I. CALL TO ORDER & FLAG SALUTE 7:00 p.m.

II. ROLL CALL

III. APPROVAL OF THE AGENDA

IV. PRESENTATION
   a. Des Moines Memorial Drive - Rose Clark

V. PUBLIC COMMENT

VI. CONSENT AGENDA
   (Routine items will be enacted in one motion unless removed by a Councilmember)
   
   3 - 6   a. Resolution 874, Cancelled Checks
   7 - 20  b. Meeting Minutes dated June 10th and 24th; July 8th, 15th, and 22nd
            c. Claims and Payroll Vouchers

VII. REPORT OF OFFICERS

   Mayor's Report

   Councilmember & Council Committee Reports

   City Manager's Report
VIII. CONTINUED BUSINESS

21 - 29 a. Comp Plan Public Questionnaire - Chad Tibbits, Senior Planner
   Requested Council Action: M/S to approve, discussion and vote.

IX. NEW BUSINESS

a. Facility Planning Task Force - City Council
   Requested Council Action: Discussion.

31 - 82 b. Resolution 875, Indigent Defense - Glenn Akramoff, City Manager
   Requested Council Action: M/S to adopt, discussion and vote.

83 c. City Manager Presents 2015-16 Biennial Budget Draft - Glenn Akramoff, City Manager
   No Council Action will be requested.

X. PUBLIC COMMENT

XI. INFORMATION ITEMS

85 - 92 a. Communication Survey Results and Analysis

93 b. Treasurer's Report July 2014

95 c. October 28, 2014 Draft Meeting Agenda

XII. ADJOURN

   Requested Council Action: M/S to adjourn by 10:00 p.m. per Resolution #609.
   Next meetings are scheduled to be held on Saturday, October 25th and Tuesday, October 28th.

   Note: The order of agenda items are suggested. The actual time the City Council discusses an item may or may not be in the order listed.
SUBJECT: Cancelation of Unclaimed Checks

ATTACHMENT(S):
   1. Resolution 874

PREPARED BY: Lailani Balboa-Fernandez, Accounting Specialist

RECOMMENDED BY: Glenn Akramoff, City Manager

REVIEWED BY: Glenn Akramoff, City Manager

STAFF EXPLANATION:

RCW 39.56.040 requires that any check not presented for payment within two years of its issuance shall be canceled by resolution of the governing body of the municipal corporation; and these payments will be reissued to Department of Revenue, Unclaimed Property Division.

Check numbers 45355, 46667, 46674, 46681, 46683 and 46685 were not presented for payment. Staff proposes canceling and turning them over to the Department of Revenue, Unclaimed Property Division before November 1, 2014.

POTENTIAL BENEFITS AND/OR CONSEQUENCES:

Failure to report unclaimed checks to the Department of Revenue by November 1\textsuperscript{st} will result in having interest charged on all property not reported or delivered. Also, canceling the checks and turning it over to the Department of Revenue, Unclaimed Property Division relieves the City from liability of the property.

COMMITTEE RECOMMENDATIONS:

N-A

COUNCIL OPTIONS:
   1. Adopt Resolution 874 as presented.
   2. Adopt Resolution 874 with specified changes.
   3. Refer to staff for further review.
RECOMMENDED MOTION:
“I move to adopt Resolution 874, a resolution cancelling claim checks as presented.”
CITY OF NORMANDY PARK
RESOLUTION NUMBER 874

A RESOLUTION OF THE CITY OF NORMANDY PARK, WASHINGTON,
CANCELLING CLAIM CHECK NUMBER 45355, 46667, 46674, 46681, 46683, and
46685

WHEREAS, the City Council approved check number 45355 dated August 10, 2011
issued to Pete Nielsen in the amount of $50.00 as Marvista Rental Deposit Refund; and

WHEREAS, the City Council approved check number 46667 dated June 18, 2012
issued to Phoenix Thornbill Claussen in the amount of $10.00 as 2012 Arts Festival
Award; and

WHEREAS, the City Council approved check number 46674 dated June 18, 2012
issued to Makenna Fowler in the amount of $35.00 as 2012 Arts Festival Award; and

WHEREAS, the City Council approved check number 46681 dated June 18, 2012
issued to Deyante Montgomery in the amount of $10.00 as 2012 Arts Festival Award; and

WHEREAS, the City Council approved check number 46683 dated June 18, 2012
issued to Justin Pomele in the amount of $10.00 as 2012 Arts Festival Award; and

WHEREAS, the City Council approved check number 46685 dated June 18, 2012
issued to Hodan Said in the amount of $10.00 as 2012 Arts Festival Award; and

WHEREAS, these checks have not been presented for payment within two years of the
issue date; and

WHEREAS, RCW 39.56.040 requires that any check not presented for payment within
two years of its issuance shall be canceled by resolution of the governing body of the
municipal corporation; and

WHEREAS, these payments will be reissued to Department of Revenue, Unclaimed
Property Division.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORMANDY
PARK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Manager is authorized to cancel check numbers 45355, 46667,
46674, 46681, 46683 and 46685. Payments will be reissued to the Department of
Revenue, Unclaimed Property Division for redemption.

Section 2. This resolution shall become effective immediately upon its passage.

_______________________________________
Susan West, Mayor

ATTEST:

____________________________________________
Debbie Burke, City Clerk
I. CALL TO ORDER & PLEDGE OF ALLEGIANCE
Mayor Susan West called the meeting to order at 7:08 p.m. followed by the flag salute.

II. ROLL CALL
Mayor Susan West; Mayor Pro Tem Doug Osterman; Councilmember: Shawn McEvoy, Stacia Jenkins, Mike Bishoff, Tom Munslow, and Kathleen Waters.

Staff: City Manager Glenn Akramoff, City Attorney James Haney, Police Chief Chris Gaddis, Public Works Maintenance Supervisor Steve Pasztor, Receptionist Brooks Wall, and City Clerk Debbie Burke.

III. APPROVAL OF THE AGENDA
Councilmember Jenkins moved Consent Agenda item (c) Wilson Fleet Services Contract to New Business item (a).

IV. PRESENTATION
a. Communications Plan
A Communications Plan developed by the staff Communications Committee (Burke, Wall, Gaddis, and Mojo Strategies President/Consultant Joy Johnston) was distributed in the Council Meeting packet. The prior Council Communications Committee drafted a plan in 2010 which was distributed at the meeting and will be reviewed by staff at a later date. Ms. Johnston presented an overview of the City's current communication tools, recent new initiatives, and the Communications Plan which details further steps for the City to take in order to bolster communications to residents within available resources. Council discussed social media, tracking improvements, reaching those not using the internet, establishing a baseline measurement, and branding.

V. PUBLIC COMMENT
Mike Ditchik, 623 SW 175th St, Normandy Park, shared his concerns on the Facility Planning Task Force subject.

VI. CONSENT AGENDA
a. Ordinance 908, Council Meeting start time
b. Park Commission Reappointment of Scott Salzer
c. Meeting Minutes dated April 22, April 26, April 29, May 13, and May 27
d. Claims Check 49487 through 49532 and 49548 through 49579 and 991401 in the amount of $119,959.97 and Payroll Check 49472 through 49486 and 49533 through 49547 in the amount of $201,308.14

Motion by Councilmember Jenkins to approve the June 10th Consent Agenda, second by Councilmember Waters. The motion carried unanimously.

VII. REPORT OF OFFICERS
Mayor’s Report – Meetings with the public at local businesses, home-based business Open House 6/11, Zombie Fest 9/27, and Winterfest 12/7.
Councilmember & Regional Committee Reports – Finance Committee goals, Tom Deschner Memorial dedication event, playground tile celebration, Fire District Open House, South County Area Transportation Board projects, and Solid Waste Management meetings.


