



2024 Annual Report

SEATTLE CITY ATTORNEY'S OFFICE
ANN DAVISON



April 2025

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Letter from City Attorney Ann Davison

Dear Mayor and City Council of the City of Seattle:

Pursuant to Article XXII, Section 12 of the City Charter, I am hereby submitting the annual report of the City Attorney's Office for the year 2024.

The information and data included in this report reflects an unwavering commitment to improving public safety, a continued focus on providing exemplary legal representation to the City, and a passionate pursuit of excellence by the entire team in the Seattle City Attorney's Office (CAO).

To provide a quick reminder, my office is comprised of three divisions: the Civil Division, the Criminal Division, and the Administration Division. The approximately 225 dedicated staff members work diligently every day to serve our City. It is my privilege to serve alongside them.

Criminal Division

I am pleased to acknowledge that 2024 saw a [reduction](#) in property crime and violent crime in Seattle. These improving benchmarks reflect what all of us in the public safety sector strive for. Positive signs, yes, but the hard work must continue. The CAO Criminal Division, under the leadership of Criminal Chief Fred Wist, is committed to doing its part as we collaborate within the rest of the system, which I often refer to as a "relay team." As the first line of public safety, Seattle Police do their work, and then pass the baton to us. My team performs a 360-degree, thorough review of each SPD referral, deciding which cases should be filed to Seattle Municipal Court or offered an alternative. I believe that the lower crime rates in Seattle are, in part, thanks to the unwavering focus of the Criminal Division team, and all of us in this public safety space.

But, again, there is more work to do. That's why I prioritized support, initiatives, and legislation in 2024, and I am pleased to report the success of these goals.

[Illegal street racing](#) – After introducing this legislation, which was sponsored by Councilmembers Kettle and Woo, the Seattle City Council passed Ordinance 127056 on July 16, 2024.

[Stay Out of Drug Area \(SODA\)](#) – After I introduced this legislation, which was sponsored by Councilmember Kettle, the full Council passed Ordinance 127085 on Sept. 17, 2024.

[Stay Out of Areas of Prostitution \(SOAP\)](#) – I provided significant input during the formulation of this legislation, which was sponsored by Councilmember Moore. The full Council passed Ordinance 127086 on Sept. 17, 2024.

Civil Division

Our Civil Division, under the leadership of Civil Chief Tom Kuffel, provides legal counsel and representation to the City's elected and appointed officials, giving these clients affordable, high-quality legal advice and representation for all levels of city, state and federal courts and administrative agencies.

The Division saw many notable cases through to completion or near completion during the year.

[Anti-graffiti enforcement](#) – Our team successfully made oral arguments before a three-judge panel of the U.S. Court of appeals for the Ninth Circuit in San Francisco on Jan. 9, 2024. The panel reversed a lower court ruling on Feb. 2, 2024 and the City once again was able to resume anti-graffiti enforcement.

[Public camping enforcement](#) – I led efforts to draft an amicus brief in support of Grants Pass, Oregon, and on June 28, 2024, the U.S. Supreme Court reversed a 2018 U.S. Court of Appeals for the Ninth Circuit ruling that constrained regulation of camping unless adequate shelter beds were available. This rightfully ensured that local authority and decision making is prioritized.

[Monsanto settlement](#) – On July 25, 2024, I was pleased to announce that the City would be receiving the largest single-city settlement from chemical giant Monsanto for its role in polluting the Lower Duwamish River over the course of several decades. The \$160 million settlement payment released the City's claims against the manufacturer's role in polluting City stormwater and the Lower Duwamish with highly toxic PCBs. The significance of this settlement cannot be overstated, and it marks for me what will always be a high-point in my role as Seattle City Attorney.

Administration Division

Our Administration Division provides many services in support of the Law Department, including budgeting, human resources, accounting, information technology, internal/external relations, and media relations.

Gratitude and Moving Onward

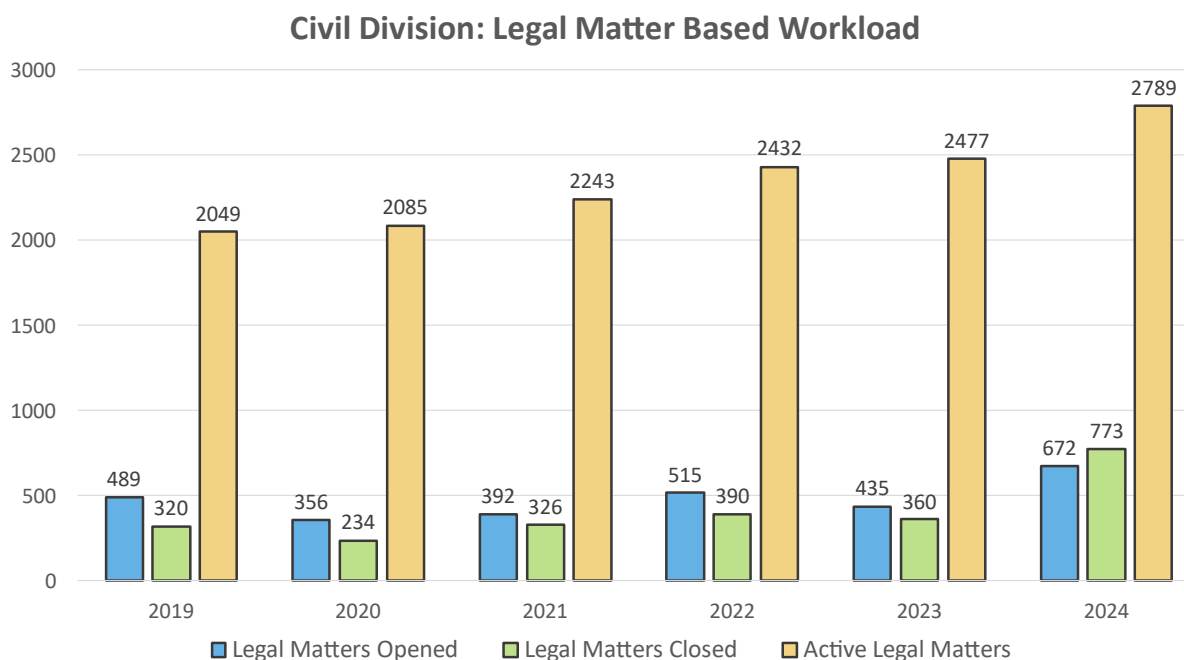
As I said at the conclusion of my [2023 CAO Annual Report](#) letter, I again want to express my appreciation and gratitude to all members of the Seattle City Attorney's Office for their drive, service, and professionalism. We remain in dedicated service to the people of Seattle.

Respectfully submitted,



Civil Division Overview

The Civil Division provides comprehensive legal services to the City of Seattle government, including executive, judicial, and legislative branch officials, department heads, managers and staff, and City boards and commissions. In its role as an in-house law firm for the City, the Civil Division performs transactional and advising work for its clients, works closely with them to solve legal issues, and represents the City in litigation and administrative proceedings in local, regional, state, and federal venues. The Civil Division consists of about 35 professional staff and 75 Assistant City Attorneys and comprises eight sections specializing in different areas of law: Civil Enforcement; Constitutional and Complex Litigation; Contracts and Utilities; Employment; Environmental Protection; Government Affairs; Land Use; and Torts.

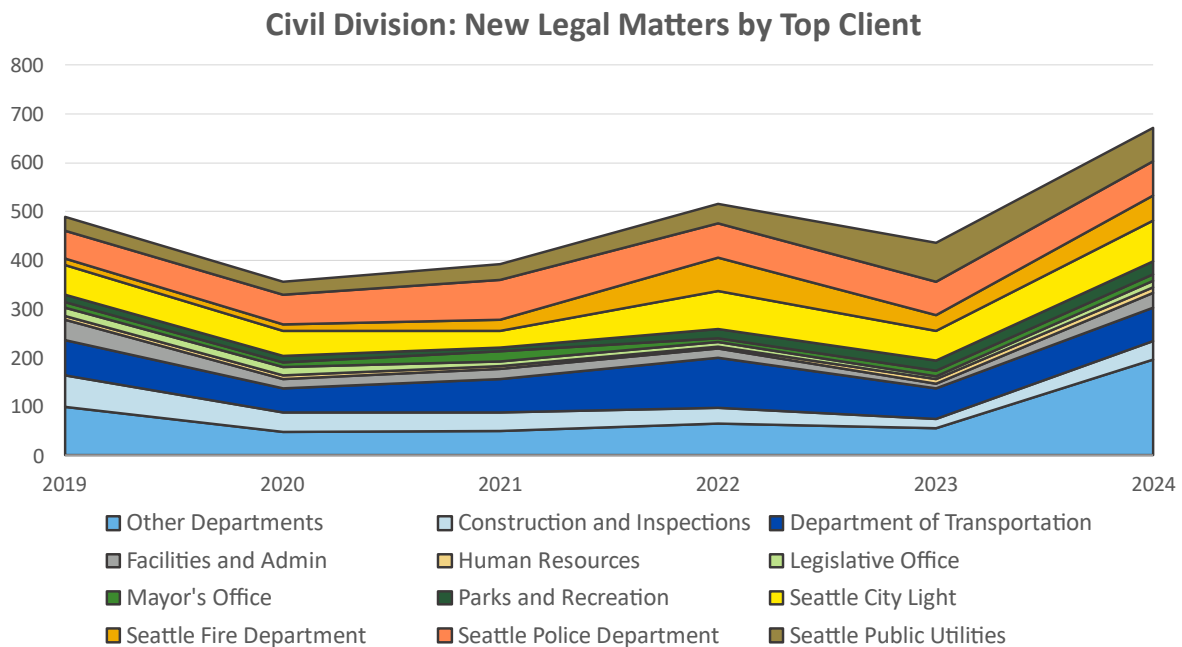


Civil Division attorneys track most of their legal work in “legal matters.” This chart shows the new legal matters created each year, the matters that have closed, and the matters still active at some point in the year. Many cases, especially those with a high level of complexity, can remain active for many years and some forms of advice can be ongoing for an extensive period of time.

