

Clerk

SEATTLE CITY ATTORNEY

MARK H. SIDRAN

CITY OF SEATTLE

May 18, 1992 23 12 33

RECEIVED MAY 18 1992

Honorable Norman B. Rice
Mayor, City of Seattle

Honorable George Benson
President, Seattle City Council

Re: 1991 Annual Report of the Law Department and 1992 Work Plan

Dear Mayor Rice and Councilmember Benson:

I am pleased to submit to you the Law Department's 1991 Annual Report and our 1992 Work Plan. In 1991, we successfully implemented many of the improvements previously identified as essential to providing the high quality legal services the City requires to meet its goals. Both the Criminal and Civil Divisions met their major goals for the year, substantially and noticeably improving the quality of justice in Municipal Court and the quality and availability of civil legal services to our clients.

Once again, our annual Work Plan reflects the needs and priorities of the Mayor and Council, as well as focusing on continued improvement in client service, enhancement of our professional skills and increased efficiency. Our major 1992 initiatives include planning for the consolidation of the Civil Division into a single building in 1993 and the start up of the Criminal Division's computer case tracking and management system.

I look forward to continuing to work with you, the Council and the Court on the many exciting and challenging opportunities that lie ahead.

Sincerely,

Mark H. Sidran

Mark H. Sidran
Seattle City Attorney

cc: Elected Officials
Municipal Court Judges
All Department Heads

**1992 WORK PLAN
SEATTLE CITY ATTORNEY'S OFFICE**

MARK H. SIDRAN
Seattle City Attorney

May, 1992

I. INTRODUCTION

As most organizations, the City Attorney's Office can better use its resources and evaluate its performance by developing a comprehensive annual work plan. Unlike many organizations, however, much of what we do and when we do it is largely determined by the needs, interests, and priorities of our clients. Our work plan, therefore, reflects both the plans of the Mayor, Council and City Departments as well as our own initiatives. Finally, perhaps more than in other endeavors the practice of law is subject to the uncertainties of life; those decisions of courts, legislative and executive bodies, and even litigants, to which we must respond.

The following work plan is organized around goals for the Law Department as a whole, goals for the Civil, Criminal and Administration Divisions, and goals for each of the Divisions' subsections and units.

II. LAW DEPARTMENT, GENERALLY

The City Attorney's Office is comprised of three Divisions; Civil, Criminal and Administration. The Civil Division provides legal services and advice to the Mayor, Council and all City Departments and represents the City in litigation. The Criminal Division is the City's prosecutor in Municipal Court. The Administration Division provides management and administrative support to the Department; including personnel, purchasing, planning, budget, accounting and systems.

1. Implement New Attorney Classification System

Over the course of the year the Department will implement the new attorney classification system in a manner which is fair to the attorneys, based on merit and performance, and which has minimal budget impacts over the previous system. **Target Date: All attorneys reclassified by Fourth Quarter, 1992.**

2. Compile and Supplement Internal Office Policies

Internal policies developed over the past two years need to be collected in a single format while a few additional policies remain to be developed or completed in order to provide employees with predictable and consistent administration on significant matters. These include a flex-time policy for FLSA employees, an explicit understanding of work hours for FLSA-exempt professionals, a consistent approach to jury demands and accepting judges, and a policy on outside legal activities and pro bono work by employees. **Target Date: "Pro bono" policy, Second Quarter; flex-time/"comp time" policy, Third Quarter, 1992.**

3. Affirmative Action

The Department will work to build on its record of seeking and hiring professionals with diverse ethnic backgrounds. To create avenues for training and entry level opportunities, the Department will develop an earlier, more systematic process for recruiting summer interns. The Department will continue to give routine notice of openings to local minority bar associations and to recruit at local minority job fairs and law schools. **Target Dates: Revised Affirmative Action Plan, May 1, 1992; Intern recruiting effort, Third Quarter, 1992.**

4. Development of In-House and Joint Training Program

A systematic in-house training regime should be developed on issues of broad interest, including litigation skills, ordinance drafting, public disclosure, and negotiation skills. The office also should take advantage of opportunities for joint training exercises with private firms and between Divisions. **Target Date: In-House training schedule developed by Second Quarter, 1992.**

5. Improved Review of Proposed State Legislation.

Each year several hundred proposed State bills are forwarded to the Law Department for review and comment. Although a system has been developed for tracking these bills within the office, sheer volume makes it very difficult to provide timely, high quality review of that fraction of the bills which actually have important legal significance. A better mechanism for screening bills for review and coordinating out-going comments is needed. **Target Date: Third Quarter, 1992.**

III. CIVIL DIVISION

The Civil Division is organized into eight work groups or "sections" oriented to specific subject areas of law. These sections are Municipal Law, Contracts, Land Use, Employment, Utilities, Environmental Protection, Civil Enforcement, and Torts. The work program for the Civil Division overall is followed by the individual work programs for each section.

CIVIL DIVISION, GENERALLY

1. Consolidation of Civil Sections

The past year has shown the great effort needed to maintain even minimal communication across the several blocks that separate our ten utilities-oriented attorneys in the 1111 Third Avenue Building from our Municipal Building office. We have become increasingly conscious of the actual costs (transportation time, messenger service, duplicated services) and the "opportunity costs" which result from the physical distance

of the Utilities and Environmental Protection Sections from the rest of the Division. It remains in 1992 a primary goal to consolidate the entire Civil Division in the Municipal Building or in another suitable building. **Target Date: Complete plans by Fourth Quarter 1992, consolidate in 1993.**

2. Establish Routine for Meaningful Computer Reports

The Civil Division has now implemented its case- and project-tracking and time sheet systems and has established good manual systems for the entry of the necessary data. The next step toward realizing the value of the system is the preparation and distribution of meaningful docketing and time reports to the attorneys and supervisors who can use the information. This should have the secondary benefit of improving the quality and quantity of the data entered into the system. **Target Date: Routine reports established by end of First Quarter, 1992.**

3. Help Mayor and Council Set Up True Self-Insurance Program

While the system of comprehensive setting and tracking of reserves has improved the City's management of the Judgment and Claims Fund, the result remains far short of a modern self-insurance and risk management program. The Civil Division will work with the financial reorganization task force and the risk management work group to evaluate the City's needs and help design a method for predicting, controlling, and funding liability exposures. **Target Date: Evaluation and overall model designed by Second Quarter, 1992.**

4. Review and Reallocate Division Resources as Needed

With a year's worth of experience with the new organizational structure of the Civil Division, it is now important to fine-tune the allocation of responsibilities and professional staff among the sections. The object of this effort will be to equalize constant workloads, to flexibly and better match skill to tasks. **Target Date: Review section responsibilities and staffing, First Quarter; adjust as necessary, Second Quarter, 1992.**

5. Refine Hiring Process

Now that turnover and expansion of the office has stabilized so that multiple simultaneous hiring processes are not necessary, explore the establishment of a standing hiring committee along with better routines for evaluating and indexing resumes and other data. Likewise, a systematic approach to the recruiting and selection of summer interns must be developed. **Target Date: evaluation and changes for attorney hiring Second Quarter, 1992; intern hiring system Third Quarter, 1992.**

6. Strengthen Appellate Practice

In order to improve the quality of our appellate advocacy and to avoid the presentation of conflicting positions on appeal, the Civil Division must better track and coordinate its cases on appeal. **Target Date: Second Quarter, 1992.**

TORTS SECTION

A. Major Client Projects

1. Litigation. The Torts Section will handle approximately three-quarters of the 400 new cases expected to be filed in 1992, in addition to its heavy active load of pending cases. Property damage and personal injury defense predominates, but the Section also engages in plaintiff's work seeking recoveries on behalf of the City, in constitutional litigation involving the City's policies and programs, assists in some land use and employment litigation, and is responsible for the City's worker's compensation litigation. In addition to lawsuits, 1,740 claims were filed. In 1991, Claims paid 47% of all filed claims, denied 41%, tendered 8%, and had 4% go into litigation of which 70% were assigned to the Torts Section, with the remaining 30% going to other Sections.

A number of the Section's 1992 cases have particular importance for client departments:

- (a) New Alliance Party vs. The City. This case will interpret the City Charter's initiative process, to help ensure a fair, accessible and enforceable initiative process.
- (b) Manship for Johnson vs. City. A Seattle Fire Department fire officer death case; departmental policies and procedures are challenged.
- (c) Highway design and maintenance cases. In a number of cases, the City faces claims that the City's highway design or maintenance practices have caused vehicular incidents which have resulted in deaths or catastrophic injuries. In these cases, the City's engineering budgeting priorities and professional judgment are challenged.
 - (i) Jones as guardian for Knapp vs. City. Intersection design; alleged brain injury.
 - (ii) Estate of Dunehew vs. City. Roadway maintenance; wrongful death.
- (d) Teevin vs. City. Motorcycle/fire engine collision; alleged brain injury.
- (e) Worker's compensation litigation. The Torts Section supports the Personnel Department by providing litigation services in defense of the Department's handling of claims under the City's self-insured worker's compensation system. The Section also provides plaintiffs' litigation services in

pursuing claims against third parties when worker's compensation claims have been assigned to the City.

The Section also provides advice and consultation regarding worker's compensation issues to operating departments, as well as the Personnel Department.

(f) The Claims Section has 17 claims reserved in excess of the current \$10,000 ordinance limit and will submit legislation increasing the limit at the request of Councilmember Tom Weeks, Chair of the Finance Committee.

2. State Legislation. The Section will review and draft proposed legislation affecting the City, particularly in the context of litigation, in cooperation with the Office of Intergovernmental Relations.

3. Mayor's Risk Management Work Group. The Section will provide information and analysis to assist in improving the City's approach to risk management. **Target Date: Ongoing, 1992.**

4. Disaster Readiness and Response. The Section Director will work with the Office Administrator and the Chief of the Civil Division in developing the Law Department's disaster readiness plan so as to provide necessary legal services to the City's Disaster Management Committee. **Target Date: Third Quarter, 1992.**

B. Improvements to Client Service

1. Enhance the Section's support of overall Civil Division litigation activity by developing a reasonable degree of non-torts specialization among Section litigators, while retaining a highly desirable diversity of professional experience for Section members. **Target Date: Second Quarter, 1992.**

2. Continue to provide training to client departments regarding liability, litigation and related topics. **Target: One or More Training Sessions Each Quarter.**

3. Ensure that adequate cross-training is done so that worker's compensation cases and issues can be handled with the proper backup. **Target Date: Ongoing, 1992.**

C. Enhancement of Professional Skills

1. Improve dispositive motions practice by early identification of cases appropriate for dispositive motion, and peer review of dispositive motions. **Target Date: Second Quarter and Ongoing, 1992.**

2. Training, including:

- (a) Instruction for claims adjusters and paralegals on selected liability, damages, and adjusting topics;
- (b) Continued litigation-related in-house training sessions;
- (c) In cooperation with the Administration Division, programs in professional training and career enhancement for paralegals, adjusters, and support staff.

D. Internal Office and Section Improvements

- 1. Enhance communication by publishing a newsletter describing litigation initiated against or by the City and sharing litigation-related information. **Target Date: Ongoing, 1992.**
- 2. Continue to refine reserve setting by identifying an appropriate control reserve with which to compare final case outcome. Claims adjusters now review all reserves with the Claims Manager the first week of each quarter. **Target Date: Second Quarter, 1992.**
- 3. Refine and implement a pattern litigation plan. **Target Date: Second Quarter, 1992.**
- 4. Continue to cross-train support staff so that all Section support functions can be adequately covered at all times. **Target Date: Ongoing, 1992.**
- 5. Refine the expert witness bank reporting capacity to enhance its utility. **Target Date: Second Quarter, 1992.**
- 6. Provide greater feedback on tort lawsuit outcomes to the Claims Section; review whether case could have settled at the claims stage. **Target Date: Ongoing, 1992.**
- 7. The Claims Section will become more involved in lawsuits by greater participation in fact gathering, evaluation, negotiation, and case resolution. **Target Date: Ongoing, 1992.**
- 8. The Claims Section will ensure that all Sections of the office understand the procedures the Claims Section follows and the resources the Section can contribute. **Target Date: Formal briefings, Second Quarter, 1992; Communication as needed, Ongoing, 1992.**

MUNICIPAL

A. Major Client Projects

The Municipal Section will provide advice, participate in, and monitor, as necessary, the following:

1. City Bond issues and levies
 - (a) Limited General Tax Obligations, Equipment, \$8 million. **Target Date: First Quarter, 1992.**
 - (b) Refunding Bonds: Seattle Center Levy 1988, \$32 million. **Target Date: Second Quarter, 1992.**
 - (c) LTGO Bonds for various equipment and improvement purposes, \$6 million. **Target Date: Second Quarter, 1992.**
 - (d) LTGO Bonds with pledge of Real Estate Excise Tax, for housing, parks, health facilities, \$35 million. **Target Date: Second Quarter, 1992.**
 - (e) Various financings under Master Lease arrangement. **Target Date: Ongoing, 1992.**
 - (f) Respond to inquiries about funding options and use of proceeds from previous financings. **Target Date: Ongoing, 1992.**
2. Intergovernmental
 - (a) State Legislation. Review proposed legislation, prepare analyses and drafts, lobby as requested. **Target Date: Ongoing, 1992.**
 - (b) Participate on behalf of Mayor and Council in legislative and legal proceedings to determine future governance of METRO. **Target Date: Ongoing, 1992.**
 - (c) Rapid Transit Plan financing. **Target Date: Fourth Quarter, 1992.**
3. Creation of Department of Finance, City Auditor and City Clerk. Advise clients on structural reorganization, draft implementing ordinances and rules. **Target Date: Fourth Quarter, 1992.**