VIII. CONTINUED BUSINESS

a. Comp Plan Scope of Services
RCW 36.70A.130 mandates all cities to update their Comp Plans by June 30, 2015. This is to ensure local plans for development reflect current laws, local needs, and plans for the future of Normandy Park through the year 2035. Department of Commerce is distributing grants in the amount of $18k per entity. Actual impact to the city could range from $22k to $132k.

Motion by Councilmember Waters to authorize the City Manager to develop a definitive scope of work for the Comp Plan, including a specific work plan for our staff or a consultant, second by Mayor Pro Tem Osterman. The motion carried 7 – 0.

Motion by Councilmember Jenkins to amend the above motion by adding ‘and to move forward with a Request for Qualifications process for consulting services for the city’s Comp Plan update’, second by Mayor Pro Tem Osterman. The motion carried 5 – 2, Councilmember Waters and Bishoff were opposed.

b. Facility Planning Task Force
Five citizens provided comments to the Council. Council discussed the draft Charter that was presented by staff in the meeting packet.

Motion by Councilmember Waters to hold a City Council work session for the whole Council or a subcommittee of the whole to deliberate and decide on the initiation, formation, composition, and direction of the Facility Planning Task Force, second by Councilmember Munslow. The motion was withdrawn.

Motion by Councilmember McEvoy to have a work study session regarding City Hall with the intent of drafting guidelines for the Facility Planning Task Force Charter, second by Councilmember Bishoff. The motion carried 6 – 1, Mayor Pro Tem Osterman was opposed.

IX. NEW BUSINESS

a. Wilson Fleet Services Contract
Wilson Fleet Services provides purchasing and surplus sales for government agencies. Council requested to have staff track and provide the purchase, sales, and savings information with future contract renewals.

Motion by Mayor Pro Tem Osterman to authorize City Manager Akramoff to execute the contract as presented, second by Councilmember McEvoy. The motion carried 7 - 0.
X. PUBLIC COMMENT
Mary Anderson 17105 4th Ave SW, Normandy Park provided suggestions for helping citizens to learn about tools for communications with the city and inquired about reverse 9-1-1 calling.

XI. ADJOURN

Motion by Councilmember McEvoy to adjourn the meeting at 9:45 p.m., second by Councilmember Waters. The motion carried 7 – 0.

_______________________________________
Susan West, Mayor

_______________________________________
Debbie Burke, City Clerk

Meeting Minutes approved October 14, 2014.
I. CALL TO ORDER
Mayor West called the meeting to order at 7:00 p.m.

II. ROLL CALL
Mayor Susan West; Mayor Pro Tem Doug Osterman; Councilmember: Stacia Jenkins, Tom Munslow, Kathleen Waters, and Mike Bishoff. Councilmember Shawn McEvoy arrived at 7:02 p.m.

Economic Development Committee Members: Mayor West, Councilmember Munslow, Acting Chair Peter Philips, George Buley, Paul Cooke, Milo Smith, Arts Commissioner Amber Nichol, Rick Chapman, Jhoanna Whyte, Kay Goucher, Gerry Osgood, and Mary Anderson.

Staff: City Manager Glenn Akramoff, Police Chief Chris Gaddis, Senior Planner Chad Tibbits, Engineer Maryanne Zukowski, and City Clerk Debbie Burke.

III. JOINT MEETING
Economic Development Committee
The EDC was established in 2012 and meets every Wednesday at 5:15 p.m. to discuss strategies to attract new businesses, maintain existing businesses, as well as planning the Business Open Houses, Zombie Fest, and Winterfest events.

Roundtable discussion ensued about the City Scene Magazine, Manhattan Village Subarea Plan, EDC events, Friends of Normandy Park Foundation, Arts Commission events, funding needs, budget requests, freeway signage, entrance signs, banners, and community surveys.

Mayor West called a recess at 7:55 p.m. The meeting reconvened at 8:07 p.m.

IV. STUDY SESSION
a. Shoreline Management Act
Collin Higgins from WRIA 9, David Peter from Department of Ecology, and Bruce Wulkan from Puget Sound Partnership conducted a PowerPoint presentation on the nearshore ecosystems on Puget Sound. Puget Sound is the second largest estuary in the United States. They provided a list of impacts as the result of shoreline armoring, illustrated armoring locations in the Puget Sound region, explained steps being taken to protect and restore nearshore and marine systems, and summarized the Shoreline Management Act regulation.

b. 2015-2020 TIP/ASIP
Washington State law requires local agencies to adopt and file a Six-year Transportation Improvement Program ("TIP") and Arterial Street Improvement Plan ("ASIP") annually. The program is required to be filed with the secretary of transportation not more than thirty days after its adoption in order to be eligible for grant funding and consistent with the State Growth Management Act. A public hearing is also required and is scheduled for July 8th. Draft plans were provided in the meeting packet showing each project’s description, location map, and charts of the possible funding sources.
Council commended Engineer Zukowski on the outstanding work presented in the proposed program being balanced with non-motorized transportation projects. Council discussed history of project planning, a 1st Avenue round-a-bout, stormwater retrofit projects, future SW Normandy RD project open house, sidewalk projects in the Manhattan Village Subarea Plan, and requested a few clarifications to plan documents to be presented at the public hearing.

V. ADJOURN

**Motion** by Councilmember McEvoy to adjourn the meeting at 9:57 p.m., second by Councilmember Waters. The motion carried 7 – 0.

______________________________
Susan West, Mayor

______________________________
Debbie Burke, City Clerk

Approved by the City Council on October 14, 2014
City of Normandy Park City Council
Regular Meeting - City Council Chambers
July 8, 2014

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE
Mayor Susan West called the meeting to order at 7:04 p.m. followed by the flag salute.

II. ROLL CALL
Mayor Susan West; Councilmember: Stacia Jenkins, Mike Bishoff, Tom Munslow, and Kathleen Waters. Councilmember Shawn McEvoy arrived at 7:27 p.m. and Mayor Pro Tem Doug Osterman arrived at 8:17 p.m.

Staff: City Manager Glenn Akramoff, City Attorney James Haney, Police Chief Chris Gaddis, Engineer Maryanne Zukowski, Senior Planner Chad Tibbits, and City Clerk Debbie Burke.

Motion by Councilmember Waters to excuse Councilmember McEvoy and Mayor Pro Tem Osterman, second by Councilmember Munslow. The motion carried 5 – 0.

III. APPROVAL OF THE AGENDA
Councilmember Munslow moved Consent Agenda item (a) Resolution 871, Local Government Investment Pool to New Business item (a).

IV. PRESENTATIONS
a. Police Reserve Officers’ Oath of Office
   Chief Gaddis administered the ceremonial oath of office to commission Police Reserve Officers Miko Tempski and Kyle McBride.

b. Police Officer Medal
   Chief Gaddis presented a meritorious service medal to Reserve Officer Mark Hawley for thousands of hours of dedication to Normandy Park over the last ten years. Reserve Officer Hawley will be retiring on July 29th with longest tenure in the history of the Reserve Police Force.

V. PUBLIC COMMENT
Larry Zaitzeff, 4th SW and 186th, Normandy Park, commented on the Transportation and Shoreline Management Plans.

VI. CONSENT AGENDA
a. Claims Check 49596 through 49650 and 49665 through 49747 in the amount of $194,801.04 and Payroll Check 49580 through 49594 and 49651 through 49663 in the amount of $205,009.66

Motion by Councilmember Jenkins to approve the July 8th Consent Agenda, second by Councilmember McEvoy. The motion carried unanimously.

VII. REPORT OF OFFICERS
Mayor’s Report – Joint meeting with Council and Economic Development Committee (EDC), City Scene Magazine, EDC Zombie Fest on 9/27, and EDC Winterfest on 12/7.
Councilmember & Regional Committee Reports – Code Enforcement program, Solid Waste information, Puget Sound Regional Council, commerce tax revenue history, Sound Cities Association, Environmental Committee, fireworks, and City Manager performance evaluation.

