

ORDINANCE No. 122507

COUNCIL BILL No. 115994

An ordinance related to the Municipal Court Day Reporting program; increasing an appropriation to the Municipal Court in the 2007 Budget; and creating a new position in the Municipal Court; all by three-fourths vote of the City Council.

# The City of Seattle--Legislative Department

Date Reported and Adopted \_\_\_\_\_

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_ report that we have considered the same and respectfully recommend that the same:

pass 3-0 NL, JG, PS 9/18/07 (CH)

9-24-07 Passed 8-0 (Excused: Malver)

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>9-4-07</u>	By:
Referred: <u>9-4-07</u>	To: <u>Public Safety, GOVERNMENTAL RELATIONS AND AHS</u>
Referred:	To:
Referred:	To:
Reported: <u>9-24-07</u>	Second Reading:
Third Reading: <u>9-24-07</u>	Signed: <u>9-24-07</u>
Presented to Mayor: <u>9-25-07</u>	Approved: <u>10-3-07</u>
Returned to City Clerk: <u>10-4-07</u>	Published: <u>Title 3</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Committee Chair

*Law Department*

ORDINANCE 122507

AN ORDINANCE related to the Municipal Court Day Reporting program; increasing an appropriation to the Municipal Court in the 2007 Budget; and creating a new position in the Municipal Court; all by three-fourths vote of the City Council

WHEREAS, the Day Reporting program is an alternative-to-incarceration program allowing judges to release defendants that would normally remain in jail per Washington Court Rules, section 3.2; and

WHEREAS, the Day Reporting program broadens the continuum of alternative-to-incarceration programs available to judges, enabling them to better serve justice equitably and to meet the varied needs of defendants; and

WHEREAS, the Day Reporting program has reduced costs to the City associated with incarcerating defendants; and

WHEREAS, the number of defendants participating in the Day Reporting program already exceeds current staffing capacity for the program; and

WHEREAS, the enhanced supervision provided by the addition of a probation employee will allow judges to consider more defendants for release from jail to the Day Reporting program, potentially further reducing the City's jail population and associated jail costs; and

WHEREAS, the Municipal Court does not currently have staffing capacity to assume additional responsibilities; and

WHEREAS, the Mayor and the City Council are fully committed to ensuring that the Municipal Court has the resources it needs to expand the Day Reporting program;

NOW, THEREFORE,



1  
2 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

3 Section 1. The following position is created:

4

Department	Position	# of Positions	Type
Municipal Court	Probation Counselor II	1.0	Full-time

5  
6  
7

8 The Court Administrator is authorized to fill this position subject to personnel rules and  
9 law.

10 Section 2. In order to pay for necessary costs and expenses incurred or to be incurred  
11 in 2007, but for which insufficient appropriations were made, the appropriation for the following  
12 in the 2007 Budget is increased from the fund shown, as follows:

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14

Fund	Department	Budget Control Level	Amount
General Subfund (00100)	Municipal Court	M4000	\$35,000

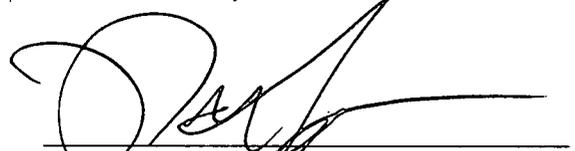
15  
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19 Section 3. The foregoing appropriation is made to meet actual necessary expenditures of  
20 the City for which insufficient appropriation has been made due to causes that could not  
21 reasonably have been foreseen at the time of the making of the 2007 budget, in accordance with  
22 RCW 35.32A.060.  
23



1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 24<sup>th</sup> day of September, 2007, and signed by me in open  
5 session in authentication of its passage this 24<sup>th</sup> day of September, 2007.