4. New contracts for Financial Advisor and Bond Counsel services. **Target Date: Second and Third Quarters, 1992.**
5. Industrial Development Corporation
 - (a) Establish procedures and debt issuance policies, set up staff structure to accomplish purposes. **Target Date: Second and Third Quarters, 1992.**
 - (b) Assist in negotiation and documentation for Industrial Revenue Bond sales. **Target Date: Ongoing, 1992.**
6. Review of biennial budget options and procedures. **Target Date: Options, First Quarter, 1992; Implementation of Procedure, Second and Third Quarters, 1992.**
7. Review SMC 2.04 (campaigns) and recommend changes to reflect State legislation and court rulings since last review. **Target Date: Third Quarter, 1992.**
8. Revision to Admission Tax Rules. Overhaul of Code proposed in '91 to be reconsidered in '92; rules on complimentary/discount tickets to be promulgated. **Target Date: Second and Third Quarters, 1992.**
9. Street Utility. Assist Utility Section in determining legal options for rates and charges for various street-related services (e.g., lighting). **Target Date: Third Quarter, 1992.**
10. Street Use and Park Use permit issues, especially those following the Earth Now v. City litigation (fees for special events; extent of First Amendment protections; street use appeals board rules; proliferation of newsstands at high traffic corners and bus stops, etc.) **Target Date: Ongoing, 1992.**
11. Business and Occupation Tax. Enforce B & O taxes including litigation. The Section will also work with OMB and the Mayor to review any potential for increasing revenues consistent with limitations of State law. **Target Date: Enforcement: Ongoing, 1992. Investigation of Revenue Enhancement: Second Quarter, 1992.**
12. Seattle Commons financing alternatives. **Target Date: Research and Discussions: Second Quarter, 1992. Activity to Implement or Test Selected Approach: Third & Fourth Quarters, 1992.**
13. Revisions to punchboard, pulltab taxation ordinances. **Target Date: First Quarter, 1992.**
14. Propose Seattle Municipal Court records retention schedule update. **Target Date: Second Quarter, 1992.**

15. Ethics & Elections Commission. Assist Commission in review of its ordinances and rules, advise on structural and procedural improvements. **Target Date: Second and Third Quarters, 1992.**

16. Pike Place Market Preservation and Development Authority. Revise Charter to prevent future loss of public control of property in the Market. **Target Date: Third Quarter, 1992.**

B. Improvements to Client Service

1. Improved tracking system for review of ordinances. **Target Date: First Quarter, 1992.**

2. Public Records Training. Provide updated training within the office and to Council and Executive branch on provisions of the Public Record Act. **Target Date: Council Training: Third Quarter, 1992; Internal Training Session, Second Quarter; Executive Branch Training: Ongoing, 1992.**

3. Public Disclosure guidelines. Re-compile, update, republish office manual for all departments, boards and commissions, and P.I.O.s throughout City to reflect 1992 State legislative amendments. **Target Date: Third Quarter, 1992.**

4. Review Municipal Code for outdated provisions, work on new index. **Target Date: Fourth Quarter, 1992.**

5. Revise ordinance and resolution drafting manual. Update may be advisable to reflect Department of Finance, new City Clerk position and duties. **Target Date: Fourth Quarter, 1992, or First Quarter, 1993.**

C. Enhancement of Professional Skills

Improve computer skills of attorneys in conjunction with expansion of the computer network to attorneys in the Section. **Target Date: Ongoing, 1992.**

D. Internal Office and Section Improvements

1. Review and update departmental indexes to public records, to facilitate compliance with Public Disclosure Act. **Target Date: Third Quarter, 1992.**

2. Review and update Civil Division's public records retention schedule. **Target Date: Third Quarter, 1992.**

3. Advise Criminal Division regarding record retention scheduling policy options for Law Department, Seattle Municipal Court. **Target Date: Second Quarter, 1992.**
4. Advise Criminal Division regarding Criminal Records Privacy Act implications vis-a-vis "conviction/non-conviction" status of "dispositional continuances;" draft necessary legislation. **Target Date: Third Quarter, 1992.**
5. Consolidate surety bond administration within Contracts Section. **Target Date: Second Quarter, 1992.**

EMPLOYMENT

A. Major Client Projects

1. Review of the City's Classification/Compensation System. This project will include an assessment of the problems, demands, and issues facing the current classification and compensation system; an identification of the expectations from customer departments; and an identification of alternatives for meeting those goals. **Target Date: Fourth Quarter, 1992.**
2. Implementation of the Americans With Disabilities Act. The first phase of the ADA took effect on January 26, 1992. The City is required to comply with the ADA sections pertaining to employment and public facilities, while also assuming the role as an entity empowered to enforce provisions of the ADA. **Target Date: Second Quarter, 1992.**
3. Implementation of the Civil Rights Act of 1991. This Act became effective in November, 1991. The legislation was enacted to overrule several recent U. S. Supreme Court decisions which had the effect of limiting employees' right to sue. The Act also significantly expands damage remedies for employment discrimination. **Target Date: Second Quarter, 1992.**
4. The Fair Labor Standards Act. The Ninth Circuit's ruling in Abshire v. Kern County has prompted drafting of new regulations pertaining to overtime payment for salaried, non-FLSA employees. **Target Date: Second Quarter, 1992.**
5. Continuing with the implementation of the Health Department Personnel System. This phase of the project will involve recommendations to the City Council on adoption of an ordinance approving revisions in the inter-local agreement between the City and King County and the Personnel System after the County Council approval. **Target Date: Fourth Quarter, 1992.**
6. Revisions to the Salary and Personnel Ordinances. The Section will complete the review of and prepare amendments to Seattle's Personnel Ordinance to incorporate provisions mandated by State and Federal legislation. **Target Date: Third Quarter, 1992.**
7. Review of the City's Compensation Policies. This project may be accomplished as part of the review of the classification and compensation system and in conjunction with priorities listed on the City Council Finance Committee work plan. **Target Date: Third Quarter, 1992.**

8. Implementation of the Revised Employment Selection Process. This project will require a formal review of sections of the City Charter and Personnel Ordinance, including: City Charter - Article XVI (Recruitment, selection, transfer and advancement of employees); SMC 4.04.210 (Upward mobility for City employees); SMC 4.04.130 (Classification); SMC 4.04.150: (Examination and Selection); SMC 4.04.220 (Layoff). **Target Date: Third Quarter, 1992.**

9. Advisory Committee on Sexual Harassment and Training. The current policy must be reviewed to incorporate recent court decisions. Additionally, there will be EEO officer training on sexual harassment in the work place. **Target Date: Ongoing, 1992.**

10. Ethics Course Curriculum. Review and provide advice to the Personnel Department and Ethics/Elections Commission on a course designed around the Ethics Ordinance. **Target Date: Fourth Quarter, 1992.**

11. General Leave Policy. Assist in the planned review of a general leave plan to replace vacation and other paid leave benefits which are normally provided for short term illness, personal business or emergencies, and bereavement-funeral leave. **Target Date: Third Quarter, 1992.**

12. 1992 Collective Bargaining Agreements

(a) Seattle Police Management Association. **Target Date: Fourth Quarter, 1992.**

(b) Seattle Police Officers Guild. **Target Date: Fourth Quarter, 1992.**

(c) Library. **Target Date: Second Quarter, 1992.**

(d) International Association of Fire Fighters. **Target Date: Fourth Quarter, 1992.**

13. Provide legal advice to the Mayor/City Council Labor Policy Committee. **Target Date: Ongoing, 1992.**

14. Provide legal advice to the Labor Representatives Monthly Meetings. **Target Date: Ongoing, 1992.**

B. Improvements to Client Service

1. Increased Use of Mediation. Employment lawsuits tend to be bitter, divisive and expensive for both parties. These cases may be a fertile area for an increased use of mediation to bring about an early, amicable resolution of disputes. The Section will explore the possibility of instituting an early method to screen cases for mediation and a carefully tailored mediation process. **Target Date: Tentative design and evaluation of process by Third Quarter, 1992.**

2. Development of Training Courses for the City's Personnel Representatives and Administrators. An important goal of the Section is to develop a standard outline for training courses on matters such as the Personnel Rules, the Personnel Ordinance, and Discipline. **Target Date: Fourth Quarter, 1992.**

C. Enhancement of Professional Skills

1. Increase expertise in mediation skills as part of effort to expand mediation as alternative to litigation. **Target Date: Fourth Quarter, 1992.**

2. Increase jury trial skills. **Target Date: Fourth Quarter, 1992.**

D. Internal Office and Section Improvements

1. Update the Law Department Personnel Manual. The Law Department Personnel Manual, though drafted in 1989, is out of date. It is important to keep Law Department employees apprised of the policies, procedures and expectations that apply to employees of the Law Department. **Target Date: Third Quarter, 1992.**

2. Improve dispositive motions practice by early identification of cases appropriate for dispositive motion, and peer review of dispositive motions. **Target Date: Second Quarter, 1992.**

3. Expand utilization of paralegals in litigation support. **Target Date: Fourth Quarter, 1992.**

4. Develop standards for determining jury trial requests and waivers. **Target Date: Fourth Quarter, 1992.**

CONTRACTS

A. Major Client Projects

The Contracts Section will provide analysis and advice on the following projects in 1992:

1. Emergency Communications System. The City, through the Department of Administrative Services (DAS), along with other local jurisdictions, intends to install a regional emergency radio communications system. The Section provided assistance on this project in 1991. Contractors have been selected and contracts are in the final stages of negotiations. It is expected that assistance will be concentrated in the areas of implementation of the system and coordination with other jurisdictions. **Target Date: Ongoing, 1992.**
2. West Seattle Bridge (low level). The contractor on this project lost approximately \$1.5 million and several of its subcontractors failed as a result of problems on the job. A large claim is expected. The Section will continue to assist the Engineering Department in preparing responses and strategies for dealing with such a claim. **Target Date: Second Quarter, 1992.**
3. First Avenue South Bridge. The Engineering Department hopes to manage the construction of this new bridge and may propose using several innovative contract procedures to enable construction on a very tight and fast construction schedule. The Section will work closely with the Department to define goals and determine the advisability and workability of these innovations. In the event the State accepts the City's proposal, it is expected that the Section will have a significant role in both the preconstruction and the construction phase. **Target Date: Ongoing, 1992.**
4. Seattle Children's Theater. Seattle Center's plan to construct a new theater for the Seattle Children's Theater continues in 1992. An agreement for design, construction and long-term lease of the facility will be developed. **Target Date: Second Quarter, 1992.**
5. Westlake Park. Ongoing litigation involving problems with the construction of Westlake Park will continue in 1992. **Target Date: Third Quarter, 1992.**
6. Center House Concession Contracts. Seattle Center is expected to negotiate new concession agreements for concession operations in Center House for terms beginning in January 1993. A "standard form" agreement will be developed, but individual contract adjustments are likely to be necessary for perhaps as many as twenty-five merchants. **Target Date: Fourth Quarter, 1992.**

7. Arts Funding Challenges. The Seattle Arts Commission will continue to require assistance and counsel regarding legal issues associated with particular funding methods used by the City in contracting for presentations and other "deliverables" from area cultural institutions. **Target Date: Fourth Quarter, 1992.**
8. "MOB" Lease Renewals. DAS anticipates having to develop or have reauthorized approximately six leases of City property under "mutual and offsetting benefits" arrangements during 1992. **Target Dates: Four in Second Quarter, 1992,; Two in Third Quarter, 1992.**
9. Contract Services Division Assistance. The newly formed Contract Services Division of the Department of Administrative Services will be assisted in reviewing contracting practices in the City in an attempt to reduce or eliminate unnecessary, redundant and outmoded practices and thereby provide more responsive service to other City agencies. In particular the Section will comprehensively review the "boilerplate" for public works, consulting, and "purchasing" contracts, other procurement documents, and purchasing procedures. **Target Date: Second Quarter, 1992.**
10. Sale of DAS property. DAS anticipates selling one or more properties currently leased under "mutual and offsetting benefits" arrangements to the tenants. **Target Date: Second Quarter, 1992.**
11. Materials Management System. City Light intends to acquire a new automated materials management system to replace its current system. **Target Date: Fourth Quarter, 1992.**
12. Automated Meter System. City Light intends to acquire an automated meter system. **Target Date: Fourth Quarter, 1992.**
13. Fiber Optic Network - Phase II. DAS and City Light will continue to receive assistance on all aspects of this project to lease conduit, transmission and distribution facilities in exchange for fiber optic communication resources. **Target Date: Ongoing, 1992.**
14. Seattle Water and Energy Savings Program. The Section will continue to assist City Light and the Water Department on contracting and procurement aspects of its multi-resource conservation program involving the distribution and installation of energy and water conservation devices. **Target Date: Third Quarter, 1992.**
15. Energy Management System Project. The Section will continue to provide assistance on this project. A contract has been signed and the Section will provide assistance in the implementation of this system, particularly in relation to the construction of the Power Control Center. **Target Date: Second Quarter, 1992.**

16. Recycled Contents Products Procurement Ordinance. The City is expected to implement an ordinance with respect to the use by the City of recycled contents products. The Section will provide advice on the bidding and/or other procurement impacts of such an ordinance. **Target Date: Second Quarter, 1992.**

17. EIS Consultant Roster Program. DCLU intends to develop a roster of qualified EIS consultants to be used as part of the permitting process. The Section will provide assistance to the Department on the process of developing, managing and using the roster. **Target Date: Second Quarter, 1992.**

18. Cable TV Refranchising. Cable TV franchises will expire in 1993. The Section will provide ongoing assistance in developing goals and priorities for the City and lead the negotiating team. **Target Date: Ongoing, 1992.**

B. Improvements to Client Service

1. Improve Response to Client Inquiries. The goal of the Section is to provide the fastest and most efficient response possible consistent with the type of inquiry received from the client. For noncomplicated matters, the Section will attempt to make telephone responses within the next business day, to meet with the client within three days of the request for assistance, and to produce a written response (draft, redraft, comment, final review) within five days of the request. On projects of a longer nature (ongoing, complicated, etc.), the Section will provide the client with a definite response date. **Target Date: First Quarter, 1992.**