City Manager’s Report – fireworks, 2015 Legislative Agenda, OSHA report status, and options for the August 26th Council meeting.

VIII. PUBLIC HEARING
a. Resolution 872, Six Year Transportation Plan
   Engineer Zukowski provided an updated map and legend to accompany the project sheets and financial strategy. Mayor West opened the Public Hearing at 8:02 p.m., two citizens provided comments and the hearing closed at 8:15 p.m. The 1st Avenue Phase III project will be listed on the Capital Improvement Plan.

Motion by Councilmember Jenkins to adopt Resolution 872, a resolution adopting the revised Six-Year Transportation Improvement Program and Arterial Street Improvement Plan, second by Councilmember McEvoy. The motion carried 7 – 0.

IX. CONTINUED BUSINESS
a. Shoreline Master Plan (SMP) Introduction
   Regional agencies provided a presentation on Shoreline Management at the June 24th Council meeting. Diane Hennessey, Ecologist with Hart Crowser, has worked closely with Senior Planner Tibbits and the Planning Commission on the SMP update.

   Planning Commissioner Pat Pressentin provided an overview of the Planning Commission involvement and state regulations on the adoption and approval process for the draft Shoreline Master Plan update. The Planning Commission recommends Council approval.

   Consultant Hennessey provided a PowerPoint presentation to illustrate the shoreline restoration goals and plans. Major changes to the Plan included updating best available science and state standards for shoreline stabilization, vegetation conservation, docks, enforcement and penalties, zoning designation, permitting modifications, accumulative and no net loss impacts.

X. NEW BUSINESS
a. Resolution 871, Local Government Investment Pool
   Council discussed needing to know other options available to earn interest with government money. The Finance Committee is working on developing a Financial Policy that will incorporate these types of decisions in the future.

Motion by Mayor Pro Tem Osterman to adopt Resolution 871 authorizing investment of City monies into the Local Government Investment Pool, second by Councilmember McEvoy. The motion carried 6 – 1, Councilmember Waters opposed.

Motion by Council Member McEvoy to call the question, second by Councilmember Bishoff. The motion carried 6 – 1, Councilmember Waters opposed.
Motion by Councilmember McEvoy at 10:00 p.m. for 10 minutes, second by Councilmember Munslow. The motion carried 6 – 0. Councilmember Bishoff opposed.

XI. PUBLIC COMMENT
Craig Daly, 17215 2nd Ave SW, Normandy Park, provided input on a bank he has an account with.

Larry Zaitzeff, Normandy Park, commented on an observation he has seen on shoreline maintenance.

XII. ADJOURN

Motion by Councilmember McEvoy to adjourn the meeting at 10:09 p.m., second by Mayor Pro Tem Osterman. The motion carried 7 – 0.

_______________________________________
Susan West, Mayor

_______________________________________
Debbie Burke, City Clerk

Meeting Minutes approved October 14, 2014
City of Normandy Park City Council  
Special Meeting - City Council Chambers  
July 15, 2014  

I. CALL TO ORDER  
Mayor Susan West called the meeting to order at 7:02 p.m.  

II. ROLL CALL  
Mayor Susan West; Mayor Pro Tem Doug Osterman; Councilmember: Shawn McEvoy, Stacia Jenkins, Tom Munslow, and Kathleen Waters. Absent: Councilmember Mike Bishoff.  

Motion by Councilmember McEvoy to excuse Councilmember Bishoff, second by Councilmember Waters. The motion carried 6 – 0.  

Staff: City Manager Glenn Akramoff, Police Chief Chris Gaddis, and City Clerk Debbie Burke.  

III. STUDY SESSION  
   a. Facility Planning Task Force Charter  
   Mayor West and Councilmember Waters distributed outlines of elements they felt important to be considered in the modification of the draft charter. Discussion ensued and Council concurred on a Mission Statement and list of Guidelines. An updated draft will be provided in the next meeting packet for further review.  

IV. ADJOURN  
Motion by Councilmember McEvoy to adjourn the meeting at 8:40 p.m., second by Councilmember Jenkins. The motion carried 6 – 0.  

_______________________________________  
Susan West, Mayor  

_______________________________________  
Debbie Burke, City Clerk  

Meeting Minutes approved October 14, 2014.
CALL TO ORDER & PLEDGE OF ALLEGIANCE
Mayor Susan West called the meeting to order at 7:05 p.m. followed by the flag salute.

ROLL CALL
Mayor Susan West; Mayor Pro Tem Doug Osterman; Councilmember: Stacia Jenkins, Tom Munslow, and Kathleen Waters. Councilmember Shawn McEvoy arrived at 7:37 p.m. Absent: Councilmember Mike Bishoff.

Motion by Mayor Pro Tem Osterman to excuse Councilmember Bishoff, second by Councilmember Jenkins. The motion carried 5 – 0.

Civil Service Commission Chair Larry Shoemaker and Commissioner Scott Hilsen. Absent: Commissioner Mindy McClean.

Staff: City Manager Glenn Akramoff, City Attorney James Haney, Police Chief Chris Gaddis, Civil Service Secretary Colin Thorpe, and City Clerk Debbie Burke.

APPROVAL OF THE AGENDA
Mayor West added Approval of the Agenda to the agenda.

Motion by Councilmember Waters to approve the agenda as substantially presented, second by Councilmember Munslow. The motion carried 5 – 0.

PRESENTATION
a. King County LID Retrofit
Miller-Walker Basin Steward Elissa Ostergaard and Stormwater Lead Consultant Robin Kirschbaum provided a PowerPoint presentation on the Stormwater Retrofit Analysis. The 80 projects initially identified from review of Capital and Transportation Improvement Plans were narrowed to the top 30. They described the parameters and the next level of evaluations which will narrow priorities to the top 5 projects which will be advanced to a preliminary design status. Final public meetings will be held October 27th and November 4th, and the final project will be determined by the end of 2014.

City Manager Akramoff introduced Public Works Engineering Intern Scott Wible.

A recess was called at 7:55 to gather for an unrecorded portion of the meeting.

STUDY SESSION
Joint Meeting with Civil Service Commission
Commissioners have been working on updating the local Civil Service Manual since 1978, utilizing the resources of former City Attorney Sue Sampson. There are no recent or anticipated openings of Officers. They are planning on advertising in September for replacement of an upcoming retiring Officer. The Public Safety Testing database will be used to acquire potential candidates. A statement from Commissioner McClean was read by Chief Gaddis regarding promotion testing of a Reserve Officer to save $60k, in addition to delayed time for a new officer to attend the training academy.
Mayor West reconvened the recorded portion of the meeting at 8:40 p.m.

VI. PUBLIC COMMENT
No comments received.

VII. CONSENT AGENDA
a. Ordinance 909, 2014 Budget Amendment

Motion by Councilmember McEvoy to approve the July 22nd Consent Agenda, second by Councilmember Waters. The motion carried 5 – 0, Councilmember Munslow abstained.

VIII. CONTINUED BUSINESS
a. Facility Planning Task Force (FPTF) Charter
   The draft includes multiple changes made by Council on July 15th as well as City Manager Akramoff’s updates to the list of groups to be included in the public involvement process. Discussion ensued and Council determined to accept applications with the draft document. A subcommittee of Mayor West, Councilmember Jenkins and Waters will meet with City Manager Akramoff to finalize the charter document for the Council to approve as a whole.

Motion by Councilmember McEvoy to include with the application for the Task Force the Facility Task Force Charter items A. Mission, B. Guidelines, C. Public involvement, E. Responsibilities and F. Building Needs to be Considered, as well as the ad, all amendments as discussed, and label it a draft, second by Mayor Pro Tem Osterman. The motion carried 6 – 0.