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7  
8   
9 President \_\_\_\_\_ of the City Council

10 Approved by me this 3<sup>rd</sup> day of October, 2007.

11  
12   
13 ~~Gregory J. Nickels, Mayor~~  
14 Nick Licata, Acting Mayor

15 Filed by me this 4<sup>th</sup> day of October, 2007.

16  
17   
18 City Clerk

19 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Municipal Court	Regina Edwards / 684-8274	Aimee Strasko Carlisle / 386-4090

**Legislation Title:**

An ordinance related to the Municipal Court Day Reporting program; increasing an appropriation to the Municipal Court in the 2007 Budget; and creating a new position in the Municipal Court; all by three-fourths vote of the City Council.

• **Summary of the Legislation:**

The ordinance increases an appropriation in the Seattle Municipal Court's (SMC's) 2007 budget to fund one position associated with the Day Reporting Program. A new full time Probation Counselor II position will be created to supervise the expansion of defendants from an average daily population (ADP) of 60 to 90 defendants.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The purpose of this legislation is to expand the SMC Day Reporting program, which allows defendants that would normally remain in-custody while awaiting trial to be released if they agree to report daily to SMC up to, and for the duration of, their trial. The great majority of these "pre-disposition" defendants are not released due to their circumstances – many are homeless and unemployed – which prevents judges from releasing them on their own recognizance due to Washington Court Rules (section 3.2). This program has produced approximately \$327,000 in net jail savings in 2006 (March through December) – a net savings of \$227,000 after Day Reporting Program salaries are counted.

A recent study by SMC has shown that there is a large enough pool of possible Day Reporting candidates to expand the program from 60 ADP to 90 ADP. This expansion would be achieved through the presence of a Probation Counselor II (PC II) to supervise defendants. The addition of a PC II would provide an extra layer of supervision and accountability, which in turn would provide judges with additional options for possible release from custody. In addition, a PC II would allow judges to require defendants to complete urinalysis, which existing Day Reporting staff cannot perform due to liability issues, as well as monitor other possible court requirements.

- Please check one of the following:

       **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

  X   **This legislation has financial implications.** (Please complete all relevant sections that follow.)

***Appropriations:** This table should reflect appropriations that are a direct result of this legislation. In the event that the project/ programs associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2007 Appropriation	2008 Anticipated Appropriation
General Subfund 00100	Municipal Court	M4000	\$ 35,000	\$ 97, 000
<b>TOTAL</b>			<b>\$ 35,000</b>	<b>\$ 97,000</b>

\*See budget book to obtain the appropriate Budget Control Level for your department.

*Notes:*

***Anticipated Revenue/Reimbursement: Resulting From This Legislation:** This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2007 Revenue	2008 Revenue
<b>TOTAL</b>				

*Notes:*



**Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE**

**Impact:** This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/ Full Time	2007 Positions	2007 FTE	2008 Positions**	2008 FTE**
Probation Counselor II	General Subfund	00100	Full Time	1	1.0	1	1.0
<b>TOTAL</b>				<b>1</b>	<b>1.0</b>	<b>1</b>	<b>1.0</b>

\* List each position separately

\*\* 2008 positions and FTE are total 2008 position changes resulting from this legislation, not incremental changes. Therefore, under 2008, please be sure to include any continuing positions from 2007.

**Notes:**

- **Do positions sunset in the future?** No (If yes, identify sunset date):

**Spending/Cash Flow:** This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name and Number	Department	Budget Control Level*	2007 Expenditures	2008 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:**

- **What is the financial cost of not implementing the legislation?** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)



If not accepted, the Municipal Court will be unable to enhance the Day Reporting Program by providing required supervision for an increase in defendants. The opportunity for the program to increase jail savings in 2007 will be unrealized, along with the ability to further reduce defendants in-custody in the King County Correctional Facility.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

The alternative to this legislation would be the status quo.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

There are no public hearing requirements.

- **Other Issues** *(including long-term implications of the legislation):* None

**Please list attachments to the fiscal note below:**



# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

July 10, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Councilmember Licata:

I am pleased to transmit the attached proposed Council Bill, which creates a new position in the Seattle Municipal Court (SMC) to assist in staffing the Court's Day Reporting program.

