It has been a priority of my administration to ensure everyone has dependable, safe access to our entire transportation network. Our commitment to building curb ramps fits with our ambitious Pedestrian Master Plan, Vision Zero, and our transportation levies. Thank you to City Attorney Pete Holmes and his team for making today a reality.”

The settlement calls for the construction of 22,500 new curb ramps over the next 18 years. Under the settlement, 1,250 curb ramps must be constructed annually. All ramps built or repaired within Seattle will count toward the annual commitment, including ramps constructed by other entities, such as utilities, telecom providers, schools, and private developers.

“The City is committed to making Seattle accessible for all City residents and visitors. We are pleased with this settlement and the historic investment in accessible infrastructure improvements it will bring,” said City Attorney Pete Holmes. “The settlement also eliminates the risk, uncertainty and expense of litigation for both parties.”



“The Seattle Department of Transportation is not only committed to building the curb ramps, but also proud of the fact that this work reinforces the core values that drive the department to build a safer, more vibrant and interconnected city,” said Scott Kubly, Director of the Seattle Department of Transportation (SDOT). “From our aggressive Pedestrian Master Plan goals, to our Vision Zero efforts to end traffic fatalities in the City of Seattle, SDOT remains inspired and steadfast in our commitment to improving safety and mobility for all travelers.”

“Federal and state disability access laws were enacted decades ago to provide persons with disabilities an equal opportunity to fully participate in civic life,” said Tim Fox, plaintiffs’ counsel and co-founder of the Civil Rights Education and Enforcement Center. “Today, we stand together with the City of Seattle to fulfill the promise of those laws by ensuring that people with disabilities can travel independently throughout their communities.”



People with disabilities are one of the largest minority groups in the country; census figures estimate that 56.7 million Americans, one in five, has a disability. In Seattle alone, there are approximately 26,000 people with mobility disabilities who use wheelchairs, walkers, scooters, or other mobility devices to get around. Missing, broken, or poorly maintained curb ramps can impede access to City sidewalks, crosswalks and other walkways for people with mobility disabilities.

“As a lawyer with a disability practice in Seattle, I am beyond thrilled with this agreement,” said Conrad Reynoldson, one of the plaintiffs who brought the case. “This means that both my clients and I will have full, equal, and safe access to an inclusive community. It has been hard finishing up law school, setting up my practice, or even getting to court, when I have to figure out a way to get there that doesn’t involve me going blocks out of my way or traveling in the street due to a missing curb ramp.”

“Beyond the thousands of new curb ramps, one of Seattle’s most promising commitments is improving how a citizen can request a new curb ramp or fix a broken curb ramp,” said David Whedbee, another plaintiff. “They no longer have to figure out how to do this on their own. Instead, this agreement makes sure that there is one clear, easy system for installing or fixing curb ramps.”





2017 Courageous Conversation: Guiding Children to Healthy Relationships

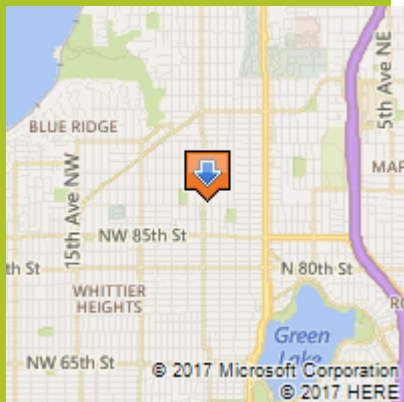
When

Tuesday, September 19, 2017
from 6:30 PM to 8:30 PM PDT

[Add to Calendar](#)

Where

New Beginnings
8760 Greenwood Ave N
Seattle, WA 98103



[Driving Directions](#)

Our next Courageous Conversation is coming up, reserve your seat today!

In our next courageous conversation, Guiding Children to Healthy Relationships, you will learn ways to talk to children and teens about healthy relationships and establishing normal boundaries as they begin dating. We will also discuss the warning signs of dating violence, and unhealthy relationship characteristics.

This session will be facilitated by New Beginnings Prevention Educator, Hilary Bowker. Hilary works with youth in our community through our Owning Up program, a gender-specific violence prevention program for teens.

Ideal for teens and adults.

Light refreshments will be provided.

If you need help registering or would like further details, you can reach us at events@newbegin.org or (206) 926-3041.

Sincerely,

New Beginnings Development Team



NEWS AND EVENTS

September is National Preparedness Month

Stop the Bleed

Saturday, September 9, 2017 from 9:00-12:00 or 1:00-4:00

Harborview Medical Center
300 9th Ave, Seattle, WA 98104

Register online at <https://depts.washington.edu/hiprc/stop-the-bleed-washington/>

Sponsored by Harborview Medical Center and King County EMS, this training gives attendees the skills and knowledge to provide immediate bleeding control to victims at the scene of an event. Blood loss is the leading cause of preventable death in multiple casualty events, like mass shootings, terrorist attacks and earthquakes.