IX. PUBLIC COMMENT
Mary Anderson, 17105 4th Ave SW, Normandy Park, commented on the FPTF Charter.

Craig Daly, 17215 2nd Ave SW, Normandy Park, provided suggested language changes to the FPTF Charter.

X. EXECUTIVE SESSION
Motion by Councilmember Waters at 9:55 p.m. to go into an Executive Session for 45 minutes for the purpose of evaluating the performance of the City Manager pursuant to RCW 42.30.110(1)(g); and there will be no further action, second by Mayor Pro Tem Osterman. The motion failed 0 – 6. The item was moved to the August 12th meeting agenda.

XI. ADJOURN
The meeting adjourned at 9:56 p.m.

Susan West, Mayor

Debbie Burke, City Clerk
Meeting Minutes approved October 14, 2014.

ATTACHMENT(S):
1. Draft Public Comp Plan Questionnaire

PRESENTED BY: Chad Tibbits, Senior Planner

RECOMMENDED BY: Chad Tibbits, Senior Planner

REVIEWED BY: City Manager, City Attorney, Public Works, and Planning Staff

STAFF EXPLANATION:

History:
Comprehensive plan - land use document that provides the framework and policy direction to manage where and how growth needs are met. Plan elements address land use, housing, capital facilities, utilities, rural/natural resources, transportation, economic development, environment, cultural resources, and other topics.

The City of Normandy Park was incorporated in 1953 and adopted its first comprehensive plan in 1957. The 2015 Comprehensive Plan update will be Normandy Park’s fifth significant update. The update is due June 30, 2015.

The comprehensive plan is required by the Growth Management Act (RCW 36.70A) to be updated every eight years. The comp plan was developed to address growth and maintenance of the physical character of the city over a period of 20 years. The plan also incorporates goals and policies that address applicable King County Countywide Planning Policies (KCCPP).

As part of the 2015 Comprehensive Plan Update, the City Council and Planning Commission will need to approve a questionnaire used for gathering public input. The questions cover schools, walking/biking trails, public safety, roadways, senior programs, housing options and transit to identify a few. This questionnaire will also be submitted to the Planning Commission for their input. The questionnaire will be disseminated to the community using the communications plan. The information will be used to help draft the goals and policies that will shape the 2015 Comprehensive Plan. The findings
of the questionnaire will be presented to the Council and Planning Commission in December of 2014.

FISCAL IMPACT:

N/A

POTENTIAL BENEFITS AND/OR CONSEQUENCES: Future grants and funding opportunities.

COMMITTEE RECOMMENDATIONS: N/A

COUNCIL OPTIONS:
1. Recommend sending Comp Plan Questionnaire to Planning Commission as presented.
2. Recommend sending Comp Plan Questionnaire to Planning Commission with changes.
3. Refer to staff for further review.
4. Take no action.

RECOMMENDED MOTION: "I move to approve and send the Comp Plan Questionnaire to the Planning Commission as presented."
City of Normandy Park Comprehensive Plan
Update Outreach Questions

1. Are you a resident of Normandy Park?  
   (Select)  

2. What is your zip code?  

3. Do you work in Normandy Park?  
   (Select)  

4. What is your age? (optional)  
   (Select)  

5. What is your race/ethnicity? (optional)  
   (Select)  

6. How important are each of the following in creating a good quality of life for you (and your family)?

   Excellent school system
   1. Not Important
   2. Somewhat Important
   3. Important
   4. Very Important
   5. Essential
   6. Not Sure

   Good walking, biking or trail access to what I want
   1. Not Important
   2. Somewhat Important
   3. Important
   4. Very Important
   5. Essential
   6. Not Sure

   Safe community
   1. Not Important
   2. Somewhat Important
   3. Important
   4. Very Important
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<td>Good cell coverage</td>
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<td>No junk cars, graffiti, or dumped garbage</td>
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<td>Live close to work</td>
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<td>Fast and affordable internet access</td>
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<td>Easily accessible healthy food</td>
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**Note:** Options 1 to 5 represent levels of importance, with 6 being Not Sure.
ATTACHMENT 1

Accessible public transit options to get to work and elsewhere
1. Not Important
2. Somewhat Important
3. Important
4. Very Important
5. Essential
6. Not Sure

Functional roadways
1. Not Important
2. Somewhat Important
3. Important
4. Very Important
5. Essential
6. Not Sure

Attractive streets with trees and sidewalks
1. Not Important
2. Somewhat Important
3. Important
4. Very Important
5. Essential
6. Not Sure

Shopping opportunities within walking distance
1. Not Important
2. Somewhat Important
3. Important
4. Very Important
5. Essential
ATTACHMENT 1

1. ○ Not Important
2. ○ Somewhat Important
3. ○ Important
4. ○ Very Important
5. ○ Essential
6. ○ Not Sure

Clean water in streams, rivers, and lakes

1. ○ Not Important
2. ○ Somewhat Important
3. ○ Important
4. ○ Very Important
5. ○ Essential
6. ○ Not Sure

Affordable and convenient recreational activities

1. ○ Not Important
2. ○ Somewhat Important
3. ○ Important
4. ○ Very Important
5. ○ Essential
6. ○ Not Sure

Safe, inviting parks close to where I live

1. ○ Not Important
2. ○ Somewhat Important
3. ○ Important
4. ○ Very Important
5. ○ Essential
6. ○ Not Sure

Well maintained public assets (e.g., streets, parks, buildings)

1. ○ Not Important
2. ○ Somewhat Important
3. ○ Important
4. ○ Very Important
5. ○ Essential
6. ○ Not Sure

Variety of senior programs

1. ○ Not Important
2. □ Somewhat Important
3. □ Important
4. □ Very Important
5. □ Essential
6. □ Not Sure

1. □ Not Important
2. □ Somewhat Important
3. □ Important
4. □ Very Important
5. □ Essential
6. □ Not Sure

Variety of good quality housing options

Other (fill in the blank below)

7. What type of housing fits the needs of your family?
   (Select)

8. Is it a struggle to pay for your housing? (rent plus utilities)
   (Select)

9. What are you doing at home or in your daily life that affects the environment?
   1. □ Always
   2. □ Sometimes
   3. □ Never

I grow some of my own food.

I take public transit
   1. □ Always
   2. □ Sometimes
3. Never
1. Always
2. Sometimes

I recycle paper, metal, glass, and plastic

1. Always
2. Sometimes
3. Never

I recycle food wastes

1. Always
2. Sometimes
3. Never

I pick-up my pet’s waste

1. Always
2. Sometimes
3. Never

I use a car-wash or wash my car on my lawn

1. Always
2. Sometimes
3. Never

I use compost in my garden

1. Always
2. Sometimes
3. Never

I bring my reusable bags when I go shopping

1. Always
2. Sometimes
3. Never

10. What do you see as the biggest transportation issues facing Normandy Park over the next 5 years?

Biggest issue: (Select)
Second biggest issue: (Select)
Third biggest issue: (Select)
If Other please specify:
11. What is your primary mode of travel? 
   If Other please specify:

12. What would encourage you to ride transit more? 
   (Select)

13. Where in Normandy Park would you take an out-of-town guest?

14. What would make Normandy Park an even better place to live?

15. If you would like to receive updates on this project, please provide your e-mail address: 

   Submit Form
SUBJECT: Indigent Defense Services

ATTACHMENT(S):
1. Resolution 875
2. Wilbur v. Mount Vernon, Memorandum of Decision, No. C11-1100RSL
3. Chapter 10.101 RCW Indigent Defense Services
4. State Supreme Court Order No.25700-A-1004

PRESENTED BY: Glenn Akramoff, City Manager

RECOMMENDED BY: City Manager, City Attorney

REVIEWED BY: City Manager, City Attorney

STAFF EXPLANATION:
The city is required to update its Policy for Indigent Public Defense to comply with the June 15, 2012, Washington State Supreme Court Order No. 25700-A-1004 that adopted Standards for Indigent Defense. The December 4, 2013 Federal Court Case Wilbur v. Mount Vernon Decision, No. C11-1100RSL requires cities to supervise and evaluate a city’s provision for public defense services and to ensure that indigent clients are provided certain specific services and receive adequate representation.