Civil Division Clients

The Civil Division served the following City of Seattle departments in 2024.

- **Mayor's Office (MO)** on direction and control of all City offices and departments, unless the Charter provides otherwise.
- **Legislative Department (LEG)** on Council and related legislative services.
- **City Light (SCL)** on electrical utility functions.
- **Department of Construction and Inspections (SDCI)** on permitting services, code compliance, design review, emergency management, land use, trade licensing, and other services.
- **Finance and Administrative Services (FAS)** on purchasing and contracting, Animal Shelter, real estate services, capital development, facilities operations, and other public facing and internal service divisions.
- **Human Resources (SDHR)** on programs and services related to the City's work force.
- **Parks and Recreation (SPR)** on all parks systems and programming.
- **Public Utilities (SPU)** on water, sewer, drainage, waste collection services, and gas.
- **Department of Transportation (SDOT)** on streets, sidewalks, bike lanes, public spaces, and other transportation system functions.



Civil Division Sections

Civil Enforcement Section

The Civil Enforcement Section handles enforcement of City regulations and collections for all City departments. The Section advises and litigates cases on behalf of many departments, including the Department of Construction and Inspections, the Office of Labor Standards, the Office for Civil Rights, the Fire Department, and the Department of Transportation.

In 2024, Section attorneys helped resolve non-compliance issues; educated owners and employers about compliance with City regulations; and recovered on behalf of injured parties.

Examples of work done by the Civil Enforcement Section:

Civil Forfeitures

State law allows for the seizure and forfeiture of property by law enforcement under certain circumstances, such as when a vehicle is used to facilitate the sale or delivery of drugs, or when property is acquired with proceeds from a crime. Section attorneys represent the Seattle Police Department (SPD) in forfeiture actions when an individual contests the department's seizure of their personal property. In 2024, Section attorneys handled over 20 cases, including the noteworthy case involving 171 LEGO sets and various electronics. SPD was notified of ongoing retail theft from the Amazon 4-Star store on Westlake Avenue. Shoplifters were walking off with electronics and LEGO sets on an almost-daily basis. The stolen merchandise had unique markings, and an Amazon employee noticed the stolen merchandise in a different store located in Pike Place Market. Through an undercover investigation, SPD confirmed the store owner engaged people to steal specific items from Amazon and other retailers, pay them a small fraction of what the item was worth, and then resell the items at a profit. The owner was convicted of felony Trafficking in Stolen Property. SPD seized the stolen merchandise and sought return of the property to Amazon and forfeiture of the rest to SPD. The City Attorney's Office (CAO) represented the police department at the forfeiture hearing where the hearing examiner awarded the property to the police department.

Dangerous Animal Declarations

The director of the Seattle Animal Shelter is authorized to declare an animal dangerous. The Civil Enforcement Section advises the Shelter and handles appeals of those declarations. In 2024, the Animal Shelter referred 25 cases to the CAO. While the majority

of the cases resolved in settlement agreements that imposed conditions on the dog(s) and owners to keep the public safe, some continued to an appeal hearing before the Seattle Hearing Examiner. One such appeal focused on a dog and an unhoused individual who lived in a broken-down van in various Seattle neighborhoods. To assist the owner to appropriately care for the dog, the Shelter worked for three years to provide food, leashes, muzzles, free sterilization, crates, and even assisted with towing the owner's van out of City limits. Despite all this, the owner persisted in returning to Seattle, often tethering the dog to utility posts. The dog would routinely jump at and bite individuals walking past on the sidewalk. After receiving many complaints, the Shelter declared the dog dangerous and detained the animal. After a hearing on the matter, the Hearing Examiner affirmed the dangerous dog declaration and, on motion by the Section, agreed that the dog should be euthanized at the director's discretion in determining the appropriate course of action.

Real Property Code Enforcement

This Section prosecutes over a dozen different building and land use codes which are enforced by the Seattle Department of Construction and Inspections (SDCI). These cases include tree protection violations; unpermitted construction or modifications to property; land use code violations; and unauthorized junk storage. One case included a property owner who built unpermitted structures covering the entire side and back of their property, a violation of the Seattle Residential Code. The property, which had a history of junk storage violations and enforcement dating back to 2006, was littered with trash, construction materials, old appliances, and was infested with rats and stray cats. Neighbors expressed concern that people were living in the unauthorized structures, some of which appeared structurally unsound. The City sued to encourage the owner to clean up the property. When they refused, the City obtained a Judgment for Civil Penalties and an Order of Abatement, which enabled the City to enter the property to remove the junk. The department worked with the owner to clean the property. A cat rescue organization removed several feral cats, and King County is working with the department to monitor the rat infestation.

Public Nuisance Noise Enforcement

Civil Enforcement sued the owner of a modified Dodge Charger based on violating the City's Public Nuisance Noise Ordinance. The driver of the car, a social media influencer who became known as the Belltown Hellcat, modified the vehicle's engine and exhaust system to significantly amplify engine noise and to produce backfiring. The car was driven at extremely high rates of speed through downtown Seattle streets late at night and into the early morning hours, all while producing noise that was a significant disturbance to many thousands of people and several Seattle neighborhoods. The driver posted videos of their activities, which also spurred considerable social media discussion among frustrated residents. The driver told SPD they would continue to drive loudly because it was lucrative

for them. The CAO worked with SDCI and SPD to Issue a Notice of Violation and then sued the driver. The City tried to work with the owner to restore the vehicle to factory settings. Instead, they continued to flout the noise laws and ignore the public complaints, bragging they would continue to drive the vehicle to get attention. The City obtained a civil judgment against the driver for over \$80,000 in civil penalties and a court order that they follow the law.

Vacant and Derelict Building Enforcement

Unmaintained vacant buildings can invite problems, including trespassers, drug activity, fire risk, and rodents. These conditions, along with graffiti, can significantly affect the appearance of a neighborhood. Civil Enforcement attorneys serve on the City's interdepartmental workgroup to coordinate enforcement efforts and address the problems caused by absent owners. The attorneys also serve on an operations workgroup focused on Seattle's most problematic vacant properties. In 2024, Section attorneys worked with the Seattle Fire Department (SFD), SDCI, and SPD to bring over a dozen public nuisance actions to address many problematic properties and to encourage demolition, repair, or development. One of the filed cases involved an abandoned building in the Beacon Hill Neighborhood. The property, in significant disrepair, was the site of over a dozen fires in a 10-month period. There were clear signs of squatters inhabiting the ruins of the building. SFD inspectors found multiple violations of the Seattle Fire Code and referred the case to the CAO. The City obtained a default judgment for civil penalties and costs. The City also sought a Warrant of Abatement allowing the City to abate the nuisance property by demolition or other appropriate measures at the owner's expense.

Labor Standards Enforcement

Section attorneys advise the Office of Labor Standards (OLS) and assist the department with enforcement of many worker-protection ordinances, including Wage Theft, Minimum Wage, Paid Sick and Safe Time, and Secure Scheduling. During 2024, OLS referred three cases to the CAO. Section attorneys pursued recovery for workers for violations of Paid Sick and Safe Time, and Wage Theft and spent considerable time defending previous awards through the appellate court process.

Civil Rights Enforcement

Seattle Office for Civil Rights (SOCR) investigates claims of discrimination in housing, employment, public accommodations, and contracting in the City. Section attorneys advise SOCR and represent the department before the Seattle Hearing Examiner. This year, the attorneys worked with SOCR to resolve cases involving housing discrimination and unfair housing practices to recover for injured parties.

Collections

The Collections group within Civil Enforcement advises on collections matters and assists City departments with recovery for damage done to City infrastructure. The attorneys pursue judgments, settlements, and work to recover judgments awarded to the City.

Constitutional and Complex Litigation Section

Constitutional and Complex Litigation (CCL) attorneys represent the City in litigation arising out of police action, legislation, or executive action. CCL also represents the City in Public Records Litigation, inquests, and affirmative litigation.

Examples of work done by the Constitutional and Complex Litigation Section:

City of Seattle v. Kia/Hyundai

CCL attorneys continue to litigate against Kia and Hyundai for their failure to install industry-standard safety anti-theft features in certain models, which resulted in an extraordinary increase in theft and other crimes arising out of stolen Kia/Hyundai in the Seattle area and around the country. The case is ongoing.