2. Develop Contract Database. The Section will develop a database of contract forms and terms to provide more efficient service to the client. As part of this effort, the Section will continue to collect as many different types of contracts and/or contract provisions that are used in the City. Through the collection and refinement of these contracts and provisions, the Section will provide clients with contracts that better serve the needs of the particular project and the City in general. **Target Date: Second Quarter, 1992.**

3. Develop Client Questionnaire. The Section will finalize its basic questionnaire for clients to answer to assist the Section in providing an appropriate contract. **Target Date: First Quarter, 1992.**

4. Implement Client Education Classes. The Section will present client education services in the form of oral or written presentations on basic contract principles as well as on more specialized subjects. **Target Date: First Offering in Second Quarter, 1992.**

C. Enhancement of Professional Skills

1. To meet the emerging needs of the City, the Section will concentrate its training efforts on improving its expertise in such areas as intellectual property rights and insurance law. **Target Date: Ongoing, 1992.**
2. The Section will attempt to develop closer contacts with other attorneys in this area of practice in both the public and private sectors. Such contacts may take the form of greater involvement in existing bar and/or public sector forums, and/or development of new interest groups. **Target Date: Ongoing, 1992.**

D. Internal Office and Section Improvements

1. Contract Database. The Section will develop the contracts database in such a manner that it can be easily used by other attorneys in the office. **Target Date: Second Quarter, 1992.**
2. The Section will continue to refine its communication and coordination with attorneys in other sections on projects where contractual issues are only one of the areas where the client needs legal assistance. Particular goals include the elimination of conflicting advice among attorneys, and the minimization of delay of response to the client. **Target Date: Ongoing, 1992.**
3. The Section will attempt to diversify the types of projects that each attorney works on so that each attorney can develop a broader understanding and familiarity with the different contracting needs of the City. **Target Date: Ongoing, 1992.**

CIVIL ENFORCEMENT

A. Major Client Projects

1. Human Rights Department. Work with HRD to review and amend the WMBE Ordinance and review and resolve the enforcement of the Hearing Examiner's Orders and the enforcement of HRD subpoenas. **Target Date: Second Quarter, 1992.**

2. Seattle Police Department.

(a) Develop a strong, positive working relationship between the new SPD personnel and the new attorneys on the drug abatement team, and review and revise all of the pleadings and forms for drug abatement and asset forfeiture cases. **Target Date: First Quarter, 1992.**

(b) Create an asset forfeiture plan with the cooperation of SPD and King County. **Target Date: Third Quarter, 1992.**

(c) Work with SPD to develop a nuisance ordinance. **Target Date: Second Quarter, 1992.**

3. Department of Licensing and Consumer Affairs.

(a) Continue working with DLCA and SPD to improve the enforcement of adult entertainment rules and regulations. **Target Date: Ongoing, 1992.**

(b) Advise DLCA regarding licensing issues, e.g., whether business licenses may be made conditional upon compliance with nuisance laws. **Target Date: Ongoing, 1992.**

(c) Work with DLCA to review problems and concerns with after-hours clubs, including creating rules and regulations. **Target Date: Third Quarter, 1992.**

4. Collections for City Departments.

(a) Review and evaluate collection agency contracts with City Light and Water. In conjunction with the new Department of Finance and/or the Collections Task Force, contract with a collection agency to handle collections for all City departments. **Target Date: Third Quarter, 1992.**

(b) Follow up on all non-responses to demand letters sent in 1991 in amounts over \$1,000, and institute a calendaring system to follow up on demand letters. **Target Date: Second Quarter, 1992.**

(c) Judgments. In approximately 135 outstanding judgments determine if the debtor can be found or still exists and collectability of judgment by transferring judgments to Superior Court, performing supplemental proceedings and, where appropriate, garnishing wages or bank accounts. **Target Date: Second Quarter, 1992.**

(d) If Supreme Court upholds DCLU's Rental Housing Registration Program, begin filing lawsuits on delinquent accounts. **Target Date: Second Quarter, 1992.**

(e) File lawsuits in small claims court on False Alarm accounts where the defendant fails to respond to the demand letters. Obtain judgments on those false alarm accounts in which the defendant has defaulted. **Target Date: First Quarter, 1992.**

(f) Review all payment plans previously made and assure the plans are being followed. **Target Date: First Quarter, 1992.**

(g) Continue to assist the proposed Department of Finance and the Collections Task Force in creating uniform collection procedures for all City departments. **Target Date: Ongoing, 1992.**

7. Health Department. Review ordinances and evaluate civil penalties through administrative enforcement instead of criminal penalties. **Target Date: Third Quarter, 1992.**

B. Improvements to Client Service

Establish and conduct a training program for all City departments on proper collection procedures and policies. **Target Date: Second Quarter, 1992.**

C. Enhancement of Professional Skills

1. Improve quality of written product by routine sampling of written materials produced by Section attorneys and paralegals and providing prompt critiques. **Target Date: Ongoing, 1992.**

2. Create an in-house training program on collections and drug abatements. **Target Date: Ongoing, 1992.**

D. Internal Office and Section Improvements

1. Institute a new database program to replace the current ledger database. The new program should allow an account to be pulled up on-line with the transactional history and track the aging of the receivables. **Target Date: Second Quarter, 1992.**

2. Create and utilize a more proficient tickle system for the Section, including adding reminders on Maxlaw for such things as payment plan due dates, etc. **Target Date: First Quarter, 1992.**

3. Establish section procedures on opening, maintaining and closing files. **Target Date: First Quarter, 1992.**

LAND USE

A. Major Client Projects

1. Critical Areas Regulations. The Growth Management Act states that regulations should be in place by March 1, 1992 to prevent inappropriate development in environmentally critical areas. The Section is working closely with DCLU and Planning to develop regulations that will comply with the Act and withstand expected legal challenges. **Target Date: Ongoing Through Third Quarter, 1992.**
2. Comprehensive Plan. The Section is providing on-going advice to Planning as it strives to develop the Comprehensive Plan required by the Growth Management Act. An early priority is the development of a capital facilities element of the comprehensive plan that will allow maximum use of Real Estate Excise Tax (REET) funds for housing. **Target Date: Ongoing, 1992.**
3. Design Review. The Proposed Design Review Process and Guidelines attempt to increase the compatibility between new and existing development in the City, as well as to provide an efficient process for resolving disputes between developers and neighborhoods. Numerous legal issues are raised by the proposal's attempt to balance the public interest against the interests of private landowners. **Target Date: Ongoing, 1992.**
4. Adult Entertainment Zoning. The City's moratorium on new "adult cabarets" will expire in June. New land use regulation of adult entertainment will raise legal issues, because such entertainment involves constitutionally protected forms of expression. **Target Date: Second Quarter, 1992.**
5. Rental Housing Inspection Program. The Section is prosecuting two legal actions to uphold the lawfulness of this program. The program's registration fee for apartments was upheld by the Superior Court in Margola v. Seattle; oral argument in the Supreme Court took place on February 25, 1992. The Section has obtained a decision in the related Superior Court case of Seattle v. McCready that affirms the constitutionality of the inspections themselves. Litigation related to the program will continue. **Target Date: Ongoing, 1992.**
6. Code Changes to Preserve Historic Theaters. The Section advises the interdepartmental group that is exploring code changes to permit the transfer of development rights or the construction of bonus FAR in order to encourage the preservation of historic theaters. **Target Date: Ongoing Through Third Quarter, 1992.**
7. Open Space Acquisition, and Greenspace Policies and Regulations. The Section continues to represent the Open Space Program in its acquisition of critical lands. The

City Council has authorized the Program's first condemnation, which will substantially increase the Program's demands on the Section. The Proposed Greenspace Policies and Regulations, which have been pending since 1987, must be reviewed in light of current caselaw and state statutory authority. **Target Date: Ongoing, 1992.**

8. University of Washington General Physical Development Plan. The Council's expected final action on the University of Washington's updated master plan will require renegotiation of the City-University Agreement. **Target Date: Ongoing, 1992.**

9. Telecommunications Facilities. Ordinances and regulations will be adopted to implement the policies approved by the Council in December, 1991. **Target Date: Second Quarter, 1992.**

10. Northgate Area Plan and Development Standards. The City's proposal for regulating growth and controlling traffic congestion in the Northgate area raises many legal issues. **Target Date: Ongoing Through Third Quarter, 1992.**

11. Federal HOME Program. The Section will assist DHHS in its implementation of this new Federal housing grant program. Existing City housing programs, documents, and procedures must be modified this year in order for the City to qualify for matching funds under HOME beginning in 1993. **Target Date: Ongoing, 1992.**

12. Siting Policies. Siting policies and procedures for City-funded housing projects must be reviewed in light of the federal Fair Housing Act. The Land Use Code's regulation of both residential and non-residential facilities for human services will also be at issue in the coming year. **Target Date: Ongoing Through Third Quarter, 1992.**

13. Music Hall Litigation. The owner of the now-demolished Music Hall Theater has filed an action in federal court to recover more than a million dollars from the City for the expenses and damages he allegedly incurred as a result of the efforts of the Landmarks Preservation Board to prevent demolition of the building. The case raises constitutional issues of vital importance to the City. **Target Date: Ongoing, 1992.**

14. Attorney General's Takings "Checklist." The Growth Management Act requires local governments to use a "process" developed by the Attorney General to evaluate proposed regulatory and administrative actions to determine whether they will result in takings of private property. The Attorney General now has issued two memoranda that recommend a process and discuss substantive legal issues, and the Section is meeting with all affected City Departments and the Council to develop a process that is appropriate to each. **Target Date: Second Quarter, 1992.**

15. Sand Point. The Section is advising the interdepartmental team that will develop plans and strategies for future use of the Sand Point Naval Air Station. The legal issues are complex and numerous because of the interaction of federal, state, and local laws,

and because of the large number of agencies and interest groups involved. **Target Date: Ongoing, 1992.**

16. **Affordable Housing.** The Section is advising the Mayor and Council about the legal issues raised by various proposals, such as rights of first refusal and increased use of condemnations, that are intended to help preserve mobile home parks and other kinds of affordable housing. **Target Date: Ongoing, 1992.**

17. **Business Loan Programs.** The Section is advising DHHS, OMB, and the Economic Development Transition Team on numerous issues raised by the recent HUD audit including the City's workout/collection policies; the closing of pending neighborhood business loans; and the preparation of new loan forms for future loans of block grant funds to private businesses and for workouts of existing loans. **Target date: Second Quarter, 1992.**

18. **DHHS Goals and Priorities.** After the City's new Department of Housing and Human Services establishes its goals and priorities, the Section will work with the Department to address the land use and real property issues raised by the Department's policies and will help prepare the documentation needed to implement the new policies. The Section will continue to provide representation to the Mayor's Housing and Human Services Subcabinet. **Target Date: Ongoing, 1992.**

19. **I-90/Homesight.** The Section is assisting in the negotiations with the State DOT to acquire Phase II real property in the I-90 area. The Section also is helping design the legal and financial structure for purchase of both Phase I and Phase II unimproved properties by first-time home buyers through the Homesight Program and HUD's Nehemiah Program. The Section continues to provide the legal assistance required for financing and sale of improved properties to implement the I-90 Home Ownership Program. **Target Date: Ongoing, 1992.**

20. **Code Enforcement.** In order to improve the effectiveness of DCLU's code enforcement activity, the Section will work with DCLU in a comprehensive review of the Department's authority and practice. **Target Date: Fourth Quarter, 1992.**

21. **Other Litigation.** The Section's resources continue to be increasingly devoted to litigation. The Section defends the land use and environmental decisions of the Council, the Hearing Examiner, and DCLU. Numerous cases are scheduled for trial or appellate argument in the coming year, including an appeal on behalf of DCLU of an adverse Superior Court decision in the Norquest case that has profound financial implications not only for the City but for all cities and counties in the State. **Target Date: Ongoing, 1992.**

B. Improvements to Client Service

The Section will improve and formalize procedures for providing its clients with feedback about the lessons learned in litigation and in the day-to-day legal controversies that arise over the City's ordinances and practices. These experiences often suggest ways in which the City's ordinances and procedures can be amended to prevent unnecessary controversies and legal actions from arising in the future. **Target Date: Ongoing, 1992.**

C. Enhancement of Professional Skills

The Section will emphasize enhancement of the litigation skills needed to defend the City against damage claims. The Section also will continue to emphasize participation and leadership in the Environmental and Land Use Section of the Bar Association and in the Washington State Association of Municipal Attorneys. **Target Date: Ongoing, 1992.**

D. Internal Office and Section Improvements

The Section will continue its efforts to improve efficiency through the increased use of computers. It is expected that all the Section's attorneys will finally have computers this year, although some of the computers currently available are marginally functional. The Section's heavy use of computers is the only way the Section can perform its work with less than two full time legal secretaries for ten attorneys. **Target Date: Ongoing, 1992.**

UTILITIES

A. Major Client Projects

1. Projects Involving All Utilities

(a) **Service Level Agreements.** The Utilities Section will take the lead in drafting service level agreements with each of the four utilities. These service level agreements will then be incorporated into each of the utilities' budget submittal for the 1993 budget year. This will be the inaugural year for developing a service level agreement in advance of the utility budget submittal. Discussions and draft agreements will involve coordination with each of the other Sections in the Civil Division. **Target Date: Second Quarter, 1992.**

(b) **Involvement with new Utilities and Environmental Management Committee.** The City Council assignments have created a Utilities and Environmental Management Committee with four active members, none of whom was on the Utilities Committee over the past two years. The Committee has already scheduled extra meetings to accommodate a heavy workload. Rate issues and their attendant legal issues will soon confront this Committee for each of the four utilities. **Target Date: Ongoing, 1992.**