Under the policies proposed, the City will pay the selected Public Defender for representation services, including attorney services and appropriate staff services, infrastructure, investigation and appropriate sentencing advocacy which take into account the adopted Standards of the City to comply with the Washington State Supreme Court (“Standards”) and the recent Wilbur v Mt Vernon case. These services should include all necessary infrastructure, training, and services necessary to comply with both cases.

Legal services provided will include, but not be limited to, interviews of clients and potential witnesses, legal research, preparation and filing of pleadings, negotiations with the appropriate prosecutor, court or other agency regarding possible dispositions, and preparation for and appearance at court proceedings.

Necessary and reasonable expert witness, investigative and other services as needed to meet the minimum requirements of referenced Standards, will be paid directly to the
expert or investigator, or reimbursed to the contract provider when authorized by the Court.

The City Manager will be the designated City employee responsible to supervise and evaluate the Public Defense Services provided to indigent clients and to ensure that indigent clients are provided the minimum required services under the afore referenced standards to ensure the required adequate representation is being provided.

FISCAL IMPACT:
- Based on the scope of the new requirements mandated by these court rulings, the cost for providing Indigent Public Defense Services is likely to double.
- Current expenditures budgeted for 2014 are $24,000.00 annually, with 2015 to potentially rise to $48,000.00.
- Options to minimize these increases, but still fully meet the specified requirements for compliance are currently being reviewed. (See Attachment 4, Conclusion Summary, page 4)

POTENTIAL BENEFITS AND/OR CONSEQUENCES:

Benefits:
Because this Agenda Bill is predicated upon the legal obligations being assigned to all local governments, the benefits of such compliance inures to Indigent Defendants receiving the services they need and the City’s desire to provide them. The cost of providing the Court mandated services is not a permitted consideration for controlling the required services.

Attachment 1 provides an overview of the impact to all local governments by the two Courts Decisions, also attached, which are the basis for this policy change.

Consequences:
Failure to provide the minimum requirements of these rulings exposes the City to legal remedies imposed by the Courts, which would then mandate the prescribed services, procedures, and financial costs outside the control of the City Manager.

COUNCIL OPTIONS:
1. Adopt Resolution 875 as presented.
2. Adopt Resolution 875 with specified changes.
3. Refer to staff for further review.
4. Take no action.

RECOMMENDED MOTION:
“I move to adopt Resolution 875, a resolution to revise the Indigent Defense Policy as presented.”
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORMANDY PARK, WASHINGTON, ADOPTING PUBLIC DEFENSE STANDARDS AND REQUESTING THE CITY MANAGER TO PROVIDE UPDATES TO THE CITY COUNCIL REGARDING ANY FUTURE CHANGES IN THE UNDERLYING ADOPTED STANDARDS IN CONJUNCTION WITH THE ANNUAL BUDGET REPORT

WHEREAS, Section 10.101.030 of the Revised Code of Washington requires cities to adopt standards for the delivery of public defense services; and

WHEREAS, said statute provides that the standards endorsed by the Washington State Bar Association for the provision of public defense services “should serve as guidelines” to the City Council in adopting standards; and

WHEREAS, the Honorable Robert S. Lasnik of the Federal District Court for Western Washington in his decision in *Wilbur v. Mt. Vernon, et al* provides guidance to cities regarding the provision of indigent defense services in the funding and evaluation of such services; and

WHEREAS, the Washington State Supreme Court has adopted Standards for Indigent Defense more specifically, Standard 3 regarding caseload limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORMANDY PARK, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 855 is hereby repealed.

The City of Normandy Park hereby adopts as the following standards for the provision of Public Defense Services:

1. DUTIES AND RESPONSIBILITIES
   
   1.1 Public Defense Services shall be provided to all clients in a professional, skilled manner consistent with the minimum standards set forth by the Washington State Bar Association Standards for Indigent Defense Services (June 3, 2011); the Rules of Professional Conduct, case law and in particular the decision in *Wilbur v. Mt. Vernon, et al* and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. The Public Defender’s primary and most fundamental responsibility is to promote and protect the interests of the client.
   
   1.2 Public Defense shall be provided to indigent clients whose eligibility has been determined through an established screening process.
   
   1.3 All Public Defenders providing services by contract shall quarterly certify their compliance with the standards for indigent defense by filing a Certification of Compliance as required by CrR 3.1, CrRLJ 3.1, and JuCR 9.2. Such forms shall be filed with the City’s Municipal
Court. Copies of each Public Defender’s certification shall be available to the City on request.

1.4 Non-discrimination. The Public Defender shall comply with all federal, state and local non-discrimination laws or ordinances in the provision of services to indigent defendants as well as with respect to the hiring and employment practices of its employees.

2. ADMINISTRATION, SUPPORT SERVICES, AND INFRASTRUCTURE

2.1 Contracts for services and proposals submitted in pursuit of such contracts shall require the Public Defender to provide through adequate compensation provided in the contract, adequate administrative support, required office space, office equipments, access to law library or electronic research capabilities, and other standard office needs, to include needed private area for client consultations.

2.2 The Public Defender shall provide for adequate staffing under contract. An adequate staff includes the provision for access to investigative services, translators, mental health professions and other support as needed for the clients.

3. EVALUATION AND MONITORING

Public Defense Services shall include access to a case reporting and information management system or a service arranged by the City. Such systems shall have the capability to provide periodic reports to the City regarding the caseloads generated under the contract for each attorney and intern providing services under the contract, case disposition and history.

4. CASELOAD LIMITS

The Public Defender shall comply with all caseload limitations imposed pursuant to the Court Rule and adopted Standards of the Washington State Supreme Court.

5. CONTRACT WARRANTY

The Public Defender, Conflict Counsel and every attorney providing indigent defense service by contract with the City shall warrant that he/she has:

5.1 Read the Wilbur decision and will provide service in accord with its provisions, and

5.2 Ensured that the compensation provided is sufficient to provide adequately for the training, administrative and staff services, and infrastructure required by these Standards, Court Rule and the state and Federal Constitution.

The City Council recognizes that by adopting these Standards by reference, it is important that changes be reviewed on a regular basis, at least annually. Accordingly, the City Council requests the City Manager and staff to provide a report to the City Council in conjunction with the annual budget process so that it may evaluate the need to update these Standards as well as any Public Defense contract or the other elements of the criminal justice system such as the Court, prosecutor and police department.

Section 2. This resolution shall become effective immediately upon its passage.

_______________________________________
Susan West, Mayor

ATTEST:

_______________________________
Debbie Burke, City Clerk
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH JEROME WILBUR, et al., ) No. C11-1100RSL

v. ) MEMORANDUM OF DECISION
CITY OF MOUNT VERNON, et al., )

Defendants.

The Sixth Amendment to the United States Constitution provides that “[i]n all
criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for
his defense.” Plaintiffs filed this lawsuit in Skagit County Superior Court in order to challenge
the constitutional adequacy of the public defense system provided by the City of Mount Vernon
and the City of Burlington. The defendant municipalities removed the case to federal court on
July 5, 2011. Testimony on this matter was heard by the Court commencing on June 3, 2013,
and concluding on June 18, 2013. Additional briefing closed in August of 2013.¹

At trial, plaintiffs set out to prove that the Cities of Mount Vernon and Burlington
are regularly and systematically failing to provide effective assistance of counsel to indigent
persons charged with crimes, thereby violating both the federal and state constitutions and

¹ In addition to the evidence presented at trial, the Court has considered the post-trial
submissions of the parties, the Washington Defender Association, and the United States. The “Motion
of Washington Defender Association For Leave to File Amicus Curiae Brief” (Dkt. # 321) is
GRANTED.