The SMC Day Reporting program allows defendants that would normally remain in-custody in the King County Correctional Facility while awaiting trial to be released if they agree to report daily to SMC up to, and for the duration of, their trial. The majority of these defendants are not released under their own recognizance for various reasons, such as repeated failures to appear at court hearings and an inability to post bail or a bond.

The Day Reporting program has helped increase the number of alternatives to incarceration available to judges at Seattle Municipal Court. These alternatives enable judges to apply the most appropriate level of supervision to defendants while maintaining public safety. In addition, defendants on Day Reporting benefit from informal case management services from Court employees, who refer them to the Court Specialized Treatment and Access to Recovery Services (CO-STARS) program or other human-service programs.

In 2006, the Day Reporting program resulted in a net savings of \$227,000 to the City. A recent study by SMC has shown there is a large enough pool of possible Day Reporting candidates to expand the program from 60 participants to 90 participants. This increase in participants could potentially realize further jail savings and decrease the City jail population, but would require an extra layer of supervision and accountability. The attached Bill creates a new Probation Counselor II (PC II) to supervise defendants.

Thank you for your consideration of this legislation. Should you have any questions, please contact Gayle Tajima (684-5717) at SMC or Aimee Strasko Carlisle (386-4090) at the Department of Finance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Nickels".

Gregory J. Nickels  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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STATE OF WASHINGTON - KING COUNTY

--SS.

216164  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

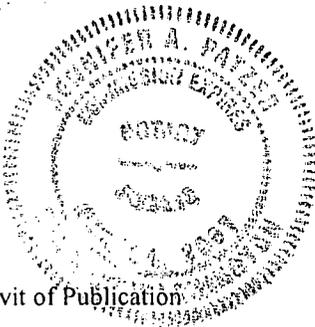
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122502,04,06-09-10,12

was published on

10/08/07

The amount of the fee charged for the foregoing publication is the sum of \$ 118.58, which amount has been paid in full.



*Pamela Palesy*

Subscribed and sworn to before me on

10/08/07

*[Signature]*

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances passed by the City Council on September 24, 2007, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 122512

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 122510

AN ORDINANCE relating to Seattle Public Utilities; declaring an airspace corridor over the Cedar River pipeline #4 water transmission pipeline right-of-way located in the City of Tukwila in the vicinity of the Southcenter Shopping Mall in the SE 1/2 of the SE 1/4 of Section 23, Township 23 North, Range 4 East, W.M., in King County, Washington, surplus to the City's needs and not required for continued utility service, and authorizing sale of that airspace corridor to the Washington State Department of Transportation under the threat of condemnation.

#### ORDINANCE NO. 122509

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement effective January 24, 2007 through December 31, 2007, between the City of Seattle and the Washington

State Council of County and City Employees, AFSCME, Local 21Z, and ratifying and confirming prior acts.

#### ORDINANCE NO. 122507

AN ORDINANCE related to the Municipal Court Day Reporting program; increasing an appropriation to the Municipal Court in the 2007 Budget; and creating a new position in the Municipal Court; all by three-fourths vote of the City Council.

#### ORDINANCE NO. 122506

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent to amend the existing ten-year lease with Seattle Children's Play Garden for use of the Colman Playfield, including the renovation of the Shelter House and construction of a new recreational facility.

#### ORDINANCE NO. 122504

AN ORDINANCE related to the Central Puget Sound Regional Transit Authority ("Sound Transit"); authorizing the Director of the Seattle Department of Transportation to execute an amendment to the Agreement Between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light-Rail Transit Way as Related to the Central Link Light Rail Transit Project; to reflect the revised approved alignment for the Central Link Light Rail Project, including the University Link and North Link extensions; and establishing the process for Council review of pedestrian bridges connected to Light Rail Transit Stations.

#### ORDINANCE NO. 122502

AN ORDINANCE relating to Discovery Park; authorizing acquisition of real property and acceptance of deeds; authorizing acceptance of certain utility infrastructure and associated easements; clarification of certain existing utility easements and termination of certain private utility easements; and increasing appropriations to the Department of Parks and Recreation in the 2007 Budget; all by a three-fourths vote of the City Council.

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily

October 8, 2007