(c) **Utility Financing.** With a new Council Committee and the Charter change which will create a Department of Finance, utility financing and financial policies will undergo renewed review. Coordination of cross-cutting finance issues with the Municipal Section will be a high priority of both Sections. **Target Date: Ongoing, 1992.**

2. City Light

(a) **Employco. (1988 Labor Day downtown outage case):** A damage action by businesses affected by the four-day downtown outage is in active pre-trial preparation. **Target Date: Damages Trial, Fourth Quarter, 1992.**

(b) **Regional Coordinated System Negotiations.** Long running negotiations convened last year regarding maximizing the Columbia River system power production and the coordination of water supply in the hydro reservoirs throughout the region. This will entail a long term effort of the Section over a number of years. **Target Date: Ongoing, 1992.**

(c) **Skagit Project Relicensing.** Now entering its 15th year (the previous 50-year license for the Skagit project expired in 1977), the negotiations over the environmental mitigation measures for the relicensing of the three-dam Skagit project were successfully concluded last April. A hanging issue with the intervention of a Canadian Indian Tribe is close to resolution. Depending on FERC's decisions on the process for environmental

review, a renewed license could actually arrive this year. If this happens, there will be a burst of activity in the initial years of implementing the new license conditions. **Target Date: Conclude Canadian Tribal Negotiations, Second Quarter, 1992.**

(d) Electromagnetic Fields. The health effects generated by long term exposure to electromagnetic fields will be addressed in the landmark workers compensation claim of a City Light line worker, Robert Pilisuk, who died of leukemia in 1989. **Target Date: Third Quarter, 1992.**

(e) Fiber Optic Development. City Light and DAS engaged in extensive negotiation with Electric Lightwave, Inc. (ELI) last year regarding using the City Light duct work and distribution system for providing fiber optic pathways. Concern over liability and indemnification issues has prompted City Light to review its pole attachment policies and has triggered litigation by ELI. Depending on the outcome of that review and litigation, negotiations with ELI and other fiber optic companies may resume. **Target Date: Third Quarter, 1992.**

(f) Metro Cable Relocation. The issue of Metro DC trolley cable co-location in the City Light underground duct system, is highlighted by the exposure in the Employco lawsuit. Certain Metro cables may be moved in the underground system. The contractual rights and costs of expensive utility relocation will generate demanding and controversial legal and policy issues. **Target Date: Third Quarter, 1992.**

(g) Property Acquisition. A long-standing need to integrate environmental due diligence into the process of acquiring property has led to the formation of a property acquisition task force within City Light. Attorneys from the Utilities and Environmental Protection Sections serve on this task force. We expect this effort will lead to an expanded review of additional City Light practices and procedures which may trigger environmental liability or regulatory action, including the sale, lease, easements and issuance of permits for use of City property. **Target Date: Fourth Quarter, 1992.**

(h) Credit Policies Review. A number of issues have arisen which recommend a review of City Light's credit practices. In the course of the review, the credit practices and contrasting collection authority of other utilities will be reviewed as well. **Target Date: Fourth Quarter, 1992.**

2. Water Department

(a) New Source of Supply. The Seattle Water Department is the major supplier of water to the Seattle metropolitan region. With rapidly expanding growth on the Eastside, the issue of building a new supply has accelerated. The need for accelerated planning coincides with the effort by regional growth management proponents to focus

on water and sewer supply as a means of controlling growth. **Target Date: Ongoing, 1992.**

(b) Tolt Pipeline Replacement. The reconstruction of significant sections of the deteriorating Tolt pipeline raises an issue as to which part of the rate base -- Seattle retail customers vs. suburban wholesale customers -- will pay the greatest part of these costs. A potential purveyor lawsuit is being held in abeyance by a tolling agreement. **Target Date: Ongoing, 1992.**

(c) Watershed Protection and Timber Exchange. The issue of timber harvest and the spotted owl controversy has resulted in a renewed opportunity to effect a timber exchange with the U.S. Forest Service to obtain old growth holdings now owned by the Forest Service in the watershed. Washington Congressional delegation assistance in facilitating such an exchange is being sought through the Office of Intergovernmental Relations. **Target Date: Ongoing, 1992.**

(d) Water Conservation Programs. Water conservation programs led by the showerhead replacement program, which will be undertaken in cooperation with City Light and Puget Power, will require legal assistance to help make these joint utility efforts work. **Target Date: Ongoing, 1992.**

3. Solid Waste Utility

(a) Long Haul Disposal. This will be the second year of long haul disposal operation. Legal work this year will focus on working out implementation issues and supporting the Solid Waste Utility in its efforts to work on Federal legislation regarding the free flow of commerce involving solid waste across State boundaries. **Target Date: Third Quarter, 1992**

(b) Commercial Recycling. Planning is ongoing at the Solid Waste Utility for more active involvement in the commercial recycling arena. When and if Seattle enters this area, contract negotiation and other major legal issues may be confronted. **Target Date: Ongoing, 1992.**

(c) Recycled Product Procurement. Over the past year, the Solid Waste Utility has proposed a procurement ordinance which would mandate consideration and preference for purchasing products with recycled content or including such products in contract awards. A number of legal issues of drafting and implementation will arise and be addressed in close coordination with the Contracts Section. **Target Date: Second Quarter, 1992.**

(d) Disposition of Surplus Kent-Highlands Property. Effort on marketing this property is now being undertaken. A series of legal issues will be addressed in order to minimize future risks. **Target Date: Ongoing, 1992.**

4. Drainage and Wastewater Utility

(a) Drainage Basin Improvements. The Drainage and Wastewater Utility is in the process of major capital investment and expansion of drainage basin improvements which involve major construction and environmental issues. **Target Date: Ongoing, 1992.**

(b) Drainage Policy Review. As the Utility expands its efforts in drainage basin improvement, a reassessment of the extent of drainage responsibility and policy will be undertaken. **Target Date: Ongoing, 1992.**

(c) CSO Replacement Project. The Utility is continuing with major improvements in the elimination of CSOs which include major construction activity, environmental concerns, and contractual relations with Metro. **Target Date: Ongoing, 1992.**

B. Improvements to Client Service

1. Specific post-mortem review of each case and project. Each case and project provides an ideal opportunity for improving the substantive work of both the utility clients and the Utilities Section. It is our intent to engage in a specific "post-mortem" review of cases and projects to assess what lessons emerge from each effort and to specifically communicate any suggestions for improvement to the clients as a regular part of closing out any case or project. Last year we inaugurated this program with the Lake Union Steam Plant. **Target Date: First Quarter, 1992.**

2. Expand regular meeting schedules with all Utility Directors. Regular weekly meetings with the director of City Light have been a part of our client services to City Light over the past two years. Last year saw the development of a similar schedule with the Water Department. We plan to expand this effort to the other two utilities this year. **Target Date: Second Quarter, 1992.**

C. Enhancement of Professional Skills

Expand reach of CLE and other courses attended to sharpen focus on utility related issues. **Target date: Ongoing, 1992.**

D. Internal Office and Section Improvements

1. Coordination with Environmental Protection, Employment and Contracts Sections. A major aspect of the Utilities Section work plan for 1992 again will be the coordination of the Utilities Section with the Environmental Protection Section and with the members of the Employment and Contracts Sections located in our offices. In addition, the creation of the inaugural service level agreements will entail a need for coordination across all sections in the Civil Division. **Target Date: On-going, 1992.**

2. Case filing reference and electronic tickler system. With the increase in attorneys and support staff in the Utilities and Environmental Protection Sections, we are (still) in the process of developing a filing reference notebook, so that the attorneys and paralegals will have a common source of reference and checklist for the idiosyncratic filing requirements of (1) King County Superior Court, (2) State Court of Appeals and Supreme Court, (3) Federal District Court and (4) Administrative Agencies such as the Civil Service Commission. We have also acquired a Wordperfect "Office" program for calendaring litigation and project deadlines and reminders. **Target Date, Second Quarter 1992.**

3. Consolidation of Civil Division Offices. In order to increase efficiency, reduce waste and improve performance, the Section will play an important role in planning for the consolidation of the Civil Division into a single building in 1992. **Target Date: Ongoing, 1992.**

ENVIRONMENTAL PROTECTION

A. Major Client Projects

1. Interdepartmental Activities

(a) Compliance with Environmental Regulations. The Section has been working with all City departments to improve compliance with all areas of environmental regulation. Major activities next year will include the following:

i) Serve as interim chair of Interdepartmental Hazardous Waste Coordinating Committee. **Target Date: Ongoing, 1992.**

ii) NPDES stormwater permit compliance. **Target Date: Fourth Quarter, 1992.**

iii) Evaluation of impact of new Clean Air Act and Clean Air Washington Act requirements. **Target Date: Third Quarter, 1992.**

iv) Advice on training requirements, including worker safety. **Target Date: Third Quarter, 1992.**

v) Advice on pollution prevention planning requirements, under the State Hazardous Waste Reduction Act, including recycled products procurement issues. **Target Date: Fourth Quarter, 1992.**

vi) Assist with development of centralized tracking system for underground storage tanks and related issues. **Target Date: Ongoing, 1992.**

(b) Property Management. The Section will continue to develop appropriate practices and procedures to address environmental considerations in property transactions. **Target Date: Ongoing, 1992.**

(c) Contracting. The Section will continue to work with the Contracts Section on developing contract language to minimize the City's environmental liability. The Section will also complete work on the Citywide hazardous materials handling contract. **Target Date: Second Quarter, 1992.**

(d) The nuclear waste shipment issue will continue to be monitored. **Target Date: Ongoing, 1992.**

(e) Airport noise and related environmental issues will be monitored in conjunction with the Land Use Section. **Target Date: Ongoing, 1992.**

(f) Transportation issues will involve a mix of land use and environmental regulatory issues. The Section will assist in development of the ordinance and plan required by the Highway Access Control and Transportation Demand Management Act to reduce use of single occupant vehicles. **Target Date: Third Quarter, 1992.**

2. City Light

(a) Superfund sites will continue to be a high priority, with work anticipated on the following sites:

(i) Harkness. Selection of remedy and negotiation of a Consent Decree with EPA. **Target Date: Fourth Quarter, 1992.**

(ii) Strandley-Manning. Record Of Decision is likely by next fall or winter, will be negotiating cost allocation with other parties. **Target Date: Fourth Quarter, 1992.**

(iii) Northwest Transformer, Coal Creek, and Tacoma Tar Pits. Monitoring implementation of Consent Decrees. **Target Date: Ongoing, 1992.**

(b) Property management. Participation in a City Light task force to ensure appropriate coordination of environmental considerations. **Target Date: Second Quarter, 1992.**

(c) Georgetown Steamplant/Slip Four. Potential litigation over contaminated sediments and negotiations with Boeing and King County over lease terms and responsibilities. **Target Date: Ongoing, 1992.**

(d) Long-range Planning Committee. Assist in redrafting SCL's long-range plan for toxics management. **Target Date: Second Quarter, 1992.**

(e) Lake Union Steam Plant. Continue to work with SCL to resolve contamination issues and to complete negotiations for sale of property. **Target Date: Ongoing, 1992.**

(f) Elliott Avenue property. Continue to assist in negotiations for a property transfer with Seattle University. **Target Date: Ongoing, 1992.**

(g) Purdy Company, potential litigation resulting from a sale of transformers. **Target Date: Ongoing, 1992.**

(h) Waste exchange/surplusing. SCL has requested assistance in developing practices that are environmentally responsible and comply with regulations. **Target Date: Second Quarter, 1992.**

3. Water Department

- (a) Drinking water/water quality standards. Changes in Federal regulations will have a multitude of spin-off effects on Department's operations. **Target Date: Ongoing, 1992.**
- (b) Lake Youngs Pipeline. The Department will probably continue to require assistance as this creosote contamination cleanup progresses. **Target Date: Ongoing, 1992.**
- (c) Hazardous waste management and training. The Section is assisting in a major inter-divisional effort to develop better waste handling practices. **Target Date: Third Quarter, 1992.**
- (d) Eagle Creek Ranch. This soil and water contamination site is being investigated and the Section will assist in decisions on cleanup. **Target Date: Ongoing, 1992.**
- (e) South Shops Hydraulic Spill. The Section will assist in negotiations with the Department of Ecology concerning cleanup. **Target Date: Ongoing, 1992.**
- (f) Spoils Disposal Issue. PSAPCA has objected to current storage practices, and the Section will assist with evaluating alternatives. **Target Date: Third Quarter, 1992.**

4. Solid Waste Utility

- (a) Landfill cost recovery litigation. The Midway case will be a major focus of the Section's workload in 1992. Prospects for recovery of Kent Highlands response costs will also need to be evaluated. **Target Date: Ongoing, 1992.**
- (b) Landfill closures/Superfund sites. The Section will assist with regulatory agency negotiations and related issues on the cleanup. **Target Date: Ongoing, 1992.**
- (c) EPA response cost claim for Midway. The Section will be negotiating a resolution of this \$540,000 oversight cost claim by the Federal government. **Target Date: Third Quarter, 1992.**
- (d) Illegal Dumping and Littering Ordinance. The Section is coordinating drafting and review of changes to the Solid Waste Code to provide for tougher and more effective enforcement provisions. **Target Date: Third Quarter, 1992.**
- (e) Chlorofluorocarbons (CFC) Ordinance. The Section will assist in drafting an ordinance to address CFC restrictions. **Target Date: Ongoing, 1992.**

(f) Household Hazardous Waste Contract. The Section is assisting in evaluating contracting options and bid specifications. **Target Date: Third Quarter, 1992.**

5. Drainage and Wastewater Utility

(a) NOAA case settlement implementation. The Section will continue to advise the Panel which has begun implementation of the Consent Decree. A major focus may be negotiation with the State Department of Natural Resources regarding access to tidelands for sediment remediation and habitat restoration projects. **Target Date: Ongoing, 1992.**