MEMORANDUM OF DECISION
When asked to explain why there were so few trials during his tenure as public defender, Mr. Witt essentially said that trials were unnecessary because “we all knew where we were going.”

FINDINGS OF FACT

Plaintiffs have shown, by a preponderance of the evidence, that indigent criminal defendants in Mount Vernon and Burlington are systematically deprived of the assistance of counsel at critical stages of the prosecution and that municipal policymakers have made deliberate choices regarding the funding, contracting, and monitoring of the public defense system that directly and predictably caused the deprivation. The period of time during which Richard Sybrandy and Morgan Witt (hereinafter, Sybrandy and Witt) provided public defense services for the Cities was marked by an almost complete absence of opportunities for the accused to confer with appointed counsel in a confidential setting. Most interactions occurred in the courtroom: discussions regarding possible defenses, the need for investigation, existing physical or mental health issues, immigration status, client goals, and potential dispositions were, if they occurred at all, perfunctory and/or public. There is almost no evidence that Sybrandy and Witt conducted investigations in any of their thousands of cases, nor is there any suggestion that they did legal analysis regarding the elements of the crime charged or possible defenses or that they discussed such issues with their clients. Substantive hearings and trials during that era were rare. In general, counsel presumed that the police officers had done their jobs correctly and negotiated a plea bargain based on that assumption.2 The appointment of

2 When asked to explain why there were so few trials during his tenure as public defender, Mr. Witt essentially said that trials were unnecessary because “we all knew where we were going.”
counsel was, for the most part, little more than a formality, a stepping stone on the way to a case
closure or plea bargain having almost nothing to do with the individual indigent defendant. To
the extent that “adequate representation” presumes a certain basic representational relationship,
there was a systemic failure in the Sybrandy and Witt era. Adversarial testing of the
government’s case was so infrequent that it was virtually a non-factor in the functioning of the
Cities’ criminal justice system.

This situation was the natural, foreseeable, and expected result of the caseloads the
attorneys handled. Sybrandy and Witt, both of whom also had private practices (Mr. Witt spent
only 40% of his time providing public defense services), each closed approximately 1,000 public
defense cases per year in 2009, 2010, and 2011 and often spent less than an hour on each case.
Although both counsel testified that they did not feel rushed or overworked, it is clear that, in
light of the sheer number of cases they handled, the services they offered to their indigent clients
amounted to little more than a “meet and plead” system. While this resulted in a workload that
was manageable for the public defenders, the indigent defendants had virtually no relationship
with their assigned counsel and could not fairly be said to have been “represented” by them at
all. The Cities, which were fully aware of the number of public defenders under contract,
remained wilfully blind regarding their overall caseloads and their case processing techniques.
The City officials who administered the public defense contracts did not feel it was necessary for
them to know how many non-public defense cases Sybrandy and Witt were handling, the
number of public defense cases they were assigned, or even whether the defenders were
complying with the standards for defense counsel set forth in the Cities’ own ordinances and
contracts. Even when Sybrandy and Witt expressly declined to provide basic services requested
by the Cities – such as initiating contact with their clients and/or visiting in-custody defendants –
the Cities were not particularly concerned.³ Eric Stendal, the contract administrator for the City of Mount Vernon, testified that as long as things were “quiet and good” and there was no significant increase in the costs the Cities incurred for their public defense system, defendants were happy with the arrangement and continued to contract with Sybrandy and Witt.

After this lawsuit was filed, Sybrandy and Witt were no longer willing to provide public defense services for the Cities. The Cities issued a request for proposals and ultimately hired Mountain Law to provide the necessary services. Mountain Law came on-line in April 2012 with two attorneys. The evidence regarding initial caseloads varies significantly: the Cities negotiated the new public defense contract on the assumption that over 1,700 cases would be transferred from Sybrandy and Witt during the transition period, but Mountain Law’s caseload statistics show that it was assigned approximately 1,100 cases. Whatever the true numbers, it is clear that by the end of May each of the two public defenders was handling well over 400 cases. By the end of 2012, Mountain Law had added a third attorney and another 963 cases. The Cities were kept apprised of these numbers. They were also aware that, on June 15, 2012, the Supreme Court of Washington established 400 unweighted misdemeanor cases per year as “the maximum caseload[,] for fully supported full-time defense attorneys for cases of average complexity and effort,” assuming a “reasonably even distribution of cases throughout the year.” Because the 400 caseload limit would not be effective until September 1, 2013, neither Mountain Law nor the Cities were particularly concerned that Michael Laws and Jesse Collins were each handling over 500 cases at any given time between April and August 2012. The mantra during that period and continuing through trial was that Mountain Law would

³ While negotiating the public defense contract in 2008, Mr. Sybrandy notified the Cities that “[t]here is much in the proposed contract which is not possible for us to comply with, at least at the level of compensation we have proposed.” Tr. Ex. 36. Rather than raise the level of compensation to obtain the level of services required under Ordinance 3436 and, by extension, the standards endorsed by the Washington State Bar Association for the provision of public defense services, the Cities simply struck or ignored requirements related to, among other things, client interactions and reporting/monitoring.
continue to work toward the 400 annual caseload limit by adding attorneys as needed. As of the
time of trial, Mountain Law had added two additional attorneys (one in August 2012 and another
in March 2013), presumably reducing the per attorney caseload to some extent. The
preponderance of the evidence shows, however, that Mountain Law continues to handle
caseloads far in excess of the per attorney limits set forth in the Supreme Court’s guidelines.\(^4\)

The Court does not presume to establish fixed numerical standards or a checklist
by which the constitutional adequacy of counsel’s representation can be judged. The experts,
public defenders, and prosecutors who testified at trial made clear that there are myriad factors
that must be considered when determining whether a system of public defense provides indigent
criminal defendants the assistance required by the Sixth Amendment. Factors such as the mix
and complexity of cases, counsel’s experience, and the prosecutorial and judicial resources
available were mentioned throughout trial. The Washington Supreme Court took many of the
relevant factors into consideration when it imposed a hard cap on the number of cases a public
defender can handle over the course of a year:\(^5\) the 400 caseload limit applies as long as counsel

\(^4\) The parties generally agree that the Standards for Indigent Defense adopted by the Washington
Supreme Court provide a sort of best practices to which the Cities aspire. The evidence in the record
strongly suggests that, even with the addition of Sade Smith and Stacy DeMass to the public defender
ranks, defendants still run afoul of the per annum limitation. The question is not whether, on any
particular day, a public defender has more or less than 400 open cases. No attorney can reasonably be
expected to handle 400 criminal cases at once. Pursuant to the Standards, the goal is to have no more
than 400 cases assigned to each public defender over the course of an entire year, with the assignments
temporally spaced so that he or she can give each client the representation that is constitutionally
required. Mountain Law opened 2,070 cases between April and December 2012 – even if all four
attorneys had been on board during the entire period (and they were not), they would have far exceeded
the Supreme Court’s guidelines.

\(^5\) The Washington Defender Association (“WDA”), a statewide organization of public defenders
and public defender agencies that first proposed the caseload limits, argues that:

Caseload levels are the single biggest predictor of the quality of public defense
representation. Not even the most able and industrious lawyers can provide effective
representation when their workloads are unmanageable. Without reasonable caseloads,
handles only misdemeanor cases, is employed full-time in public defense, is handling cases of 
average complexity and effort, counts every matter to which he or she is assigned to provide 
representation, is fully supported, and has relevant experience. Where counsel diverges from 
these assumptions, the caseload limit must be lowered in an attempt to protect the quality of the representation provided.