Civil Rights Matters

CCL attorneys prevailed in acquiring dismissals in several high-profile civil rights matters, including Fuhr v. City of Seattle et al.; Campbell v. City of Seattle, Tarver v. City of Seattle; and Stanley v. City of Seattle et al.

Consent Decree

A Consent Decree between the City and the U.S. Department of Justice (DOJ) mandates that SPD make extensive policy, training, and operational changes to its policing practices. The City entered the Consent Decree in 2012 to resolve the DOJ's allegations that SPD had a pattern or practice of using unconstitutional, excessive force.

In fall 2023, the federal court overseeing the Consent Decree terminated most of the core requirements of the Consent Decree, upon determining that the City sustained compliance with them. The Court recognized how far SPD has come since 2012 and established the requirements the City must meet before termination of the entire Consent Decree.

Over the past year, the City diligently worked to meet the Court's requirements, submitting data on SPD use of force at crowd events. The data shows exceedingly low levels of force at protests throughout all of 2021-24. In addition, the court-appointed Decree Monitor thoroughly assessed the independent policy accountability system and determined it is "quite effective" and "positioned to provide sustainable oversight in the future." The Office

of Inspector General for Public Safety completed a qualitative assessment of SPD's response to individuals in crisis to confirm that these Consent Decree reforms endure.

The final, remaining requirement is that SPD revise its Crowd Management Policy. The next steps are for the City to complete the proposed policy revisions, submit them to the Court, and move to terminate.

Federal Response

In late 2024, CCL attorneys and other CAO staff collaborated to form a team focused on increased workload brought about by federal executive orders and other directives from the Trump Administration. This team assists with client inquiries and analyzes for the potential of possible litigation.

Inquests

CCL attorneys represented the City and City witnesses in several inquests on high profile matters. Inquest representation consists of preparing investigation witnesses to detail the scope of an officer-involved fatality investigation to the fact-finding jury; to adequately prepare and present witnesses on the policy and training at issue; and to represent City witnesses during the inquest proceedings.

Public Records Act Litigation

CCL attorneys encountered roughly a 600% increase in PRA litigation in 2024. A few of these resulted in settlements that limited the City's litigation risk. The majority, however, were adjudicated in the City's favor on dispositive motions. CCL attorneys prevailed on motions to dismiss in *West v. City of Seattle*, *Roane v. City of Seattle*. CCL attorneys also secured summary judgment victories in *West v. City of Seattle*, the high-profile matter of *Undivided Media v. City of Seattle*, and *Officer Doe/SPOG v. City of Seattle*.

Contracts and Utilities Section

The Contracts and Utilities Section provides legal services to every City department, addressing a wide scope of City services and activities. These include: municipal utilities; the City's bond financing; the City's Equitable Development Initiative; Waterfront Park construction, operations, and development; low-income housing grants (in the millions of dollars); the City's contracts with the King County Regional Homelessness Authority; human services contracts; childcare and education funding agreements; telecommunications issues; purchasing of good and services; public works contracting and claims; Parks and Recreation (SPR) property issues and concessions; and a variety of leases, easements, real property acquisitions, and transfers.

Examples of work done by the Contracts and Utilities Section:

Memorial Stadium

In 2024, Section attorneys worked closely with the Seattle Center to negotiate and draft development-phase transaction documents for a three-party joint project to redevelop the aging Memorial Stadium into a premier stadium for interscholastic sports, student educational opportunities, cultural events, and community opportunities. The \$135 million redevelopment project will be jointly funded by the City, Seattle Public Schools (SPS), and at least \$28.95 million in philanthropic funding raised by Memorial Stadium Redevelopment. The project will include space for Seattle Center's shops and warehouse, will provide use for Bumbershoot or other festivals, and will better integrate with the Seattle Center campus and provide additional open space. The project will also restore the Memorial Wall, dedicated in 1951 to commemorate the lives of 762 students from SPS and King County schools who lost their lives in WWII. The development agreement and interlocal agreement will be finalized for City Council and SPS Board of Directors' review in 2025. In addition to completing agreements, Section attorneys addressed land use and real property issues, public funding requirements, design review and approval processes, and verification of funding requirements to limit City and SPS risk. If approved, construction is scheduled to begin in summer 2025 and be completed in fall 2027.

FIFA World Cup 2026™

In June 2022, Seattle was named one of sixteen North American host cities for FIFA World Cup 2026™. In 2023, Section attorneys assisted in negotiating and finalizing a Mutual Support and Collaboration Agreement (Agreement) with the Seattle International Soccer Hosting Local Organizing Committee (LOC). In 2024, Section attorneys assisted the Mayor's Office in continued negotiations of an Insurance Addendum to the Agreement, and a separate Reimbursement Agreement covering the specific costs and processes for reimbursement by the LOC. Additionally, in 2024 Section attorneys assisted the Seattle Center with negotiating a Letter of Intent and Term Sheet with the LOC to host a Fan Celebration on the Seattle Center Campus during the World Cup Competition. This work is continuing and 2025 should see the completion of the Insurance Addendum, the Reimbursement Agreement, and the Facility Use Agreement for Fan Celebration.

Affordable Housing and Homeownership

In another groundbreaking year, Section attorneys supported the Office of Housing (OH) with OH funding awards. Section attorneys advised on structuring, documenting, and closing rental housing loans and refinancings in the hundreds of millions of dollars, which will help residents facing housing insecurity for decades to come and help to shore up aging affordable housing buildings throughout the City. Section attorneys also assisted with a comprehensive update to OH's Housing Funding Policies to align with passage of the 2023 Housing Levy and worked closely with OH on renewal of the City's multi-family tax exemption (MFTE) program. On the home ownership front, Section attorneys closed the

City's first loan for a limited equity co-op, closed many loans for projects on surplus Sound Transit properties along MLK Blvd., and closed a loan for a 58-unit permanently affordable condominium project, which is Habitat for Humanity's largest single-building project in the nation.

Debt Financing

Section attorneys provided in-house legal support to the City's debt team, within the Office of City Finance, for annual bond issuances and other debt financing projects. In 2024, this financing was critical for the support of significant civic projects, including upgrades to Fire Station 31, Seattle Municipal Tower, City IT infrastructure, Waterfront development, and utility capital improvements for Seattle City Light and Seattle Public Utilities. Throughout the year, Section attorneys worked with internal clients to maintain compliance with existing debt financing agreements, such as the EPA loan funding in part the SPU's Ship Canal Water Quality Project. Section attorneys also supported ongoing City collaboration with civic institutions using private or public debt financing, including the Seattle Aquarium Society.

Appeal of Waterfront LID Assessment

The City is nearing completion of a \$724 million project to transform its central waterfront. One funding source for the project is a Local Improvement District, which requires that properties receiving special benefits from the project must contribute to the project's cost. In 2023, the King County Superior Court annulled the City's Waterfront Local Improvement District (LID) approximately \$16 million assessment pertaining to 21 properties. Section attorneys appealed the trial court's decision to ensure all property owners within the LID boundaries pay their fair share for the benefits their properties will receive. In 2024, Section attorneys filed briefs and argued the case before the Washington Court of Appeals, Division One. The Court of Appeals agreed with the City's arguments, and in April 2024, it reversed the Superior Court's decision. This result will allow the City to collect the remaining \$16 million to fund its waterfront project. In October 2024, Section attorneys also successfully opposed the property owners' petition for review in the Washington Supreme Court, concluding all available appeals under state law.

FERC Relicensing

Seattle City Light (SCL) hydroelectric projects require Federal Energy Regulatory Commission (FERC) licenses to operate. Section attorneys are helping SCL in the relicensing process for both the Skagit Hydroelectric Project and the South Fork Tolt Hydroelectric Project. Each involves complex settlement negotiations with federal and state resource agencies and Indian Tribes. These efforts will lead to new long-term FERC operating licenses for both projects that provide renewable electricity to Seattle area homes and businesses.

Wireless Network Infrastructure Agreement – Seattle Center

Section attorneys worked with Seattle Center to negotiate a Wireless Network Infrastructure Provider License Agreement (Agreement) with Verizon Wireless to design, install, operate, maintain, market, and upgrade a multi-carrier capable, carrier-neutral wireless communications system (Wireless Network) at Seattle Center. The Wireless Network will improve wireless broadband coverage throughout the campus, enhancing the visitor experience and supporting event operations including large-scale events like concerts and festivals. Over the initial 12-year term, Verizon Wireless will provide \$5,927,099 in total revenue to Seattle Center. This Agreement provides long-term financial and operational value to Seattle Center and ensures the campus remains a connected, competitive, and attractive destination for residents, visitors, and event organizers.

Employment Section

The Employment Section provides legal services to every City department, addressing all matters arising out of the work environment of City employees. Employment attorneys represent the City in litigation involving discrimination; ADA accommodations; leaves of absence; employee relations; investigations; human resources programs and services; benefits; workers' compensation; and labor relations. The attorneys also advise City policy makers, elected officials, departmental leadership, human resources professionals, and labor negotiators on labor and employment matters.