(b) NPDES compliance. A variety of issues will need attention this year, including re-drafting the Drainage Ordinance to comply with new stormwater permit regulations. **Target Date: Fourth Quarter, 1992.**

(c) Turner Trust property. The Section will continue to advise DWU on legal obligations concerning provision of drainage. **Target Date: Ongoing, 1992.**

(d) Union Bay spill. The Section will conclude a settlement with the U.S., enter into a Consent Decree and pursue related insurance litigation. **Target Date: Second Quarter, 1992.**

(e) Sediment regulations. The Section is assisting in development and implementation activities. **Target Date: Ongoing, 1992.**

6. Parks Department

(a) Gasworks Park Superfund site. The Section will continue to assist in negotiations with Ecology over cleanup and evaluate potential litigation against other parties. **Target Date: Ongoing, 1992.**

(b) Roy Street shops UST. The Section will assist in resolving responsibility between Parks and SCL and in developing appropriate cleanup strategy. **Target Date: Ongoing, 1992.**

(c) Interbay golf course. The Department has indicated that assistance will be needed. **Target Date: Ongoing, 1992.**

(d) Lake Union Action Team. The Section will assist Department as investigations of lake contamination proceed. **Target Date: Ongoing, 1992.**

(e) Property transactions will continue to require Section assistance. **Target Date: Ongoing, 1992.**

7. DAS

(a) Seattle v. Diamond Parking. Litigation and settlement negotiations related to underground contamination and the Arctic Building will continue. **Target Date: Ongoing, 1992.**

(b) Westlake/Unocal. The Section will continue to assist in monitoring Unocal's cleanup activities, and in negotiating reimbursement of City response costs. **Target Date: Second Quarter, 1992.**

(c) Mercer Bus Base. The Section hopes to conclude negotiations with Metro on their contribution to cleanup activities. **Target Date: Fourth Quarter, 1992.**

8. DHHS

Jefferson Bus Base. Tentative plan is to move this controversy with Seattle University into arbitration later this year, once the extent of required cleanup is known and Metro's participation has been negotiated. **Target Date: Fourth Quarter, 1992.**

9. DCLU

Harborplace Center. This project can be expected to continue to generate issues due to its proximity to the old West Seattle Landfill and areas of known industrial contamination. **Target Date: Ongoing, 1992.**

10. Heath Department

(a) Medical waste incineration and wood burning. Issues are likely to arise in the coming year relating to siting and regulatory compliance and to ordinance development. **Target Date: Ongoing, 1992.**

(b) Revisions to nuisance-related ordinances. The Department has requested assistance in updating and adding greater enforcement clout to existing regulations. **Target Date: Ongoing, 1992.**

B. Improvements to Client Service

1. Mayor's Environmental Policy Committee. Participate in meetings of Department representatives to resolve environmental policy issues. **Target Date: Ongoing, 1992.**

2. Environmental Priorities Project. Continue to participate as an ex officio member of the Policy Advisory Committee in developing the action agenda. **Target Date: Third Quarter, 1992.**

3. Newsletter. Continue to produce a quarterly newsletter to all Departments about environmental issues. **Target Date: Ongoing, 1992.**

4. Meet on a periodic basis with the City Council Committee Chair for environmental issues, to ensure that appropriate support is being provided. **Target Date: Quarterly, 1992.**

5. Propose regular meetings with principle clients to improve coordination and ensure that legal support needs are being met. **Target Date: Quarterly, 1992.**

C. Enhancement of Professional Skills

1. Focus on specific litigation skills needed for cost recovery litigation and on developing staff expertise in the full array of environmental statutes and regulations. **Target Date: Ongoing, 1992.**

2. Where possible, assist other Sections as an aid to increasing litigation skills. **Target Date: Ongoing, 1992.**

3. Continue and promote participation on planning committees developing training and networking programs for environmental bar. **Target Date: Ongoing, 1992.**

D. Internal Office and Section Improvements

1. Continued and improved coordination with Contracts, Land Use, and Utilities Sections will remain a priority. **Target Date: Ongoing, 1992.**

2. Continue to participate on Law Department library committee, with the goal of improving the library collections to reflect current needs of Section attorneys. **Target Date: Ongoing, 1992.**

3. The 1111 Building library will be improved by a project to provide better organization and access to a wide variety of materials needed by the Section. Resource notebooks on various topics will be prepared, with indices and checkout and updating systems. **Target Date: Second Quarter, 1992.**

4. Weekly Section meetings will be made more substantive by greater use of outside speakers, and/or topical presentations by members. **Target Date: Ongoing, 1992.**

5. Continue to explore use of computer software for document management in complex litigation and for case tracking/tickler functions. **Target Date: Second Quarter, 1992.**

6. The Section will play an important role in planning for the consolidation of the Civil Division into a single building in 1993. **Target Date: Ongoing, 1992.**

IV. CRIMINAL DIVISION

The Criminal Division is organized in seven "units" : Filing/Pretrial, Trial, Appellate, Case Preparation, Family Violence Project, High Impact Offender Project, and Administration. The work program for the Criminal Division overall is followed by the individual work programs for each unit.

CRIMINAL DIVISION, GENERALLY

1. Review All Criminal Non-Traffic Cases Prior to Filing; End Citation Filing

More than half the Criminal cases in Seattle Municipal Court (SMC) have been filed directly by police citation without prior prosecutorial screening for prosecutive merit. Pre-filing review can avoid unnecessary court and public defense costs in those cases which lack prosecutive merit. All criminal non-traffic cases should be reviewed prior to filing. **Target Date: First Quarter, 1992.**

2. Develop and Implement Computer Case-Management System

Efficient prosecution of 60,000 criminal cases annually in SMC requires a computer system capable of case tracking, document production and management reports. Development began in 1991 and continues. **Target Dates: Issue RFP, First Quarter, 1992; Select vendor, Second Quarter, 1992; Install system, First Quarter, 1993.**

3. Implement Systematic Attorney Training and Orientation

Major system reforms now having been accomplished, it is important to move beyond current ad hoc training efforts and develop and implement a comprehensive attorney training program in order to sharpen and improve trial practice skills. **Target Date: First Quarter, 1992 and On-going.**

4. Develop and Implement Comprehensive Prosecutor Filing and Disposition Standards

In order to promote the fair, consistent and predictable exercise of prosecutorial discretion in charging and sentencing recommendations, comprehensive written standards are necessary. General standards governing case charging and sentencing have been adopted previously, and work on crime specific standards was begun. These standards now should be refined and adopted. **Target Date: First Quarter, 1993 and On-going.**

5. Improve Statistical Record-Keeping and Analysis to Help Evaluate Policies and Identify Resource Needs

Historically, there has been little systematic collection of data to permit evaluation of performance and workloads in the Criminal Division. In conjunction with the development of the computer system, basic record-keeping relating to performance and workload measures should be established and periodically analyzed. **Target Date: First Quarter, 1992 and on-going.**

6. Reduce Municipal Court-Related Police Overtime by Improving Witness Hotlines, Changing Subpoena Procedures and Instituting "On-Call" System for Police-Officer Witnesses

Unnecessary police overtime can be reduced by improving and expanding witness "hotlines" that apprise callers of the case status, by reforming cumbersome and inefficient officer subpoena systems to reduce the issuance of unnecessary subpoenas and facilitate notice of cancellation, and by developing an "on-call" or stand-by system to notify officers of when they are actually needed. Some of these improvements already have been implemented; others will require the cooperation of the Court and SPD and some may be subject to labor negotiations. **Target Dates: "Hotline" improvements, First Quarter, 1992; Subpoena improvements, Fourth Quarter, 1992; "On-call" system, Fourth Quarter, 1992.**

7. Maintain Communication and Morale Within the Criminal Division

Change causes stress and the pace of change in the Criminal Division over the past two years has been extraordinary. With major reforms well in hand, management will turn its attention to maintaining and improving communication and morale through increasing employee involvement in developing policies and procedures, instituting a suggestion box, expanding the Division's monthly newsletter to a weekly, and increasing the periodic attendance of the Division Chief at unit meetings. **Target Date: First Quarter, 1992 and on-going.**

8. Improve Communication With the Court and Defender Agencies Regarding System Issues of Common Concern

The current structure of communication between the component agencies of the City's criminal justice system should be reviewed to determine its effectiveness and efficiency in addressing issues of common concern and how it might be improved. For example, the current method includes a combination of ad hoc and regular meetings of various versions of committees that might be consolidated into a more uniform structure. **Target Date: Second Quarter, 1992.**

9. Design a Victim Assistance and Restitution Project and Obtain 1993 Budget Authority

Except for domestic violence victims, there is no organized victim assistance available in Municipal Court. As a consequence, victim interests, particularly their restitution interests, are inadequately addressed. The Division's 1993 budget submittal will once again propose the creation of a victim assistance unit to systematically respond to victim interests. **Target Date: Budget proposal, Second Quarter, 1992; Implementation, First Quarter, 1993.**

10. In Cooperation with Municipal Court, Design an Out-Of-Court Alternative to the Pretrial Calendar and Obtain 1993 Budget Authority

A significant amount of valuable court time is consumed by uncontested pretrial hearings, which could be more efficiently handled by the entry of out-of-court agreed orders similar to the "case setting" system in juvenile court. The Division's 1993 budget submittal will once again propose such a system.

FAMILY VIOLENCE PROJECT

The Family Violence Project (FVP) provides victim advocacy services in approximately 8,000 cases annually. FVP staff review police reports, assist prosecutors in case preparation and disposition recommendations and advise victims about the legal system and other resources in the community. The FVP also participates in City and regional efforts regarding domestic violence. Major FVP goals for 1992 include:

1. **Draft and Implement FVP Policies and Procedures Manual**

A comprehensive written manual governing FVP's practices and procedures should both assist staff in their mission and improve performance. **Target Date: Second Quarter, 1992.**

2. **Develop and Implement Formal Police - Prosecutor Training Concerning Domestic Violence Issues**

Work with Criminal Division attorneys, the Seattle Police Department and the Office for Women's Rights (OWR) to develop and implement a formal training program regarding domestic violence for both prosecutors and police officers. **Target Date: Third Quarter, 1992.**

3. **Assume Case Preparation Unit Functions for Family Violence Project Cases**

Undertake case preparation unit functions for FVP cases, currently performed by the Criminal Division Case Prep Unit. These functions will include preparation of complaints, summonses and subpoenas. **Target Date: First Quarter, 1992.**

4. **Establish an Interdepartmental "Operating Team" to More Quickly and Efficiently Resolve Domestic Violence Issues Arising in the Criminal Justice System**

Line and mid-level managers from the Criminal Division, the Court, the Municipal Probation Service and the SPD should establish a regular forum to identify and resolve policy and procedural issues affecting interdepartmental coordination. **Target Date: Second Quarter, 1992 and on-going.**

5. **Evaluate and Implement Additional Legal Strategies for Use in Domestic Violence Prosecutions**

Examine and implement additional legal strategies for use in domestic violence prosecutions, including use of Smith affidavits and expert witnesses. **Target Date: Second Quarter, 1992.**

6. Evaluate Functions and Caseload of Out-of-Custody Unit To Better Prepare and Provide Advocacy for Out-of-Custody Cases; Implement Necessary Changes

Evaluate functions and caseload of FVP out-of-custody unit, created in early 1991 to insure adequate preparation and advocacy for out-of-custody domestic violence cases; implement necessary changes. **Target Date: Third Quarter, 1992.**

7. Assess and Reorganize Child Abuse Unit; Change the Manner in Which Child Abuse Cases Are Investigated

Assess functions of FVP Child Abuse Unit to improve case-handling and prosecution of child abuse cases; work with Child Protective Services (CPS) and SPD to improve investigation and processing of such cases. **Target Date: Fourth Quarter, 1992.**

8. Develop and Implement Formal Advocate Training Program

Design a formal training program for new and current victim advocates to include: descriptions of Criminal Division and FVP functions, policies and procedures, domestic violence laws, dynamics of domestic violence, and victim advocacy skills training. In addition, the program will include a process to identify and respond to continuing education needs of the advocates. **Target Date: Fourth Quarter, 1992.**

9. Increase FVP Participation in Community Efforts to Address Domestic Violence

Participate, on an ongoing basis, in the following community committees to promote interagency coordination in the development and implementation of policies, procedures, services, training and educational services:

- (a) King County Community-based Advocacy Committee;
- (b) King County Legal Advocacy Committee;
- (c) King County Human Services Roundtable Domestic Violence Committee;
and
- (d) King County Coalition Against Domestic Violence.

Target Date: On-going, 1992.

TRIAL UNIT

1. Expand and Improve Trial Practice Training

In addition to participating in the Division's overall training program, the Trial Unit will:

(a) Take the lead in the Bar Association's Trial Advocacy Program (TAP), including supervision of those TAP attorneys selected to serve as Special Assistant City Prosecutors for the four week TAP practicum. **Target Date: Second Quarter, 1992.**

(b) Revise and improve the summer Rule 9 intern training program, including increased in-court observation. **Target Date: Second Quarter, 1992.**

(c) Increase the degree of in-court observation of each trial prosecutor by a supervisor to at least once each month and provide constructive feedback to the attorney. **Target Date: Second Quarter, 1992 and on-going.**

2. Provide Training to Unit Supervisors to Enhance Management Abilities

(a) Undergo supervisory skills training. **Target Date: First Quarter, 1992.**

(b) Undergo additional computer skills training. **Target Date: Second Quarter, 1992.**

3. Improve Communication Within Trial Unit by Increasing the Frequency of Unit Meetings

To improve communication within the Unit, regular meetings will be held at least once every three weeks. **Target Date: First Quarter and on-going, 1992.**

FILING AND PRETRIAL UNIT

1. Implement Screening of All Criminal Non-Traffic Citation Cases

Develop procedures for prosecutorial review of all criminal non-traffic citation cases; implement citation screening. **Target Date: First Quarter, 1992.**

2. Increase In-Court Observation of Filing and Pretrial Unit Prosecutors

Increase in-court observation of each pretrial prosecutor by supervisors to at least quarterly and provide constructive feedback. **Target Date: First Quarter, 1992.**

3. **Undertake Computer Training for Unit Supervisors**

Target Date: Second Quarter, 1992.