Light Search and Rescue

Tuesday, September 12, 2017 from 6:00-8:30pm

SFD Joint Training Facility
9401 Myers Way S, Seattle, WA 98108

Register online at <https://goo.gl/E7Vwsq>

Disaster Skills: Basic Aid

Wednesday, September 13, 2017 from 6:00-8:00pm

Laurelhurst Community Center
4554 NE 41st St, Seattle, WA 98105

Register online at <https://goo.gl/iv6Kxd>

Disaster Skills: Basic Aid

Tuesday, September 19, 2017 from 6:00-8:00pm

Queen Anne Community Center
1901 1st Ave W, Seattle, WA 98119

Register online at <https://goo.gl/u8PGQG>

Earthquake Home Retrofit Class

Saturday, September 23, 2017 from 10:30-12:00pm

Rainier Beach Library
9125 Rainier Ave S, Seattle, WA 98118

No registration required

RIDE the BIG SHAKER!!!



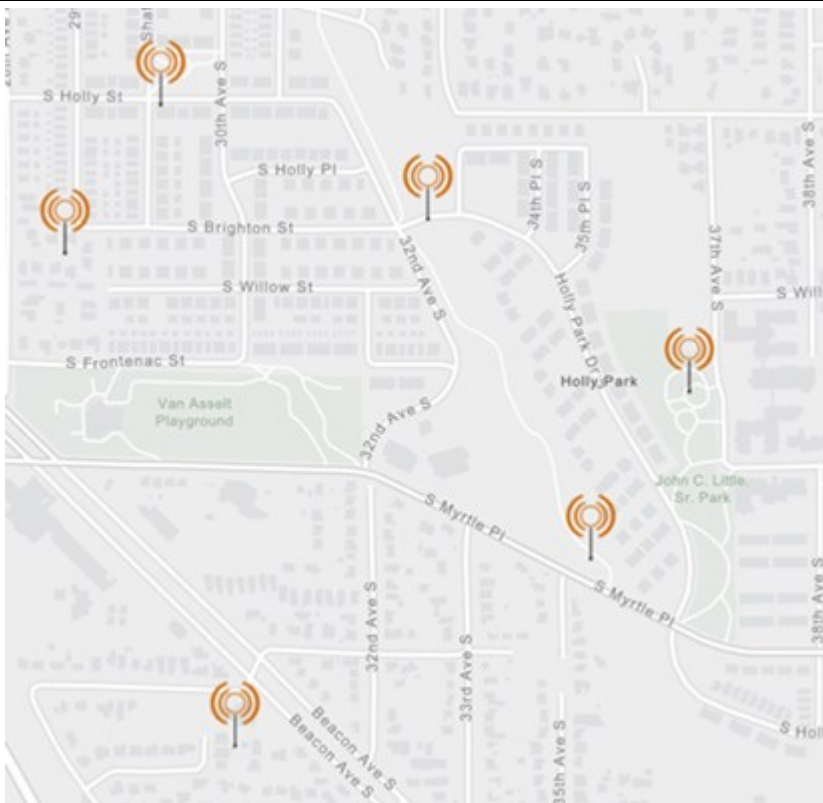
Join OEM on September 21st at Occidental Park and take a ride on the Big Shaker. The Big Shaker is capable of simulating up to an 8.0 earthquake!

Thursday Sep 21st 2017 11am-3pm
Occidental Park 117 S Washington St.

The event will include informational tables featuring preparedness information, volunteer opportunities, and preparedness supplies for purchase from local vendors.

Watch coverage of last year's event: [The BIG Shaker](#)

Find Your Community Emergency Hub



Community emergency hubs are places where people gather after a disaster to help one another. At Seattle OEM, we encourage people to get to know their neighbors because after a disaster, it is likely you will rely on those around you. Learn where your nearest Community Emergency Hub is and share this information with your neighbors!

Bit.ly/hubsnearme

Learn more about Community Emergency Hubs at seattle.gov/hubs

What Else Can You do during September?



Sign up for Alert Seattle at Alert.Seattle.Gov

AlertSeattle is the official emergency notification system used by the City of Seattle to communicate with city residents during emergencies. Sign up now to receive free alerts from the City via text message, email, voice message or social media.

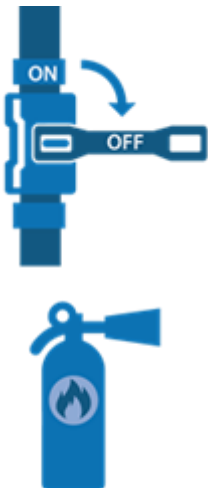


Prepare with your Neighbors, it's a SNAP!