While a hard caseload limit will obviously have beneficial effects and the 
Washington Supreme Court’s efforts in this area are laudable, the issue for this Court is whether 
the system of public defense provided by the defendant municipalities allows appointed counsel to give each case the time and effort necessary to ensure constitutionally adequate representation for the client and to retain the integrity of our adversarial criminal justice system. Mount 
Vernon and Burlington fail this test. Timely and confidential input from the client regarding 
such things as possible defenses, the need for investigation, mental and physical health issues, 
immigration status, client goals, and potential dispositions are essential to an informed 
representational relationship. Public defenders are not required to accept their clients’ 
statements at face value or to follow every lead suggested, but they cannot simply presume that 
the police officers and prosecutor have done their jobs correctly or that investigation would be 
futile. The nature and scope of the investigation, legal research, and pretrial motions practice in 
a particular case should reflect counsel’s informed judgment based on the information obtained 


6 If the Cities adopt a numerical case weighting system that recognizes the greater or lesser workload required for various types of cases (and therefore more accurately estimates workload rather than just case counts), the Supreme Court’s standards would limit each public defender to 300 weighted 
misdemeanor cases.

MEMORANDUM OF DECISION
It is clear from the testimony of a former city attorney assigned to prosecute misdemeanor cases for one of the municipalities that the people of the City received even more ineffective representation than the individuals charged with crimes. There is no constitutional right regarding the quality of the people’s lawyer, however, and the Court is not in a position to address the negative impacts that budgetary constraints have had on any part of the criminal justice system other than the provision of indigent defense. While the city attorney’s willingness to grant overly-lenient plea agreements may explain Sybrandy and Witt’s determination that investigation, research, and communication were unnecessary impediments to the expeditious resolution of their cases, it does not excuse their consistent failure to establish a meaningful attorney/client relationship with the people they represented.

A number of defendants’ witnesses, including former Pierce County Executive and Prosecutor John Ladenburg, pointed out that the adequacy of counsel cannot fairly be judged in a vacuum: the Court must also take into consideration the resources available to the other side. If, in a time of fiscal constraint, the prosecutor is also overwhelmed and/or the municipal jail cannot accommodate any more inmates, the resulting plea offers are likely to be as good as or better than the public defender could negotiate even if he or she spent untold hours on legal research and investigation. The Court does not dispute the fact that many, if not the vast majority, of the plaintiff class obtained a reasonable resolution of the charges against them. The problem is not the ultimate disposition: if plaintiffs were alleging that counsel had affirmatively erred and obtained a deleterious result, the Sixth Amendment challenge would have been brought under Strickland v. Washington, 466 U.S. 668 (1984), rather than Gideon v. Wainwright, 372 U.S. 335.
(1963). The point here is that the system is broken to such an extent that confidential
attorney/client communications are rare, the individual defendant is not represented in any
meaningful way, and actual innocence could conceivably go unnoticed and unchampioned.
Advising a client to take a fantastic plea deal in an obstruction of justice or domestic violence
case may appear to be effective advocacy, but not if the client is innocent, the charge is
defective, or the plea would have disastrous consequences for his or her immigration status. It is
the lack of a representational relationship that would allow counsel to evaluate and protect the
client’s interests that makes the situation in Mount Vernon and Burlington so troubling and gives
rise to the Sixth Amendment violation in this case.

Given the fiscal constraints imposed on both sides of the criminal justice equation
in Mount Vernon and Burlington, it is not surprising that the Mountain Law attorneys had to
adopt some of the same time-saving and “efficient” case management practices that dominated
the Sybrandy and Witt era in order to handle the caseload they inherited in April 2012 and the
additional cases that have been assigned to them each and every month thereafter. The evidence
is clear that Mountain Law, while more willing to conduct an initial interview with their clients,
is simply unable to do so in a majority of cases. Although Mountain Law staff schedule a
meeting with the client as soon as the case is assigned, the attorneys’ courtroom and other
commitments often make it impossible to hold the meeting before the client’s first appearance.
Thus, the public defenders often meet their clients for the first time in the courtroom, sometimes
with a plea offer already in hand. At that point, there is really no opportunity for a confidential
interview, the client may or may not understand the proceedings, and the public defender is
unprepared to go forward on the merits of the case. The client is given a choice between
continuing the hearing so he or she can meet with the public defender or to accept whatever offer
happens to be on the table. While there is some evidence of investigations, legal research, and
an uptick in the number of cases set for trials in Mount Vernon and Burlington since Mountain
Law took over, the numbers are still shockingly low. Mr. Laws apparently spoke to only three
or four witnesses in the whole of 2012, a review of fifty Mountain Law case files showed no
documentation of any legal analysis or research, and there is evidence of only one pre-trial
motion and five or six trials in 2012.

The Court finds that, as of the date of trial, the representation provided to indigent
defendants in Mount Vernon and Burlington remains inadequate. The Court would have to
make several unsupported assumptions regarding Mountain Law’s ability to clear the backlog of
cases it inherited, the distribution of cases within the office, counsels’ experience and
proficiency, and the number of new cases opened each month to conclude that the defenders’
current caseloads allow the kind of individualized client representation that every indigent
criminal defendant deserves and on which our adversarial system of criminal justice depends.

Even if the Court were willing to make those assumptions, there is no evidence that Mountain
Law has rethought or restructured the case management procedures that were developed during
the first few hectic months of its contract with the Cities. Rather than providing an opportunity
for a representational relationship to develop and following up as appropriate given the facts of
each case, Mountain Law allowed the massive caseload to determine the level of representation

8 Defendants made much of the fact that other professionals involved in the criminal justice
system – the judges and prosecutors – did not see anything wrong with the representation provided in any particular case. As the Court has already noted, the result obtained in an individual case would likely appear reasonable, especially when the client assures the presiding judicial officer that he or she is making a knowing and informed decision to plead guilty. But what the judges and prosecutors had no way of knowing was whether the client ever had a chance to meet with the public defender in a confidential setting, whether the attorney conducted an investigation or knew anything about the case other than what was in the charging document and/or police report, or whether a meaningful attorney/client relationship actually existed. No indigent criminal defendant testified that they enjoyed a representational relationship with Sybrandy, Witt, or Mountain Law, despite having positive things to say about certain conflict counsel and/or the Skagit County public defenders.

MEMORANDUM OF DECISION
that would be afforded and has continued those practices even after adding additional attorneys.

The Court’s findings should not be interpreted as an indictment of Mountain Law, its attorneys, or their legal acumen. The Court is encouraged by some of the changes Mountain Law is making in Mount Vernon and Burlington: the public defense system is definitely trending in the right direction, and the Court sees great promise in Mountain Law’s dedicated young lawyers. By accepting a contract with the Cities of Mount Vernon and Burlington, however, Mountain Law became embroiled in an ongoing debate regarding the adequacy of our public defense systems in times of fiscal constraint and the meaning of the right to counsel fifty years after it was promised in Gideon v. Wainwright, 372 U.S. 335 (1963). Although the right to the assistance of counsel regardless of economic status is established by the Constitution, legislative enactments are required to ensure that the right is maintained, and funding limitations imposed over the past few years are having a cumulative and adverse impact at both the state and national levels.9 In the State of Washington, there are undoubtedly a number of municipalities

9 The federal judiciary’s system of indigent public defense services, long considered the gold standard in the United States, has been adversely affected by successive years of reduced budgets and the 2013 sequestration cuts. For the first time, federal public defenders were forced to take furlough days, making them unavailable to their clients and unable to attend court hearings. More cases were shifted to private lawyers, whose pay was reduced and delayed in an effort to cut costs. On November 6, 2013, fifty-eight Members of Congress sent a letter to the Speaker of the House and the Minority Leader indicating their grave concern that the underfunding of public defense at the federal level was placing the Sixth Amendment right to counsel in jeopardy (http://quigley.house.gov/uploads/FederalDefenderLetter1.pdf).