APPELLATE UNIT

1. **Install "CD Law" Research System in Appellate Library Computer; Train Attorneys in Use**

The CD Law legal research system provides research capacity in Washington law using compact discs. Among its advantages is its cost effectiveness compared to on-line research tools such as Westlaw. **Target Date: First Quarter, 1992.**

2. **Improve Coordination and Handling of Motions Calendars Handled by Appellate Unit**

Work with Filing-pretrial, Trial and Case Preparation Units to improve procedures for handling files, subpoenaing only necessary witnesses and anticipating and responding to legal issues which arise on criminal motions calendars handled by Appellate Unit attorneys. **Target Date: First Quarter, 1992.**

3. **Implement System to Track Appellate Cases Following Remand**

Implement a system to track cases after the appellate decision to prevent delays following remand to Municipal Court. **Target Date: Second Quarter, 1992.**

4. **Develop Forms and System for Communication of Appellate Results to Trial Prosecutor and Trial Court**

Knowing what happened on appeal is of benefit to both the trial prosecutor and the trial judge. **Target Date: Second Quarter, 1992.**

5. **Continue Computerization of Brief Bank**

Continue efforts to update brief bank and to transfer index of brief bank onto computer. **Target Date: On-going, 1992.**

6. **Continue Training of Attorneys on Appellate Issues; Develop and Implement Formal Attorney Training Program**

(a) Continue periodic training programs by Appellate Unit attorneys on appellate issues. **Target Date: On-going, 1992.**

- (b) Continue publishing of Illuminati (newsletter to attorneys on appellate issues) on a quarterly basis. **Target Date: On-going, 1992.**

HIGH IMPACT OFFENDER PROJECT

1. Apply for and Obtain Grant for Continued Funding

Submit an application for and obtain continued funding for the High-Impact Offender Project (HIOP) through the 1993 funding year. **Target Date: Second Quarter, 1992.**

2. Increase Efficiency of Identifying Criminal History and Custody Status of Target Offenders by Direct Access to SPD "RAP" Sheet Computer and King County Jail Computer

Gaining direct use of SPD and Jail computers to access criminal history, booking and custody information will substantially improve the speed and efficiency in obtaining critical information. **Target Date: Second Quarter, 1992.**

3. Streamline Internal HIOP Procedures; Increase Inter-Unit Coordination

Examine internal HIOP workflow, tasks and procedures and implement changes to streamline case handling; improve coordination in handling of HIOP cases with other Criminal Division Units. **Target Date: Second Quarter, 1992.**

4. Work With Police Agencies to Enable Police Investigation Identification of HIOP Target Offenders At Time of Arrest To Insure Proper and Timely Follow-up and Case Routing

Establish procedures by which police agencies would investigate defendant criminal histories and identify HIOP defenders at time of arrest to insure proper and timely follow-up investigation and routing of cases to HIOP; communicate procedures to police officers, including roll-call appearances. **Target Date: Second Quarter, 1992.**

5. Improve Communication and Coordination with Prosecutors in Other Agencies Concerning HIOP Defendants

Improve communication and coordination with prosecutors in other agencies concerning HIOP defendants; develop means to systematically exchange information with felony prosecutors regarding common HIOP defendants. **Target Date: Second Quarter, 1992.**

6. **Implement and Improve Job Training and Enhancement for HIOP Staff Members**

As HIOP increases in volume, the need for job re-definement and flexibility has become apparent. Staff participation in re-definement of tasks will maintain interest and motivation. **Target Date: Third Quarter, 1992.**

7. **Increase Effective Participation in Probation Revocation Proceedings**

By improving coordination with Municipal Probation Service, HIOP can play a more active role at probation revocation hearings and seek appropriate sanctions for probation violations. Additionally, HIOP can coordinate probation matters arising in different jurisdictions so courts and prosecutors are fully informed. **Target Date: Third Quarter, 1992.**

ADMINISTRATIVE UNIT

1. **Increase Employee Awareness of Policies, Procedures, Budget and General Administrative Information**

- (a) Allocate 1992 supply budget to the three unit supply order persons and give them responsibility for monitoring their purchases. **Target Date: First Quarter, 1992.**
- (b) Meet individually with supervisory staff on a monthly basis to exchange concerns and identify specific personnel needs. **Target Date: First Quarter, 1992.**
- (c) Improve regular communication regarding policies and issues by changing the Criminal Mind (now published monthly) to a weekly newsletter, while continuing to use memoranda and special postings as appropriate. **Target Date: First Quarter, 1992.**
- (d) Attend at least one attorney staff meeting per quarter and present topic of interest, while continuing to attend Unit and Division staff meetings as appropriate. **Target Date: First Quarter, 1992.**
- (e) Establish brown-bag lunch meetings, covering areas of interest, and including guest speakers and films; topics will be identified via Criminal Division employee survey. **Target Date: Second Quarter, 1992.**

2. Maintain and Improve Morale Within the Criminal Division

- (a) Appoint a Special Events Committee, with representatives from each Unit, to develop ongoing social events for Criminal Division employees. **Target Date: First Quarter, 1992.**
- (b) Better publicize suggestion box; purchase special award trophy and develop "Suggestion of the Month award"; post "kudos" in Criminal Mind. **Target Date: First Quarter, 1992.**
- (c) Coordinate Criminal Division staff meetings. **Target Date: Second Quarter, 1992.**

3. Coordinate Timely Responses to Administrative Requests

- (a) Establish a time line calendar; notify appropriate personnel orally and in writing regarding what is required and due date. **Target Date: First Quarter, 1992.**
- (b) Develop a written guideline of yearly administrative and/or personnel tasks for which each supervisor is responsible (e.g., evaluations); identify employees by month; note forms to use and to whom they should be submitted. **Target Date: First Quarter, 1992.**

CASE PREPARATION UNIT

1. Implement Shortened "Turn-around" Time for Case Logging and Preparation

Achieve two-day turnaround for initial logging of all cases received for review, and one-week turnaround from preparation through filing of cases returned for complaint or decline memos. **Target Date: First Quarter, 1992.**

2. Transfer Case Preparation Unit Functions for Family Violence Project Cases to FVP

Transfer preparation of domestic violence complaints, face sheets, and subpoenas to Family Violence Project. **Target Date: First Quarter, 1992.**

3. Transfer of Discovery Functions

Transfer all discovery functions under supervisor of file room, including photocopying of all files, answering discovery requests, monitoring case status line, printing of violator histories, filing of cases to session drawers and alphabetical files, and checking back of Intake files. **Target Date: Second Quarter, 1992.**

4. **Implement Shortened Turn-Around Time for Review of Session Sheets and Preparation and Processing of Files**

Work with various Case Preparation Unit sections to achieve turnaround goals of two weeks for initial review of session sheets for paralegals, two weeks for Intake file preparation for discovery clerks, three weeks for preparation for subpoena clerk, and one-day turnaround to check files back in. **Target Date: Second Quarter, 1992.**

5. **Finalize Standard Operating Procedures Manual for Case Preparation Functions**

Target Date: Third Quarter, 1992.

6. **Review Case Preparation Unit Staff for Recommending Appropriate Reclassification to the Personnel Department**

Target Date: Third Quarter, 1992.

7. **Implementation of Criminal Division Computer Case Management System**

Assist in bringing Criminal Division computer case management and tracking system on-line, including training functions, preparing training manuals and other tools as needed. **Target Date: Ongoing through First Quarter, 1993.**

V. ADMINISTRATION DIVISION

The Administrative Division of the Law Department provides support to the entire Department in the areas of personnel, finance, purchasing, manual and automated systems, space and resource planning. Major goals to be achieved in 1992 are:

1. Personnel

- a. Initiate activities which bring the Law Department into compliance with the Americans with Disabilities Act, such as conducting an awareness month for employees and installing telephone equipment for the hearing impaired. **Target Date: First Quarter, 1992.**
- b. Implement the first full year of employee evaluations by providing forms, job descriptions and instructions to supervisors on a monthly basis. **Target Date: Ongoing, 1992.**
- c. Introduce the concept of "Career Paths" to allow employees access to information about promotional opportunities. This includes job descriptions and requirements, discussions with others performing the job and/or the supervisor. This will assist the employee in choosing appropriate training options or in making the decision to pursue further education. "Career Paths" will also promote employee retention and strengthen our Affirmative Action goals. **Target Date: Third Quarter, 1992.**
- d. Use training videos purchased in 1991 to conduct a series of training classes in-house. **Target Date: Second Quarter, 1992.**
- e. Do in-depth analysis of workload and resources in the Case Preparation Unit of the Criminal Division, including review by Personnel of all position classifications. **Target Date: Third Quarter, 1992.**
- f. Work with a committee of employees, including an Employment attorney, to revise the Law Department's Employee Handbook and devise a means to keep it updated in the future. **Target Date: Second and Third Quarters, 1992.**
- g. Develop a supervisors' handbook which pulls together forms, policies, instructions and tips. **Target Date: Fourth Quarter, 1992.**

2. Finance

- a. Budget preparation. **Target Date: Second and Third Quarters, 1992.**

b. Extend Judgment/Claims Fund reporting to track expenses for the entire life of a case. **Target Date: Second Quarter, 1992.**

c. Continue implementation of the SFMS system, including cross-training of staff and attendance of users' group meetings. **Target Date: Ongoing, 1992.**

3. Systems

a. Upgrade LAN and add approximately one dozen users to the network. **Target Date: Second Quarter, 1992.**

b. With assistance of Library Committee and volunteer consultants, implement a tracking system for library resources and expenses. **Target Date: Third Quarter, 1992.**

c. Produce routine, meaningful reports for Timesheets and MAXLAW. **Target Date: Second Quarter, 1992.**

d. Explore converting existing databases for Collections and Claims to Paradox software for easier manipulation of data. **Target Date: Second and Third Quarters, 1992.**

e. Produce a users' manual which describes basics of Law Department systems and employees' responsibilities in taking care of their equipment and using the system. **Target Date: Third Quarter, 1992.**

f. Provide project management for the acquisition of a case tracking system for the Criminal Division. **Target Date: Ongoing, 1992.**

4. Space

Continue to negotiate for space to consolidate the Civil Division. Design space and execute a move if space becomes available in 1992. **Target Date: Fourth Quarter, 1992.**

**1991 ANNUAL REPORT
OF THE LAW DEPARTMENT OF
THE CITY OF SEATTLE**

A Report to the Mayor and City Council

Submitted by

**MARK H. SIDRAN
Seattle City Attorney**

May, 1992

I. INTRODUCTION

In early 1990, the City Attorney reported to the Mayor and City Council on "The State of the Law Department," identifying twenty initial goals for the reorganization and improvement of the Department's ability to deliver high quality legal advice and representation to the City and to professionally and efficiently prosecute municipal crimes. By the end of 1991, these goals had been substantially met. As reflected in more detail below, the reorganizations of both the Criminal and Civil Divisions were completed and the major policy initiatives had been implemented. For 1992, the primary challenge is to build on and refine the structure we have put in place.

II. CIVIL DIVISION

A. OVERALL CIVIL DIVISION

1. Performance Evaluations and New Attorney Classification System

A system of regular written performance evaluations was developed and implemented to provide a fair method to recognize employee strengths, address employee deficiencies and assure a true merit-based promotion system. The performance criteria and procedures were developed with employee involvement to help assure the evaluations would be fair and constructive. Supervisors were professionally trained in the use of the system. In conjunction with the evaluation system, a new attorney classification system was implemented which increases flexibility to reward expertise and high performance and reduces artificial barriers to advancement.

2. Implementation of Time Sheet System

The Civil Division put in place a daily time sheet system for all attorneys and paralegals which records the time spent by each attorney and paralegal, allocated by Civil Division section, client department, service category, and case or project. These time sheets are kept on a data-base program which can generate various management reports.

3. Case and Project-Tracking System and Other System Improvements

The Civil Division implemented a computer system for tracking and calendaring open trials and appeals and providing management and client reports on the status of these cases. In addition, this system was expanded to include the tracking, against deadlines, of significant non-litigation projects handled by the Division. The Civil Division also set up a number of automated systems for document production and an electronic CD-ROM system for inexpensive legal research of cases, statutes, and the Seattle Municipal Code. A computerized brief bank was developed to enable attorneys

by case rather than by vendor, which much improved the usefulness of the information. This was done internally as SFMS does not allow the tracking of expenditures by case.

2. **Performance Evaluations** Performance evaluations were implemented for all non-attorney staff. The Administrative staff assisted in designing the evaluation forms for non-attorneys, coordinating the training of all supervisors, and scheduling and monitoring future evaluations to assure that they are done.

3. **Reclassifications** In addition to a new attorney classification system, legal secretaries and a number of administrative staff were also reclassified.

4. **Utilities Service Level Agreements** The Law Department moved forward to negotiate service level agreements with the utility departments, abandoning the previous cost allocation method of budgeting.

5. **Physical Remodeling** A modest but much needed remodel project was accomplished on the 10th Floor of the Municipal Building and 4,000 square feet was remodeled to house the Case Preparation Unit and the Appellate Unit in the Criminal Division at the Dexter Horton Building.

6. **Training Plans** Training plans were executed for every employee which defined training needs and desires and which allocated training funds for each individual.

7. **Computer System Improvements** The Civil Division's computer network was upgraded to handle more functions and more users. Approximately 12 users were added to the network in 1991. Additionally, substantial work was accomplished on defining the specifications for a computerized case tracking system for the Criminal Division.