The City of Seattle has created the Seattle Neighborhoods Actively Prepare (SNAP) program to help your neighborhood get organized. We encourage people to not only prepare themselves and their families, but to talk to their neighbors about how they will work together to make sure everyone in the neighborhood is safe and cared for.

There is an online toolkit that provides practical step-by-step instructions on organizing as a neighborhood. The Seattle Office of Emergency Management can facilitate a discussion to help your neighborhood get organized. SNAP is a simple and flexible process that can be customized to meet the needs of your neighborhood.

[Learn more about SNAP and request a SNAP Presentation](#)



Learn a Skill with our Online Videos

Access instructional videos via the [Online Training](#) section of our website. Learn how and when to turn off your gas and water after an emergency, and how to properly use a fire extinguisher. These videos are great refreshers for those that have taken one of our skills classes in the past, or a great intro for those that have not!

EVENTS

- 9/8** Pete will attend the Annual Domestic Violence Symposium "The Bigger Picture" at Seattle University.
- 9/11** Pete will be the keynote speaker at the annual conference of the National Association for the Civilian Oversight of Law Enforcement in Spokane.
- 9/15** Pete will attend the 18th anniversary of the Tabor 100's Captains of Industry gala at the Waterfront Marriott.
- 9/21** Pete will attend the Art of Survival fall fundraiser of the Organization for Prostitution Survivors Art of Survival Fall Fundraiser.
- 9/30** El Centro de la Raza is holding its 45th anniversary celebration from 5 to 9 p.m. at the Westin.
- 10/5** Pete will attend the annual luncheon of the Chief Seattle Club at the Arctic Club.

LINKS TO NEWS STORIES

- 8/10 Washington state Supreme Court rules in favor of Seattle's gun tax --** The Washington state Supreme Court has upheld Seattle's tax on [gun and ammunition sales](#), according to [an opinion](#) issued Thursday morning. (Seattle Times) <http://www.seattletimes.com/seattle-news/politics/washington-state-supreme-court-to-issue-decision-on-seattles-gun-tax/>
- 8/27 Victim advocate: Charleena Lyles faced boyfriend's escalating violence --** Throughout her struggles with an abusive boyfriend, Charleena Lyles spoke regularly with Theresa Phillips, a victim advocate in the Domestic Violence Unit of the Seattle City Attorney's Office. (Seattle Times) <http://www.seattletimes.com/seattle-news/crime/victim-advocate-charleena-lyles-faced-boyfriends-escalating-violence/>
- 8/25 Judge refuses to block Seattle Uber, Lyft driver union law --** For the second time this month, a federal judge has rejected a challenge to Seattle's first-in-the-nation law allowing drivers of ride-hailing companies such as Uber and Lyft to unionize over pay and working conditions. (Associated Press) <http://www.sfgate.com/business/article/Judge-refuses-to-block-Seattle-Uber-Lyft-driver-11962122.php>
- 8/25 Landmark Uber-Lyft driver union law can move forward after federal judge tosses lawsuit --** Yesterday U.S. District Court Judge Robert Lasnik [issued a ruling](#) in the [lawsuit](#), brought by several Uber drivers, challenging the city's ordinance that authorizes collective bargaining for Uber and Lyft drivers. Lasnik dismissed all of the plaintiff's claims, ending the case at the district court level. <https://www.geekwire.com/2017/landmark-uber-lyft-driver-union-law-can-move-forward-federal-judge-tosses-lawsuit/>
- 7/20 UW must follow city's landmarks law, Washington state Supreme Court rules --** The University of Washington has lost its bid to declare itself free of Seattle's landmarks-preservation law. In, justices on the state Supreme Court sided with the city, which argued that the university is not immune from the city's landmarks law. (Seattle Times) <http://www.seattletimes.com/seattle-news/politics/uw-must-follow-citys-landmarks-law-washington-state-supreme-court-rules/>
- 7/18 Seattle agrees to build 22,500 curb ramps to settle lawsuit --** The city of Seattle has agreed to install or fix 22,500 curb ramps throughout the next 18 years as part of a preliminary agreement to settle a federal lawsuit filed by three men with disabilities. (Q13FioX) <http://q13fox.com/2017/07/18/seattle-agrees-to-build-22500-curb-ramps-to-settle-lawsuit/>

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cityattorney](http://www.seattle.gov/cityattorney)

To view the SCAO's annual
reports, please click here:

[http://www.seattle.gov/
cityattorney/news/reports](http://www.seattle.gov/cityattorney/news/reports)

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stories or comments on how
we can make this newsletter
better, please email
kimberly.mills@seattle.gov.

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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.

The City Attorney's Office has four 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, contracts/utilities, and regulatory enforcement and economic justice.

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.

The Precinct Liaison Division assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

How to apply for an internship/externship in the Civil and Criminal Divisions: [http://
www.seattle.gov/cityattorney/about-us/
careers](http://www.seattle.gov/cityattorney/about-us/careers)



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