Examples of work done by the Employment section:

Litigation Involving Seattle Police Officers

Employment Section attorneys continued to defend litigation involving Seattle Police Officers disciplined in matters regarding the use of excessive force. The City also obtained dismissal of a lawsuit involving a Seattle Police Officer terminated after punching a handcuffed suspect in the back of a patrol car. The plaintiff appealed the dismissal to the Ninth Circuit Court of Appeals. In 2024, Employment Section attorneys briefed and argued this matter, which resulted in the Ninth Circuit upholding the dismissal. In partnership with outside counsel, the Employment Section also defended multiple lawsuits with plaintiffs alleging discrimination arising from their employment at SPD.

COVID and the Workplace

Employment Section attorneys continued to collectively advise on all parts regarding COVID-19 and the workplace, including the lifting of the City's COVID-19 Vaccine Mandate, Alternative Work Arrangement policies and guidelines, and Return to Office policies and procedures. The pandemic continued to bring new and unprecedented challenges to City

policymakers, and attorneys in the Employment Section continued to navigate a shifting legal landscape in federal, state, and local laws. Employment Section attorneys also continued to defend a variety of litigated matters involving former City employees separated from employment due to the COVID-19 Vaccine Mandate. One lawsuit was dismissed and is on appeal at the Ninth Circuit Court of Appeals. Three other matters were resolved for reasonable amounts. More lawsuits related to the City's vaccine mandate will be litigated throughout 2025.

Collective Bargaining/Labor Relations

The Employment Section attorneys continued to work with the City's Labor Relations group to foster effective relationships with the City's Labor Partners, as well as continued collaboration between Labor Relations and all City departments. This included providing legal advice as to the implementation and outcomes of proposed bargaining strategy, as well as defending City departments and Labor Relations in arbitrations resulting from grievances, contract interpretation issues, and appeals of disciplinary decisions.

Workers' Compensation Litigation and Investigations

The Section includes a small practice team of attorneys and staff dedicated to providing legal advice and defending litigation involving the City's administration of workers' compensation benefits. The team also investigates allegations of willful misrepresentation by employees receiving benefits. In 2024, the team successfully recovered \$150,000 of benefits paid to a firefighter who alleged and inability to work due to post-traumatic stress disorder resulting from years of exposure to traumatic work-related scenes. The investigation revealed that while collecting wage-replacement benefits, the individual was working as a training consultant for disaster relief and response scenarios.

Human Resources and Workforce Management

Employment Section attorneys continue to give legal advice to City departments regarding the management of their employees, including but not limited to workplace policies and procedures; performance management; discipline; ADA accommodations; leave and benefit administration; and investigations. Section attorneys also provide legal advice and defend litigation arising out of the City's civil service infrastructure. This work includes not only appearing before the City's two civil service commissions to defend appeals, but also fostering collaboration between the commissions and the City departments that employ workers with civil service status.

Environmental Protection Section

The Environmental Protection Section provides legal services to all City departments regarding the full range of environmental legal issues. Much of our work is advising City staff how to follow state and federal environmental laws and permits. When the City is a potentially liable party under state or federal law for a contaminated site, the Section represents the City in negotiations with regulators, in settlements with other liable parties, and in litigation. Our attorneys also draft and review contract provisions regarding environmental issues and we help Seattle Public Utilities in enforcing and revising the City's Stormwater Code.

Examples of work done by the Environmental Protection Section:

Seattle v. Monsanto

In 2024, Section attorneys achieved a monumental settlement of our claims against the Monsanto Company. After eight years of litigation, Monsanto's parent company, Bayer, agreed to pay the City \$160 million. The settlement amount was many times greater than settlements other cities and most states reached with the company. The City claimed that Monsanto's production and promotion of its product, polychlorinated biphenyls (PCBs), created a public nuisance in the Lower Duwamish Waterway, which runs through Seattle.

Lower Duwamish Waterway Cleanup

Section attorneys negotiated settlements with over 40 other liable parties in 2024. These settlements will provide the City with about \$88 million towards the City's future costs for cleaning up the Lower Duwamish Waterway. The Section also reached preliminary agreement with the Environmental Protection Agency and the Washington Department of Ecology on a consent decree that will govern the cleanup. Dredging of contaminated sediments began in November 2024.

Contaminated Sites Under EPA or Ecology Orders

The City participates in the investigation and remediation of various contaminated sites subject to orders by EPA or the Washington Department of Ecology. Gasworks Park is an example. Attorneys in the Environmental Protection Section advise City staff how to follow the orders and applicable regulations and help with negotiating with the regulatory agencies and with other parties.

Contaminated Property and Rights of Way

The City often encounters contamination in property the City owns or plans to acquire. Section attorneys advised staff in Seattle Parks and Recreation, Seattle Department of Transportation (SDOT), Seattle Public Utilities (SPU), and other departments regarding the applicable regulations, helping them identify options, such as performing a voluntary

cleanup or negotiating terms with another party. Contamination also can be found in City rights-of-way, often by parties performing a cleanup on adjacent property. Section attorneys help SDOT determine how to handle such situations.

Stormwater Notices-of-Violation

SPU inspectors call on Section attorneys for advice when they discover violations of the City's Stormwater Code. The attorneys review draft Notices-of-Violation and help the inspectors determine the best course of action. Section attorneys also advise City staff when the City itself is found to have violated stormwater regulations , and represent the City in any related procedures or hearings.

Emerging Contaminants

As scientific discoveries occur, federal and state regulatory agencies issue new regulations about newly identified contaminants. In 2024, Section attorneys advised City staff regarding such newly regulated contaminants. When class action cases are started regarding such contaminants, attorneys in the Section advise City managers whether to stay in the class action or opt out.

Government Affairs Section

The Government Affairs Section (GA) advises on a variety of state and local government laws and topics such as municipal finance and budgeting; initiatives and charter issues; the Washington State Open Public Meetings Act; Washington State Public Records Act; legislation drafting conventions; and inter/intra-governmental relations. GA attorneys also litigate and advise on tax issues.

Examples of work done by the Government Affairs Section:

Transportation Levy Renewal

On November 5, 2024, Seattle voters approved an eight-year \$1.55 billion Transportation Levy that will fund maintenance and modernization of the City's transportation infrastructure, including building sidewalks, paving streets, repairing bridges, and improving transit connections. GA attorneys worked with the mayor's office and city council to develop the legislation, including fulfilling the city attorney's legal obligation to draft the ballot title and explanatory statement language presented to voters.

Initiative 137 and City Council Proposed Alternative Measure

Section attorneys help to develop a ballot title and explanatory statement for any City initiative measure filed with the Office of the City Clerk. This is to fulfill the city attorney's legal obligations under state and local law. This year, Section attorneys developed the

ballot language for Initiative 137 that proposed a new Payroll Expense Tax to fund the Seattle Social Housing Developer, a public development authority previously created by Initiative 134.

Upon receipt of enough signatures supporting a proposed initiative, the city charter allows the city council to propose an alternative measure to appear on the same ballot. This year, the Council proposed Ordinance 127101 as an alternative measure that would have funded the Social Housing Developer with existing Payroll Expense Tax proceeds. GA attorneys helped to develop Ordinance 127101, in addition to a combined ballot title and explanatory statement for both measures to appear on the ballot as Proposition 1A and Proposition 1B for the February 2025 special election.

Tax Litigation

GA attorneys represented the City in tax appeals before the Hearing Examiner and King County Superior Court, winning favorable decisions on penalties, apportionment, and the taxation of investment income. The City prevailed in all tax litigation matters.

Open Public Meetings Act Trainings

RCW Chapter 42.30, the Washington State Open Public Meetings Act (OPMA), requires that all meetings of the city council and certain City boards and commissions are open to the public. GA attorneys provide regular trainings and advice on the OPMA's requirements to members of the city council, as well as to members of City boards and commissions subject to the OPMA.

Open Public Meetings Act Legal Monitor

The Seattle City Council Rules require that an attorney from the CAO, or outside counsel if appropriate, shall be present during all executive sessions as "legal monitor" to advise councilmembers on compliance with the OPMA. A GA attorney performed this role for each city council executive session in 2024.

Public Records Act, Data Governance, and Records Retention Advice/Training

The Washington State Public Records Act (PRA) and Records Retention Act (RRA) include important requirements for the production and preservation of City records. GA attorneys provide regular PRA trainings to City elected officials, City departments, City boards and commissions, cross departmental work groups such as the Unified Care Team, and City departmental public disclosure officers. This year's trainings also included an internal CAO refresher on the Public Records Act and development of a training on a Citywide workflow for determining employee eligibility for an exemption aimed at protecting survivors of Domestic Violence, Stalking, Harassment, Sexual Abuse/Violence consistent with ESHB 1533.

City Data Security and Privacy

Section attorneys regularly advise City departments regarding appropriate data management and responses to potential data security incidents involving City records. This includes advice and assistance to client departments on data sharing agreements and practices supporting the City's data initiatives and ongoing operations. This year, the Section's work in this area included advice related to a significant security data breach involving the Seattle Public Library. GA attorneys also provided significant support for the City's Affordable Seattle Data Sharing Agreement, participated in work supporting the City's Information Governance Board, and provided overall support for the City's efforts toward adopting Artificial Intelligence/Generative Artificial Intelligence tools and policies.