C. **ENVIRONMENTAL PROTECTION SECTION**

The Environmental Protection Section was a new section in 1991, added as part of the Department's reorganization. The purpose of the Section is to provide expert legal advice and representation to the utilities and other City departments in this complex and highly specialized area of federal and state law.

1. **Startup of the Section** In its first year, the Section devoted substantial effort to basic organizational activities, including recruiting and hiring. The result is an extremely capable and productive staff of experienced attorneys. Great strides were made in developing an effective counselling relationship with the many City departments involved in environmental issues. Significant progress was also made in increasing awareness of both the City's potential environmental liabilities, and measures that can be taken to limit or moderate those liabilities. For example, the Section began publication of a regular environmental law client newsletter to alert Departments to issues and opportunities.

to store the entire text of briefs on the research computer, to be retrieved by key-word searches.

4. Improved Management of Judgment/Claims Fund

The Division's management of the Judgment and Claims Fund was significantly improved. An accounting system and a report format were developed to permit close monitoring and accurate knowledge of the Fund's level at any time, as well as facilitate regular reports to OMB and the Council. Further, in order to better predict future expenditures from the Fund and to give a more accurate overall picture of projected City liabilities, a system was implemented for setting and periodically adjusting reserves for every case. Even with these improvements, however, the City's self-insurance program for general liability does not provide adequate information for significantly better budget forecasting or loss prevention strategies. For this reason the City Attorney has proposed, and the City Council and Mayor have supported, a study to reform the City's Risk Management system.

5. Civil and Administrative Remedies for Code Violations

Under the City's Health Code, and in other areas of regulation, there has been a lack of a good civil administrative enforcement mechanism, while at the same time, systems for the routine prosecution of the violations as misdemeanors have not been as effective as desired. The Civil Division worked closely with the Health Department to timely prepare civil and criminal prosecutions of Health Code violations and to begin development of alternative administrative enforcement procedures.

6. Client-training and Education

Significant strides were made in 1991 in the legal education of City agencies, particularly in the complex and volatile areas of Employment law and Environmental Protection. In both areas, periodic newsletters were begun and a number of individual training sessions were held.

B. ADMINISTRATION

The Administration Section serves as the central point of the Law Department for the management of personnel, budgeting, accounting, and data processing. The Section also is responsible for coordinating the use of the Department's facilities and the purchase of supplies.

1. Judgment Fund Accounting Quarterly reporting on the Claims/Judgment Fund was provided to the Council. Accounting methods were changed to track expenditures

Additionally, the Section has been an active participant on interdepartmental policy formulation committees.

2. **U.S. v. Seattle and Metro** (NOAA Natural Resource Damage case) The settlement of this massive lawsuit was a very significant accomplishment achieved in less than a year and without any outside counsel expense. The City's potential exposure for natural resource damage to Elliott Bay and the Duwamish River as a result of storm drain and combined sewer overflow discharges was in the hundreds of millions of dollars. Pushing hard on the litigation front, pursuing at times "triple track" depositions, while simultaneously negotiating settlement, a settlement package of \$12 million (significantly less in out of pocket costs), was eventually agreed upon. The City retains a significant participatory role in determining the details of how the money will be spent on sediment remediation activities.

3. **City Light Superfund Sites** (Tacoma Tar Pits, Coal Creek, Northwest Transformer) Favorable settlements with EPA (and among the responsible parties) were achieved in all three of these Superfund cases, one of them on the eve of what was to be an eight week trial.

4. **Wiener v. Seattle** The City faced potential liability of over \$250,000 in this tort suit for contamination draining from the South Transfer Station. Following negotiations, the case settled for \$62,500 plus incidental expenses.

5. **Union Bay Sewage Spill** The EPA had sought a \$125,000 fine in this Clean Water Act enforcement case. Although a few details remain, a creative settlement has been reached in principle where the City's out of pocket costs will be \$12,500.

C. UTILITIES SECTION

The Utilities Section primarily serves City Light, the Water Department, the Solid Waste Utility, and the Drainage and Wastewater Utility a broad range of legal areas, including the specialized areas of service contracts, rate-setting and licensing.

1. **Skagit Negotiations** The Utilities Section was instrumental in assisting the City Light negotiation team in successfully concluding 15 years of study and negotiation regarding environmental and cultural mitigation for relicensing of the federally licensed, three-dam project on the Skagit River. The three Skagit Tribes in support of these agreements noted that they had intervened in three separate dockets relating to the Project over the past 15 years and "during that period their relationship had gone from pure adversarial to one of goodwill and mutual respect." In addition, the Section negotiated a follow-up settlement with a separate Canadian Tribe which had belatedly intervened in the proceeding. Although this part of the overall agreement is still in final draft, the Federal Energy Regulatory Commission official in charge of relicensing of major projects

has been quoted as saying that this agreement is the most detailed and comprehensive of any agreement so far brought to the Commission.

2. **Cedar Falls Project** At the same time the Section was involved in the successful negotiation of the Skagit agreement, it successfully won a ruling from the Federal Energy Regulatory Commission that the Cedar Project, first constructed in 1905 -- 15 years prior to the first enactment of the Federal Power Act, was not subject to the jurisdiction of the Commission and did not have to be licensed. The Section is now acting on behalf of the City as an intervenor in the Muckleshoot appeal of the Commission decision to the Ninth Circuit Court of Appeals.

3. **Lake Union Steam Plant** The Section has shepherded this project on behalf of City Light and was instrumental in championing intersectional involvement of both the Land Use and Environmental Protection Sections in a joint effort to protect the overall interests of the City and the various departments involved (City Light, Parks and Community Development) in environmental clean-up and in negotiations with the Koll Company.

4. **Cedar Falls Timber Exchange** The spotted owl controversy embroiled the Water Department in extensive disputes and then extensive discussions with the U.S. Forest Service regarding the protection of old growth timber and water quality protection in the closed Cedar River watershed. The Section has taken a strong role in the efforts aimed at a negotiated agreement and at Congressional action to facilitate an exchange of properties with the Forest Service, both to solidify the City's ownership of the watershed and to protect old growth and the spotted owl.

5. **Employco Litigation** The Section briefed and argued the appeal to the Washington Supreme Court of the trial court's ruling that the City's rate ordinance did not bar lawsuits from customers whose power was interrupted in the four-day downtown outage of 1988. The Supreme Court upheld the trial court, which now means that the trial of this case will go forward in 1992-3.

6. **Solid Waste Contract Negotiation** Renewed curb-side recycling contracts were negotiated with the assistance of the Section in 1991, together with negotiations which cleared up rate issues in the yard waste recycling contract. In addition, the Section was involved in protracted negotiations with the City's garbage haulers regarding disputed contract provisions, some of which have been issues from the inception of the new curb-side contracts in 1989.

7. **Drainage Basin Improvements** The Section began work with the Drainage and Wastewater Utility in helping develop the plans for compliance with the NOAA settlement achieved with the lead of the Environmental Protection Section in 1991, and to begin an overall review of drainage policy and attendant litigation in 1992.

D. CIVIL ENFORCEMENT

The Civil Enforcement Section was created in 1991 to concentrate on collections, drug abatements, human rights enforcement, licensing, and health regulations. The Section pursues debt collection and a variety of enforcement on behalf of all City departments.

1. **Collections** The 1991 General Collections amount was \$468,498. This was within the 1991 revised estimate of \$464,000 to \$475,000 and is a very positive performance in view of the recession.

<u>Collection Figures</u>	<u>1991</u>	<u>1990</u>
General Collections	468,498.42	410,238.31
Credit Bureau Collections	1,910.42	4,145.89
Drug Abatement	5,389.61	2,707.80
Law Costs Recovered	7,353.21	12,890.66
Law Fees Awarded	2,012.63	8,579.75

(Note: General Collections does not include: monies collected from the collection agency, monies received directly by the Treasurer's Office or a City Department due to the collection efforts of the Law Department, Housing Code or Drug Abatement funds, law costs or fees recovered, or payments received without the involvement of the Civil Enforcement Section.)

There were 3,933 invoices with 2,334 open files on December 31, 1991.

2. **Human Rights Department** The Civil Enforcement Section represented HRD in six cases in 1991, achieving successful results in all six matters. A backlog of several cases from prior years was reviewed and resolved.

The Section also advised HRD on amendments to the WMBE Ordinance, enforcement of Hearing Examiner decisions, and HRD's Subpoena's and amendments to the Housing Ordinance.

3. **Drug Abatement/Asset Forfeitures** In 1991, the Section sent out 203 Primary Abatement letters and there were eight abatement cases filed. With the added pressure of these actions, the matters were resolved through numerous meetings with SPD and with the cooperation of property owners.

4. **Health Department** In 1991, there were 12 health matters referred to the Section. Five cases were successfully prosecuted in Municipal Court and the others were resolved through the cooperation of property owners.

5. **Adult Entertainment** In order to improve enforcement of the City's Adult Entertainment Ordinance, rules and procedures were developed in conjunction with

DLCA to suspend adult entertainers', managers' and premises holders' licenses for violations. In addition, the Section and the Criminal Division held a training session for police officers in addressing various adult entertainment issues. By the end of the year, the Section had prepared letters for DLCA to send to seventy-eight dancers suspending their licenses. The letters were sent and enforcement commenced at the beginning of 1992.

E. LAND USE

As in past years, a great deal of the Section's time and resources were devoted to providing day-to-day advice to DCLU, DCD, OLP, Engineering, Parks, and the Mayor. The Section gave advice on a wide range of land use, environmental, real property, and administrative law issues. In 1991 the Section also assisted in the major reorganization of the Departments of Neighborhoods, Community Development, Licensing, and Human Services, as well as in the creation of a Planning Department.

1. Enhanced Real Property Services The Land Use Section added two experienced real property attorneys, one to represent the Parks Department's Open Space Program and one to represent the former Department of Community Development, primarily with respect to its low-income housing programs (now administered by the Department of Housing and Human Services). These attorneys enabled the Section to meet critical client needs that could not be met before, and enabled the Section to improve the quality of service to all its clients.

The Section also developed a substantial body of real estate and loan forms for use in its clients' acquisition, sale, and lending programs. This work will be on-going, as forms are modified to respond to new programs and to changes in applicable laws and regulations.

2. Client Training The Land Use Section conducted numerous training sessions for its clients, responding to a strong need for such training.

3. Litigation The Section responded to an increased number of lawsuits seeking damages from the City for regulatory decisions. Land use expertise is essential to an effective defense of such damage claims, so the Section's attorneys either retained complete responsibility for such cases or, when appropriate, acted as co-counsel with attorneys from the Torts Section who brought needed experience in damage litigation to the cases.

The Section enjoyed notable success in the appellate courts, including a decision by the United States Supreme Court vacating and remanding for further consideration the Washington Supreme Court's decision in First Covenant Church v. Seattle, which held the City's historic preservation ordinance could not be applied to religious buildings.

The Section also succeeded in protecting important City programs in Superior Court.

(a) In January, the Section persuaded the court to uphold the City's rental housing registration program.

(b) In the spring, the Section helped the Mayor's office and the Department of Community Development negotiate the city-financed purchase of the Aloha Inn by the Seattle Housing Authority for use as transitional housing, and then defended the City against a lawsuit filed to stop the project.

(c) In December, the Section obtained a court order directing County Assessor Ruthe Ridder to comply with the state Historic Properties Act by enrolling historic properties for special valuation. The Assessor's refusal to do so had jeopardized efforts to restore many historic properties within the City, including properties being restored to provide low-income housing.

4. **Drafting and Review Checklists** The Section developed draft checklists to be used by attorneys who are reviewing ordinances and responding to petitions for writs of review in Superior Court. These checklists, which will be finalized in the coming months, will increase the speed and accuracy of the Section's work.

F. TORTS

Under the 1991 reorganization, the Torts Section was formed from the Litigation Division with the goal of focusing on the defense of personal injury and property damage claims and lawsuits, but with the retained ability to apply experienced trial attorneys to any case that might be filed against the City.

1. **Litigation** The number of claims and lawsuits filed against the City continues to grow -- in 1991, 401 litigation files were opened by the Law Department. This is the second highest annual number of cases ever opened, exceeded only in 1986, when hundreds of Midway Landfill lawsuits were filed. Important litigation activity last year included:

(a) Pike Place Market Litigation -- City v. Cliffhouse Associates, et al. The Torts Section took the lead role in this successful lawsuit to protect the Public Market.

(b) Workers' Compensation Litigation -- The Section vigorously defended the Personnel Department's determinations in workers' compensation cases, prevailing -- and receiving awards of attorneys' fees -- in a surprisingly large number of cases.

- (c) Abramson -- This wrongful death case based on a soccer field accident was dismissed on summary judgment at trial court level, with the dismissal affirmed by Court of Appeals.
 - (d) Husted vs. City of Seattle -- The Section obtained a jury trial victory in this employee assault case.
 - (e) Patterson vs. City of Seattle -- Section attorneys tried this lengthy case to jury, obtaining a defense verdict on plaintiff's primary claim of sex harassment, while a smaller retaliation allegation was sustained.
- 2. Settlements Although resolving a case by settlement does not carry with it a clear adjudication of the parties' claims, it is often the least expensive and most appropriate disposition of a case -- particularly when it can be negotiated from a position of strength and solid trial preparation. Advantageous settlements were obtained in several large cases in 1991, including: Huber Grimm vs. City, Shauna Grimm vs. City, and Earhart vs. City.
 - 3. Claims In March, 1991, the City Council implemented a voter-approved Charter amendment increasing the authority of the City Attorney to settle claims without Council approval. This authority allowed more claims to be resolved without burdening the Council and without diminishing the quality or effectiveness of the adjustment process. Over the course of the year, the Claims Section investigated and disposed of over 1740 administrative claims against the City. Claims paid 47-percent of all filed claims, denied 41-percent, tendered 8-percent to insurance or other parties, and had 4-percent go into litigation.
 - 4. Training The Section took the lead within the office in providing training to other sections on litigation subjects, including mediation, various expert witness areas and specific litigation techniques.