Recruitment and Hiring of Seattle Police Department Personnel

Section attorneys helped to prepare legislation and associated activities regarding SPD efforts to enhance recruitment and retention of SPD personnel, including matters related to providing for more flexibility regarding civil service testing that occurs in the hiring of SPD personnel.

The City Attorney's Office and the Legislative Process

The CAO plays a central role in preparing all legislation sent to the city council for consideration. Besides legal review of specific subjects by the proper attorneys, technical review of every ordinance and resolution is carried out by GA legislative editors, including Brandon Isleib as the City's Code Reviser. In this role, Section staff ensures proposed legislation meets City drafting standards and is generally accurate and accessible to the public.

In 2024, the GA legislative editors partnered with the Office of the City Clerk and the City Budget Office to train over 100 attendees on the legislative process, including basic drafting procedures. The GA legislative editors also worked with SDCI and SFD to finalize local versions of ten construction codes for printing (after their adoption in 2024). Finally, in collaboration with GA attorneys, the GA legislative editors helped standardize several provisions across levy measures sent to the people for a vote.

Land Use Section

The Land Use Section provides legal counsel and defends City legislation and administrative decisions on zoning, planning, land use permitting, the State Environmental Policy Act, preservation of historic properties, street uses, and landlord-tenant regulations.

Examples of work done by the Land Use Section:

Low-Income Affordable Housing

The Mandatory Housing Affordability program (MHA) is a pillar of the City's effort to address the lack of housing available to lower-income residents. MHA strikes a balance: developers who want to take advantage of expanded development capacity in some areas must rent some of the new units to low-income households at prices they can afford, or pay a fee that supports the City's efforts to build affordable low-income housing. Represented by a libertarian organization, a property owner sued the City, claiming MHA unconstitutionally takes their property. A federal trial court dismissed the case and Section lawyers are now in a federal appellate court defending this important City program. (*Adams v. City of Seattle*.)

Tree Protection Regulations

After the city council enacted a major update to the City's tree regulations, a trio of groups challenged the ordinance before the state Growth Management Hearings Board, an administrative tribunal that hears such cases. The groups argued that the ordinance violated the Growth Management Act's substantive and procedural mandates and violated the State Environmental Policy Act. A Land Use Section lawyer successfully defended the ordinance, and no party appealed the Board's decision. (*TreePAC v. City of Seattle*.)

Floodplain Regulations

For City property owners to be eligible for flood insurance backed by the federal government, the City must adopt floodplain regulations consistent with federal law and FEMA floodplain maps. After FEMA issued new maps for the King County area, the City needed to revisit its existing regulations and maps. A Land Use Section lawyer advised City staff on drafting amendments, environmental review documents, reports to the city council, and documents to help inform the public. This involved navigating complex federal and state regulations while incorporating stakeholder input.

Comprehensive Plan Update

Under the state Growth Management Act, the City must sometimes update its comprehensive plan to guide growth consistent with state mandates, which have recently changed in dramatic ways. Section lawyers are deeply involved in the latest comprehensive

plan update effort, advising City elected officials and staff on how to meet the City's goals while staying within the bounds of the GMA and state environmental review laws.

West Seattle – Ballard Light Rail Extension

Sound Transit is planning an expansion of light rail service to include a line from West Seattle to Ballard. Potential routes will be outside established street rights-of-way and will cross environmentally sensitive areas and a variety of zones and types of properties. To help the City accommodate this project, Section lawyers helped clients with an extensive slate of amendments to City development regulations, which were originally created with this project in mind.

Office-to-Housing Conversions

In the wake of the pandemic's depressing the office space market, and seeing a need for additional housing, the State enacted a law requiring local jurisdictions to simplify conversions of existing office buildings to residential units. A Section lawyer worked on a City ordinance to put that law into practice. This involved a range of issues stemming largely from the fact that office space is rarely constructed in locations as housing, as well as rarely being subject to the same standards as housing.

Accessory Dwelling Units

A new state law generally requires cities to loosen restrictions on the development of accessory dwelling units — units added to or behind single-family houses. Section lawyers analyzed issues this raised with existing state and City law and then worked with City staff to draft a bill for city council consideration.

Torts Section

The Torts Section litigates City personal injury and property damage cases, which range from relatively minor matters to multimillion-dollar lawsuits. The Section also regularly advises the City on a variety of risks.

Examples of work done by the Torts Section:

City of Seattle v. Ballard Terminal Railroad and Meeker Southern Railroad

The City has sued Ballard Terminal Railroad and Meeker Southern Railroad, alleging that the Railroads are in breach of franchise and operating agreements requiring them to maintain insurance on the City's behalf for a rail line in Ballard near the Ballard Bridge.

Affirmative Litigation for Damage to City property and Insurance Benefits

The Section continues to represent the City in cases involving damage to public property. This past year, that work included damages to public utility property and public art. The Section is also pursuing claims that some of its excess insurance carriers owe the City more insurance benefits related to protests in Seattle in 2020 and early 2021.

Zaring v. City of Seattle et al.

This case provides an example of the Section's work to get adjoining property owners to acknowledge their responsibility to repair sidewalks damaged by private trees. The Section succeeded in obtaining a ruling that the owner was responsible for personal injuries if their failure to restrain their tree or repair sidewalk damage caused by their tree caused the injuries.

Auld v. City of Seattle and 14th and Dravus LLC

Here, the City admitted responsibility for slip and fall injuries that occurred on a City sidewalk. The co-defendant property denied responsibility and the case was tried to a jury. The jury determined that the property owner bore more responsibility for the injuries than the City did.

Leung v. City of Seattle, Yunex et al.

The Section regularly tenders cases to insurance companies where the City is an additional insured. Involving a pedestrian-car fatality accident, the Section successfully tendered the case to an insurer and was ultimately dismissed from the lawsuit with no payment by the City.

Hor v. City of Seattle et al.

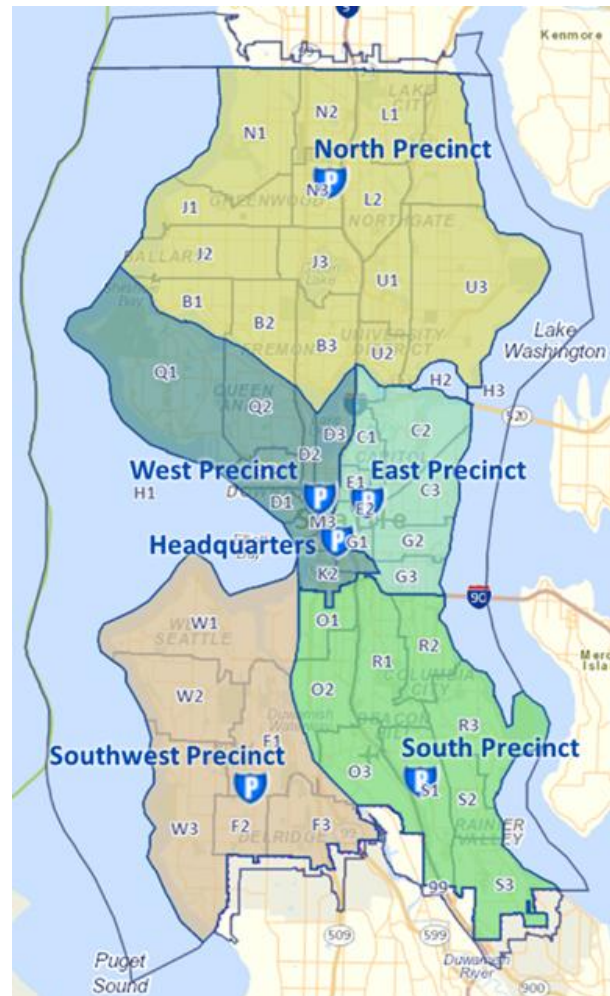
The plaintiff sued the City and the driver of the car they were in when it crashed. The plaintiff sought a retrial based on alleged newly discovered evidence. The trial of the case resulted in a multimillion-dollar verdict against the codefendant driver and a defense verdict for the City. After multiple appeals, the Section succeeded in defeating the motion for a new trial.

Public Safety Liaisons

The Public Safety Liaison Program (formerly called Precinct Liaison Program) is a long-term, proactive partnership of the Seattle City Attorney's Office, law enforcement, public and private organizations, and the community. The focus is on solving chronic neighborhood problems, improving public safety, and enhancing quality of life. The precincts (seen in the map at right) mirror the precinct boundaries established for City Council representation.

The program is designed with specific goals in mind:

- reduce crime and enhance the quality of life in Seattle neighborhoods;
- develop a more efficient and effective response to public safety problems;
- improve communication among residents, prosecutors, police, and other City departments involved in problem-solving efforts.



The Public Safety Liaisons achieve these goals by:

- providing real-time proactive legal advice for officers in each precinct;
- working closely with other City agencies to address neighborhood problems before they become criminal problems;
- litigating appropriate code and criminal violations resulting from these efforts;
- facilitating community and intergovernmental communication and cooperation.

Below are some examples of the collaborative work done by the Public Safety Liaisons this year:

Vacant Buildings Across the City

Vacant buildings across Seattle pose numerous public safety issues, chief among them the possibility of fires breaking out and endangering lives and other properties. The Public Safety Liaisons oversee the Vacant Buildings Operational Workgroup (OWG), which tracks the most high-profile vacant buildings in the City. These vacant buildings represent significant health and public safety problems for multiple agencies, including Seattle Fire Department, Seattle Police, and Seattle Department of Construction and Inspections. The Liaison is responsible for maintaining the list of buildings, running monthly meetings, and coordinating agency efforts on specific buildings when necessary. The OWG started with a list of approximately 30 buildings, and to date more than 20 have been either demolished or rehabilitated.

Working with the Seattle Fire Department

The Liaisons provide quarterly updates to SFD on assaults and threatening behavior as reported by firefighters and other SFD personnel. The Liaisons also track data related to “obstructing cases,” a circumstance when an individual has obstructed a firefighter in the course of official duties. As needed, the Liaisons also provide advice and guidance on public safety issues as it relates to SFD.

Seattle Police Department Trainings

The Liaisons routinely provide training to the Seattle Police Department by way of presenting at precinct roll calls and to specialty units over the past year. Specifically, the liaisons have presented trainings on ordinances related to search and seizure issues, report writing, street racing, SODA, and possession/public use of drugs. Additionally, the liaisons have presented training for all new sergeants as part of SPD’s New Sergeant School program, which is great opportunity to ensure SPD leadership is up to date with the newest laws and the best practices. Finally, the liaisons have presented a DV training and report writing training at SPD’s FTO school, again making sure officers in mentorship roles have the best tools possible to help train SPD’s newest recruits.

Belltown Hellcat

The liaisons helped coordinate enforcement efforts between SPD and the CAO Civil Division related to the notorious “Belltown Hellcat”, which was the heavily modified, overly loud vehicle that drove throughout the downtown corridor making excessive and unlawful noise. This vehicle was the subject of multiple news articles and headlines throughout 2024. These efforts resulted in several infractions for modified exhaust, as well as a civil noise control notice of violation.

Graffiti

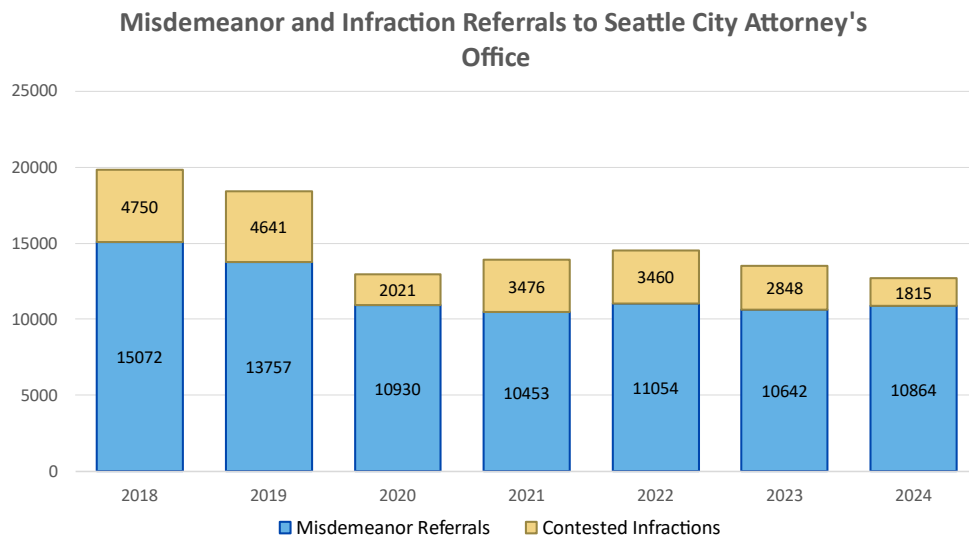
After nearly two years of active efforts on behalf of the CAO, KCPAO, SPD, and the Mayor's Office, we were able to work up and file 35 felony cases for malicious mischief relating to graffiti. A liaison was then cross deputized to serve as the lead prosecutor on these cases for the KCPAO. The liaison has thoroughly reviewed all evidence associated with each case and have been in active negotiations with defense counsel in an effort to either resolve these matters or set them for trial. The liaison has also spent a great deal of time working with our detective on these cases to learn about graffiti culture, who the most prolific taggers are, how these tags are planned and implemented, and much more.

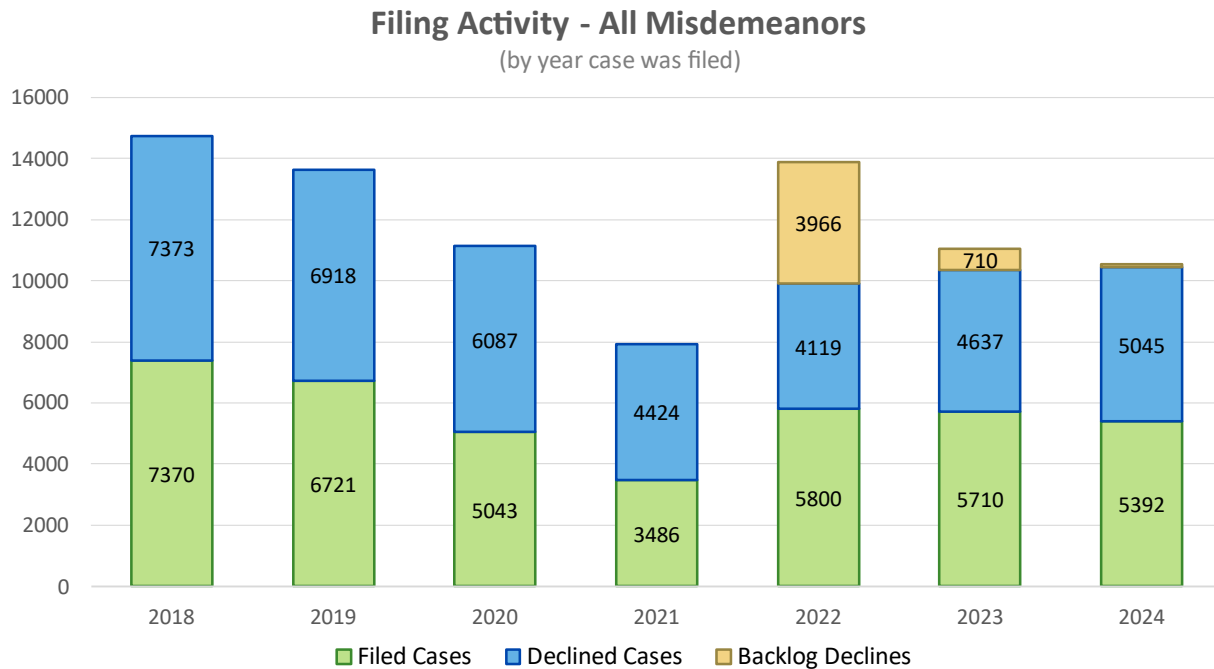
Criminal Division Overview

The Criminal Division is responsible for prosecuting all misdemeanor and gross misdemeanor crimes that are referred by the Seattle Police Department; representing the City in contested infractions before the Seattle Municipal Court; and managing many forms of alternatives to traditional prosecution. The Criminal Division is split into sections based on expertise and subject area:

- **Review and Filing Unit** – makes filing decisions on incoming police referrals.
- **Domestic Violence Unit** – prosecutes all domestic violence, sexual assault, and other specialty cases like child abuse or animal cruelty.
- **Trial Team Unit** – the main trial unit for everything but domestic violence and specialty court cases.
- **Specialty Courts Unit** – responsible for all cases in Mental Health Court, Veterans Treatment Court, LEAD, LINC, Vital, and the infractions unit.
- **Pre-File Diversion Unit** – qualifying individuals who complete a diversion program can have their cases declined.
- **Appellate Unit** – responsible for handling appeals and writs filed in King County Superior Court.
- **Case Prep & Prosecutorial Support Units** – skilled support staff to assist prosecutors.
- **Victim Advocates** – helps victims navigate the criminal legal system.

Annually, the City Attorney's Office typically sees about 11,000 misdemeanor and gross misdemeanor referrals from the Seattle Police Department and about 3,000 contested infractions from Seattle Municipal Court.