G. EMPLOYMENT

Created in the Law Department's reorganization, the Employment Section brought together focused expertise in an expanding and complex area of the law; one of critical importance to the City and its 10,000 employees. The Employment Section has had an extremely full year in terms of litigation, expanding positive relations with clients, and addressing new developments in the law.

- 1. Development of Client Relations, Training, and Prevention Practices A primary goal of the Section was to help reduce poor employment practices and potential liabilities by providing training, advice, and a positive attorney-client relationship. The Section promoted the concept of "preventative employment practices", seeking to shift our clients' focus from one of reacting to employment problems to one of earlier

intervention and problem prevention in order to reduce liability exposure and foster a more productive, customer-oriented work force. The primary effort was to assure that personnel representatives and managers were adequately informed of the City's personnel rules and procedures and proper personnel practices. Specifically, the Section undertook:

(a) The publication of a quarterly Employment Section Newsletter, which is distributed to management personnel throughout the City. Among the topics covered in the newsletter were current topics of interest such as sexual harassment in the work place, the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, and use of the City's Employee Assistance Program. Questions and issues solicited from the City's department directors and personnel representatives were also addressed.

(b) Training. The Section advised in the development of the City-wide Cultural Diversity Program, drafted revisions to the City's Sexual Harassment Policy and related training, and participated in several training sessions sponsored by various departments, such as the Personnel Department's Leading Edge training program.

(c) ADA Implementation. The Section has been the contact point for legal advice in support of the City's response to new Federal requirements, employment and otherwise, coming from the Americans With Disabilities Act.

(d) Civil Rights Act. Starting in mid-1991, Employment attorneys have been reviewing the Civil Rights Act of 1991 and are continuing to monitor the Act for its impact on the City's Affirmative Action Program.

2. **Litigation** Employment related litigation consumed an enormous amount of Section resources in 1991. In addition to handling the large Hughes v. City case involving the rights of temporary and part-time Library employees and the remaining processing of the Scannell settlement, Section attorneys defended the City in a wide range of civil service, discrimination, collective bargaining, and pension issues brought in front of state and local administrative agencies and in State and Federal court.

3. **Legislation and Contract Review** The Section reviewed and commented on legislation proposed in the 1991 legislative session concerning employee rights and discrimination. Section attorneys also helped in the preparation and review of local employment ordinances and collective bargaining agreements.

H. MUNICIPAL

The Municipal Section's primary responsibilities are in municipal finance, such as bonding, taxes, cash management, etc. The Section is also responsible for other

uniquely municipal areas of law such as the Open Public Meetings and Open Public Record Acts and ethics and elections laws.

1. **Bond issues and levies** The Section coordinated legal work with bond counsel, clients, and other agencies in several important bond and levy proposals, including:

- (a) PC-1 (Public Market refinancing)
- (b) Zoo bonds
- (c) City and County Seattle Center levy

The Section assisted in developing a Master Lease Program that will make attractive interest rates available to finance a variety of property acquisitions in the future.

2. **Intergovernmental**

- (a) State legislative session. The Section coordinated the Law Department's review of hundreds of pieces of proposed legislation, prepared analyses, and lobbied in cooperation with OIR.
- (b) Regional government. The Section advised the Council and Mayor and worked closely with other counsel for other agencies on the changing face of local government. These included developing successors to the subregional council and PSCOG and the protracted negotiation and review of proposals for restructuring METRO or consolidating it with King County.
- (c) Education. The Section worked with the Mayor and Council and the Contracts Section to implement the Families and Education Levy in conjunction with the Seattle School District.
- (d) Taxi regulations. Coordinated legal review of regulatory options with King County.

3. **Annual Budget** The Section took the lead in coordinating drafting and review of revenue ordinances and other budget documents.

4. **Tax Litigation** The Section actively pursued City taxes including litigation concerning Cellular I, The Seattle Mariners, and National Can.

5. **Executive Reorganization** Attorneys in the Section provided drafts of Charter amendments and ordinances in connection with the consolidation of the City's financial administration, ethics and elections reorganization, and intergovernmental/international affairs merger.

6. **Ordinances and Opinions** The Section continued to provide advice and assistance on proposed ordinances and general matters of federal, state, and City laws.

7. **Various Financial Oversight Committees** The Section provided legal support to the City's internal committees governing investment and debt management; it also advised the Retirement System Board in all legal matters governing City employee retirement funds.

8. **Pike Market** In addition to assisting with the Urban Group litigation, the Section helped the Mayor prepare and review amendments to the PDA charter to prevent a recurrence of this problem and to satisfy state funding requirements.

9. **Public Disclosure and Open Meetings** The Section provided guidance to clients encountering open government issues.

I. **CONTRACTS**

The Contracts Section was one of the new sections created in the reorganization of the Civil Division. In its first year of existence, the Contracts Section spent a good deal of its time working with its clients to effectively make use of the focused expertise the Section could provide. In this process, many individual projects were identified and supported at a much earlier stage than had previously been possible. Many goals set forth in the 1991 Work Plan were accomplished, while others were superseded and redefined. For example, as areas of responsibility among Civil Division sections became more clearly allocated, the Section performed work on several major client projects (e.g., deferred compensation) that had not been identified in the 1991 Work Plan.

Among the significant projects handled by the Section were:

- (a) Successful resolution of the long-standing MCIS computer project;
- (b) Successful negotiation of a new deferred compensation plan administrator and resolution of contractual disputes with the prior administrator;
- (c) Year long negotiations/development of lease of City facilities in exchange for fiber optic capacity;
- (d) The lead role in a multi-jurisdictional procurement process and negotiation of contract for an emergency communication system.

Aside from specific project accomplishments, the Section worked hard to develop a supportive, responsive relationship with its clients. The Section successfully implemented its goal of providing timely, clear legal advice to clients, while leaving nonlegal business and policy decisions to their ultimate discretion.

Within the Civil Division, the Section provided frequent assistance to and coordination with other sections including assisting Land Use with real property sales and leases, Environmental Protection with the preparation of contractual indemnity provisions, and Municipal Law with a range of specially-financed capital projects and proposals. This coordination resulted in better service and a better work product and will continue to be emphasized in 1992.

III. CRIMINAL DIVISION

Major reforms were successfully undertaken in 1991 to improve the efficiency and quality of justice in the Municipal Court system, particularly through improved prosecution. Important undertakings included:

A. Transfer and Reorganization of Complaint Preparation, Subpoena and Discovery Functions

In June, 1991, all case preparation functions were transferred to the Criminal Division. These functions include producing criminal complaints, issuing subpoenas to City witnesses, and providing discovery (copies of police reports and other information about the prosecution's case) to defense attorneys.

The transfer consolidated functions which, although essential to successful prosecution, previously had been performed by employees of the Seattle Police Department (SPD) and the Seattle Municipal Court (SMC). The transfer involved negotiating the transfer of personnel, designing and building significant working and storage space, and the creation of new systems and procedures. The transfer implemented a key recommendation of the 1990 SMC consultant's study.

Initial results have been very positive, substantially reducing delays and errors in case processing and misdirected paperwork, to the benefit of prosecutors, defense attorneys and the Court.

B. Improved Case Screening and Trial Preparation

In March, 1991 comprehensive written procedures governing case filing and screening, pretrial calendar preparation, plea negotiations, and trial preparation and preassignment were promulgated.

Among other things, these procedures are designed to insure fair and consistent decisions concerning case screening and disposition, and to encourage timely and appropriate plea negotiations. The procedures also include a system by which, for the first time, all cases set for jury trial are preassigned to a prosecutor for both preparation and trial. Under the preassignment system, implemented in May, 1991, trial prosecutors

E. High-Impact Offender Project

February, 1991 saw the beginning of prosecutions under the Criminal Division's High-Impact Offender Project (HIOP). HIOP is an interjurisdictional (King County) special emphasis prosecution project designed to target habitual offenders whose criminal records include drug-related felony convictions.

Under HIOP, misdemeanor cases involving profile defendants are given heightened attention, including early witness contact, special work-up, and the provision of a complete criminal history not generally available in misdemeanor courts. HIOP, funded in large part by a federal grant, includes two Assistant City Prosecutors and two support staff.

There were 261 HIOP convictions in 1991. Heightened case preparation and the availability of complete criminal history information frequently resulted in sentences longer than the norm, with the court following the prosecution's sentencing recommendation in all but three cases.

F. Training and Orientation

(1) Attorneys During the last quarter of 1991, comprehensive procedures for the orientation and training of City prosecutors were developed to help insure success in Municipal Court, where practice is high-volume and heavily-oriented toward trial work. The program emphasizes mock trials and other practical trial lawyer training exercises and was implemented in early 1992.

(2) Support Staff Beginning in January, 1991 individualized training plans were developed for every Criminal Division employee, including support staff. About 60 training requests were received from support staff, the majority of whom met 1991 training goals. In addition, ongoing training for the new Case Preparation Unit staff began in June, 1991. This training has covered topics ranging from streamlined complaint preparation to use of SMC, Washington State Dept. of Licensing and State Patrol computer systems.

G. Police Overtime and Improved Witness Information Lines

During the last quarter of 1991, a series of steps were taken to reduce SPD overtime in Municipal Court due to inefficient witness subpoena and notification procedures. Some of the changes also benefit non-police witnesses for the City.

In September, 1991, a "case status" call-in line for witnesses was instituted. Witnesses who desire to know the status of a case leave a recorded message, and receive

receive case files several weeks in advance of the trial date. Previously, jury trials were "assigned" to City prosecutors only minutes before the trial itself began.

These procedures are designed to complement improvements in case screening and preparation begun in 1990, with the addition of resources, the creation of Filing-Pretrial and Trial Units, and improved supervision of attorneys.

C. Performance Evaluations, Classification System, and Job Descriptions

(1) Attorneys In October, 1991, a system of regular written performance evaluations for all prosecutors was implemented. The system, which ties annual salary increases to performance review, is designed to provide a fair method to recognize employee strengths, address employee deficits, and assure a true merit-based promotion system.

Evaluation criteria were tailored to the Criminal Division's specialized practice, and were developed with employee involvement to assure a fair and consistent system.

In conjunction with the evaluation system, a new attorney classification system was implemented. This system is designed to increase flexibility, reward performance and experience, and reduce artificial barriers to advancement.

(2) Family Violence Project, Administrative and Case Preparation Staff Forms and procedures for evaluation of Family Violence Project (FVP), Administrative and Case Preparation staff also were developed with employee input in 1991. Formal evaluations began in early 1992.

In conjunction with development of the evaluation program, Administrative and Case Preparation Unit staff members and supervisors completed comprehensive written job descriptions which have been computerized and are updated as procedures are changed and streamlined.

D. Pre-filing Screening of All Criminal Non-Traffic Cases

During 1991, the groundwork was laid for the pre-filing screening by City prosecutors of virtually all criminal non-traffic cases. This change means that all such cases are reviewed for prosecutive merit before charges are filed, and virtually does away with police officer-initiated citation filing in SMC. Such screening will mean significant savings in public defense- and court-related expenses by eliminating insufficient cases earlier.

Adopted in the 1992 budget process, the citation screening project was designed in the fourth quarter of 1991 in cooperation with SPD and SMC.

a return call from Criminal Division staff with the information requested. In November, 1991, a "bench trial hotline," containing recorded information for witnesses about upcoming bench trial and motion hearings began service. An improved "jury trial hotline" was instituted in early 1992.

H. Computer Case Management and Document Production System

Substantial work to acquire and implement a computerized case management and document production system for the Criminal Division continued during 1991 and significant progress was made. A project consultant was hired, a preliminary needs and functions assessment completed and a Request for Proposal (RFP) to vendors drafted. The goal is to implement the system in the first quarter of 1993.

I. Creation of Family Violence Project Out-of-Custody Unit; Promulgation of Procedures

In mid-1991, the FVP created a special Out-of-Custody Unit to review and prepare domestic violence cases in which the suspect has not been arrested by police.

The Unit was created to improve FVP's response to out-of-custody cases. Prior to the Unit's creation, all FVP advocates were assigned both in-custody and out-of-custody cases. Because of the short turn-around time required for in-custody cases, FVP work-up for serious out-of-custody cases sometimes was delayed. Now, however, an advocate is specifically assigned to review and prepare the approximately 4,500 such cases received by FVP each year. That advocate is assisted by members of the FVP Volunteer-Internship Program, who contact and interview victims.

In October, 1991, standards were developed to govern the prioritization of out-of-custody cases, the level of service provided in each case, and victim contact and case processing procedures. In addition, forms were developed and implemented to maintain statistics to evaluate the new Unit.

J. Revamping FVP Volunteer Program to Emphasize Participation by Student Interns

In August, 1991, FVP revamped its Volunteer Program to emphasize participation by student interns who can contribute longer and more concentrated periods of time. The change was designed to increase the quality and efficiency of the Volunteer program, first established by FVP in 1990. The changes have brought in students from area university and paralegal programs, who receive class credit for their FVP work.

K. Development of Draft FVP Operating Procedures

In 1991, a committee set to work to draft comprehensive written operating procedures governing FVP caseflow, assignment and prioritization. Additionally, the committee compiled a list of FVP policy issues and drafted several policy statements for final review and adoption.

IV. CONCLUSION

As a result of the reorganization and expansion of the City Attorney's Office and the dedicated work of its attorneys and staff, we have accomplished the major goals of 1991 and successfully handled cases and projects that could not be foreseen at the beginning of 1991. The Office concluded the year with much of the burden of restructuring behind it and with the continuing goal of providing both prompt and professional legal advice and representation for our clients and swift and effective criminal prosecution on behalf of the City of Seattle.

TIME AND DATE STAMP

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Margaret C. Pagel

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