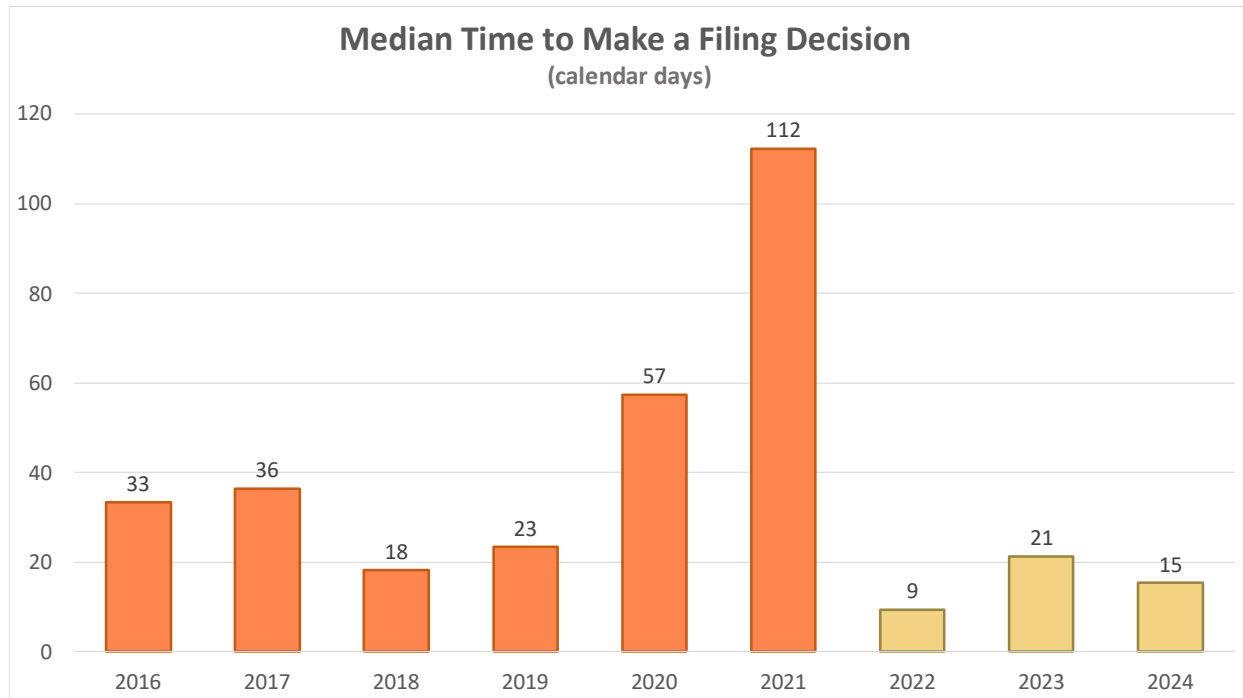
The 3966 declined backlog cases in 2022 and 710 declined backlog referrals for prosecution in 2023 represent the cases from the previous administration that were un-fileable largely due to their age.

In 2024, the Criminal Division filed 5,392 cases and declined 5045 referrals from the Seattle Police Department. There are a variety of reasons cases might be declined, including:

- inability to prove the case beyond a reasonable doubt;
- inability to contact victims or witnesses without other evidence;
- completion of a diversion program.

Criminal Division Highlights

Close-in-Time Filing



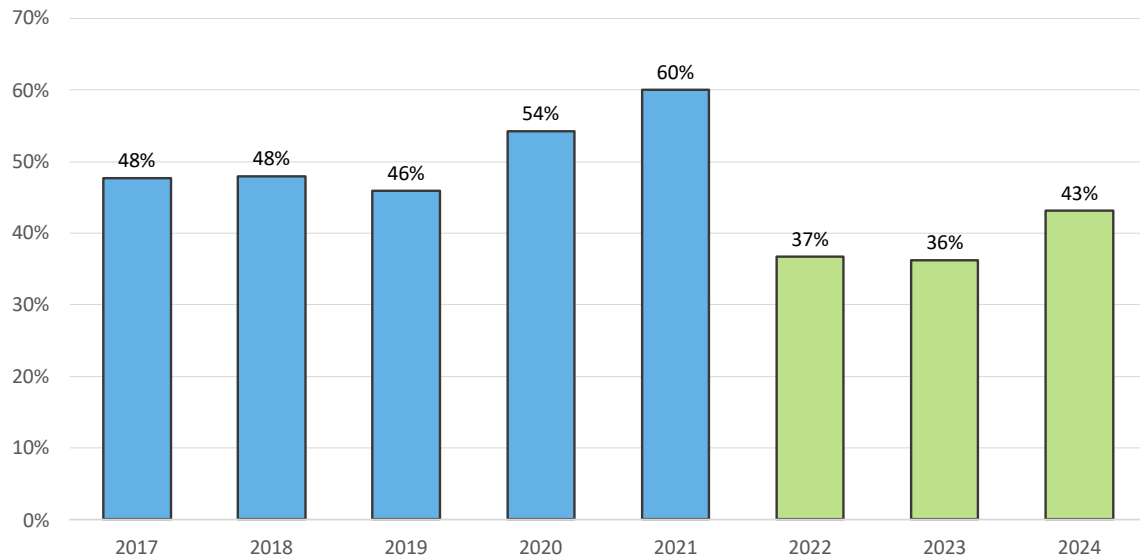
Before 2022, the City Attorney's Office reviewed the oldest referrals first. Older referred misdemeanors are more time consuming and difficult to file due to difficulty in contacting witnesses and other evidentiary issues. This policy eventually contributed to growing backlog of more than 5,000 referrals awaiting review, which further added to the difficulties in filing.

In early February 2022, City Attorney Davison initiated the Close-in-Time filing policy to provide more real-time accountability and to increase efficiency in Criminal Division operations. The policy goal is to make a filing decision within five business (seven calendar) days of receiving a referral, with extra time for domestic violence and LEAD clients allowed. The policy successfully reduced the median time to make a filing decision and created benefits throughout the Department.

In 2024, the average police referral took 15 calendar days to make a filing decision. Staffing issues continued in 2023 and 2024 which made it harder to meet the Close-in-Time goals. A single attorney on leave can have a substantial impact and it takes a significant amount of time to train a new attorney in filing on the Division's "legacy" system.

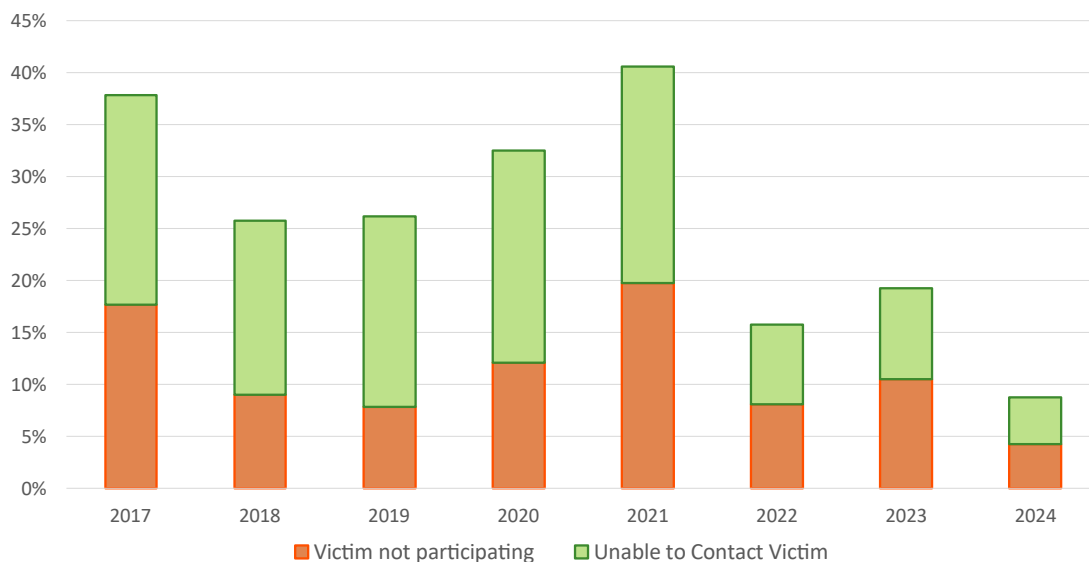
Victim Engagement

Non-Domestic Violence Decline Rate
(by year report was received)



Incoming referrals can be declined for many reasons, including lack of proof or victim/witness contact issues. In 2022, City Attorney Davison brought to the Department a focus on prioritizing the recentering of victims in the criminal legal system. This, combined with the Close-in-Time Policy, led to a large reduction in cases being declined due to victims and witnesses not participating in the process. This continued in 2024.

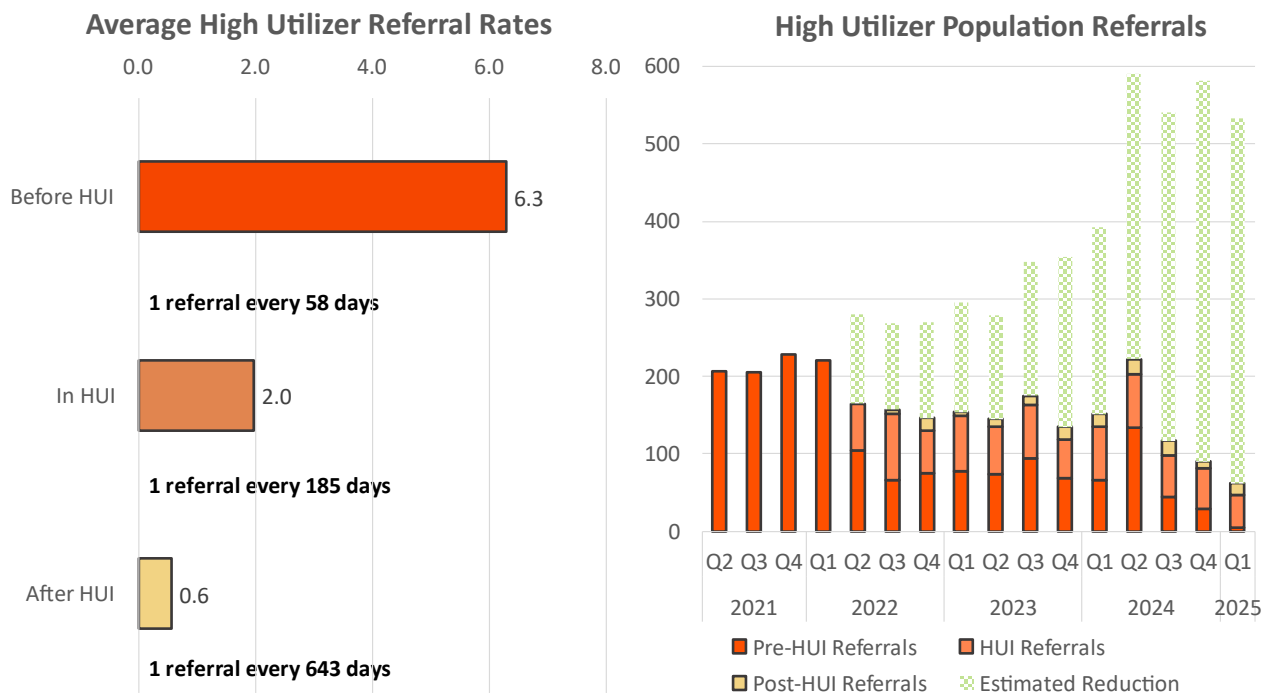
Victim Based Declines as % of Total Declines



High Utilizer Initiative

The High Utilizer Initiative was created by City Attorney Davison at the end of Q1 2022 to give special attention and accountability to the most problematic individuals committing misdemeanor crimes in Seattle. The initiative partners the City Attorney's Office with the King County Prosecuting Attorney's Office, Seattle Police, and the King County Jail. The initial cohort consisted of 118 individuals who had been responsible for over 2,400 police referrals to the City Attorney's Office over the previous five years. Additionally, each member of the cohort had been referred by police to the CAO at least once in the previous eight months. Each subsequent quarter updated the individuals in the initiative. Immediately, charge rates went up by almost 20%.

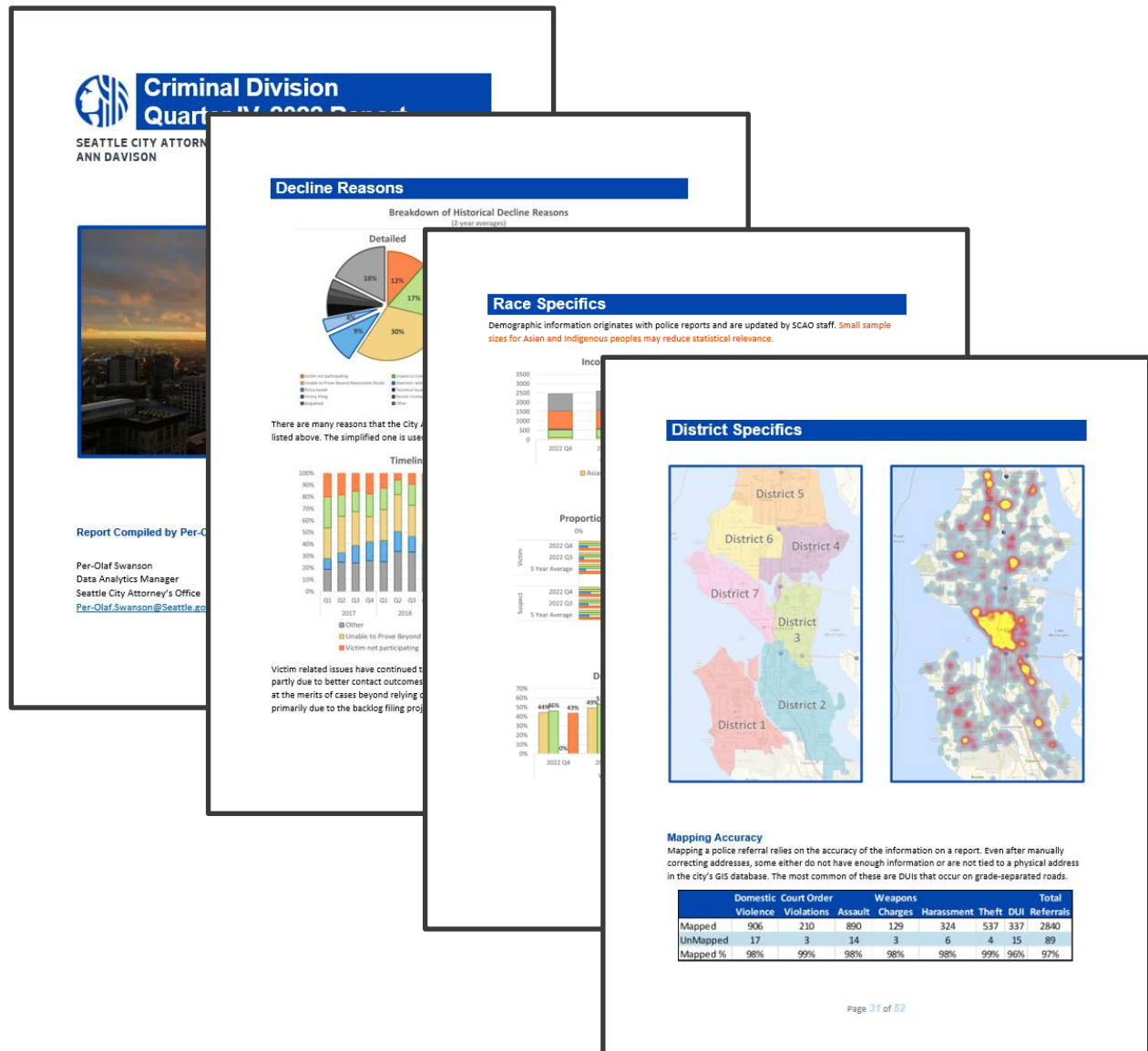
Thus far, the High Utilizer Initiative has created an estimated reduction of 3,000 police referrals to the City Attorney's Office. This reduction is calculated by comparing referral activity of individuals prior to entry into the initiative with the activity rates while they are in the initiative and after they have exited it.



A prime reason for the success of the High Utilizer Initiative was the ability to book identified individuals into custody. Prior to the initiative, the King County Jail would only accept bookings for crimes against other persons and DUI misdemeanors. Treatment was offered to some who met the criteria, but most of them absconded and work is underway to improve that process to include in-custody treatment and planned re-entry after custody.

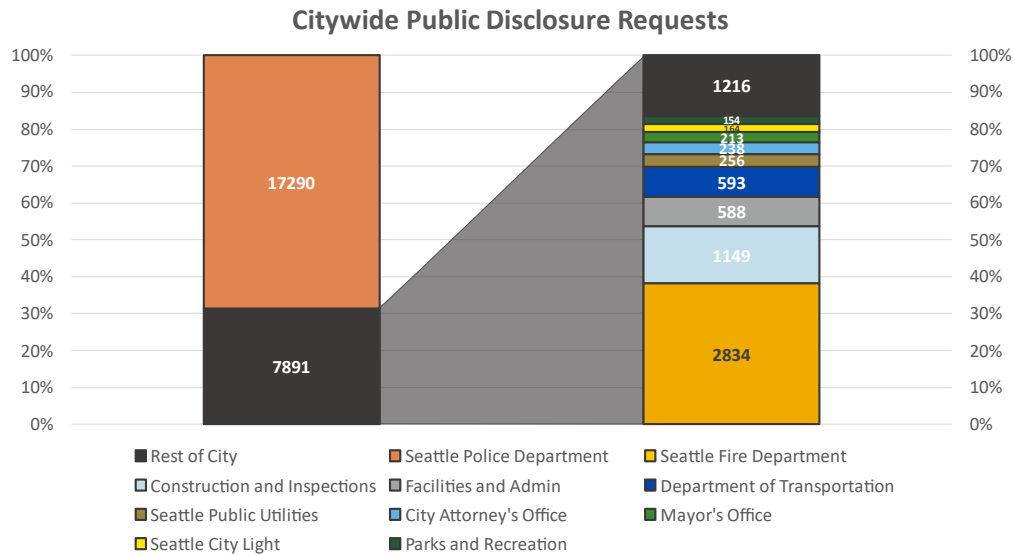
Criminal Division Details

As part of City Attorney Ann Davison's commitment to transparency and accountability, comprehensive quarterly reports were created starting in Q1 of 2022. Each report contains approximately 50 pages of detailed statistics on the operation of the Criminal Division. They can be found on the City Attorney's Office website under [Reports](#).



Public Disclosure Requests

Citywide



The City Attorney's Office advises City clients on Public Records Act compliance and represents the City when its compliance issues are challenged in litigation. The City's PRA-related obligations remain a significant and growing body of work. In 2024, City departments received over 25,000 requests, up 11% from the previous year. The City Attorney's Offices has 1.2 FTEs to respond to the approximately 200 public disclosure requests it received in 2024. This remains a challenging area of work, requiring the latest knowledge of pending CAO matters, as well as staying current on evolving technologies.

Seattle City Attorney's Office