At the intersection of staggering caseloads and insufficient resources we even find federal courts struggling to justify procedures that simply do not hold up under constitutional scrutiny. For instance, United States Magistrate Judges in Arizona faced with an explosion in the number of illegal entry cases across the Mexican border started doing “mass” plea proceedings with up to seventy defendants pleading guilty at the same time. United States v. Arqueta-Ramos, 730 F.3d 1133, 1135-36 (9th Cir. 2013). During one such hearing, there were fifteen defense attorneys present, each representing between three and five defendants. Id. at 1136. The court advised the large group of defendants of their rights and then questioned them in groups of five, collectively asking questions to ascertain whether they understood their rights and the consequences of pleading guilty. Id. at 1139. The Ninth Circuit Court of Appeals struck down the court’s collective group questioning because the court did not address any defendant personally during its advisement of rights or the small group questioning. Id. (“We act
whose public defense systems would, if put under a microscope, be found wanting. As defense
counsel rightly pointed out, this is a test case that cannot properly be laid at Mountain Law’s
door. It was the confluence of factors in place in Mount Vernon and Burlington in 2011 - long
before Mountain Law began providing public defense services - that brought the Cities to the
attention of the ACLU and prompted this Sixth Amendment challenge.

CONCLUSIONS OF LAW

A. Right to Counsel

The Sixth Amendment to the United States Constitution provides that “[i]n all
criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for
his defense.”\textsuperscript{10} Such assistance is vital to the proper functioning of our criminal justice system:
in the absence of adequate representation, the prosecution’s case may not be subjected to
meaningful adversarial testing and the defendant may be unable to assert other rights he may
have or to pursue valid defenses. \textit{U.S. v. Cronic}, 466 U.S. 648, 654, 659 (1984). See also
\textit{Powell v. Alabama}, 287 U.S. 45, 68-69 (1932) (“The right to be heard would be, in many cases,
of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and
educated layman has small and sometimes no skill in the science of law. If charged with crime,
he is incapable, generally, of determining for himself whether the indictment is good or bad. He
is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial
without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the
issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his
defense, even though he have a perfect one. He requires the guiding hand of counsel at every

\textsuperscript{10} Plaintiffs have also asserted a claim under Article I, Section 22 of the Washington State
Constitution. Because the parties did not offer any evidence or legal argument peculiar to that claim, it
has not been separately analyzed.
step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.”). The United States Supreme Court has determined that the right to counsel is “fundamental and essential to a fair trial” and applies in both federal and state proceedings. Gideon v. Wainwright, 372 U.S. 335, 343-44 (1963) (“[I]n our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.”).

Despite the broad language of the Sixth Amendment, Powell, and Gideon, it was not until 1972 that the Supreme Court made clear that the right to counsel extends to all cases in which the accused may be deprived of his liberty, whether characterized as a felony or a misdemeanor. In Argersinger v. Hamlin, 407 U.S. 25, 33 (1972), the Supreme Court noted that the legal and constitutional questions involved in the prosecution of petty offenses are not necessarily any less complex than those that arise in felony cases. In addition, the sheer volume of misdemeanor cases may give rise to unique procedural challenges that threaten the fairness of the criminal justice system:

The volume of misdemeanor cases, far greater in number than felony prosecutions, may create an obsession for speedy dispositions, regardless of the fairness of the result. . . . An inevitable consequence of volume that large is the almost total preoccupation in such a court with the movement of cases. The calendar is long, speed often is substituted for care, and casually arranged out-of-court compromise too often is substituted for adjudication. Inadequate attention tends to be given to the individual defendant, whether in protecting his rights, sifting the facts at trial, deciding the social risk he presents, or determining how to deal with him after conviction. . . . Suddenly it becomes clear that for most defendants in the criminal process, there is scant regard for them as individuals. They are numbers on dockets, faceless ones to be processed and sent on their way. The gap between the theory and the reality is enormous. . . . One study concluded that misdemeanants represented by attorneys are five times as likely to emerge from police court with all charges dismissed as are defendants who face similar charges without counsel.

Id. at 34-36 (internal quotation marks and citations omitted). The Washington Supreme Court
recognized the primacy of the Argersinger decision in McInturf v. Horton, 85 Wn.2d 704, 707 (1975), overruling an earlier opinion that held there was no right to appointment of counsel in misdemeanor prosecutions. See also Washington Criminal Rule for Courts of Limited Jurisdiction 3.1 (“The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.”).

Mere appointment of counsel to represent an indigent defendant is not enough to satisfy the Sixth Amendment’s promise of the assistance of counsel. While the outright failure to appoint counsel will invalidate a resulting criminal conviction, less extreme circumstances will also give rise to a presumption that the outcome was not reliable. For example, if counsel entirely fails to subject the prosecution’s case to meaningful adversarial testing, if there is no opportunity for appointed counsel to confer with the accused to prepare a defense, or circumstances exist that make it highly unlikely that any lawyer, no matter how competent, would be able to provide effective assistance, the appointment of counsel may be little more than a sham and an adverse effect on the reliability of the trial process will be presumed. Cronic, 466 U.S. at 658-60; Avery v. Alabama, 308 U.S. 444, 446 (1940).

B. Municipal Liability under Section 1983

Under 42 U.S.C. § 1983, a municipality is a person and may therefore be liable for a constitutional deprivation. Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006). Although a municipality may not be sued under § 1983 simply because an employee inflicted constitutional injury, where the injury is the result of a policy or custom of the municipality, the injury-generating acts are “properly speaking, acts of the municipality – that is, acts which the municipality has officially sanctioned or ordered.” Pembauer v. City of

11 Plaintiffs are not suing the individual public defenders for the way in which they performed a lawyer’s traditional functions (a claim likely precluded by Polk County v. Dodson, 454 U.S. 312, 325 (1981)).
Cincinnati, 475 U.S. 469, 480 (1986) (internal quotation marks omitted). Discrete decisions by a
government official with ultimate authority over the matter in question generally give rise to
official municipal policy for purposes of § 1983. Id. at 480-81.

The Court finds that the public defense system in Mount Vernon and Burlington
has systemic flaws that deprive indigent criminal defendants of their Sixth Amendment right to
the assistance of counsel. Although counsel are appointed in a timely manner, the sheer number
of cases has compelled the public defenders to adopt case management practices that result in
most defendants going to court for the first time – and sometimes accepting a plea bargain –
ever having had the opportunity to meet with their attorneys in a confidential setting. The
attorney represents the client in name only in these circumstances, having no idea what the
client’s goals are, whether there are any defenses or mitigating circumstances that require
investigation, or whether special considerations regarding immigration status, mental or physical
conditions, or criminal history exist. Such perfunctory “representation” does not satisfy the
Sixth Amendment. See Strickland, 466 U.S. at 691 (counsel have a Sixth Amendment duty to
conduct a reasonable investigation or to make a decision, based “on informed strategic choices
made by the defendant and on information supplied by the defendant,” that a particular
investigation is unnecessary); Cronic, 466 U.S. at 658-60; Avery, 308 U.S. at 446; Powell, 287
U.S. at 58 (“It is not enough to assume that counsel thus precipitated into the case thought there
was no defense, and exercised their best judgment in proceeding to trial without preparation.
Nether they nor the court could say what a prompt and thorough-going investigation might
disclose as to the facts.”); Hurrell-Harring v. State of New York, 930 N.E.2d 217, 224 (N.Y.
2010) (recognizing that “[a]ctual representation assumes a certain basic representational
relationship,” such that the failure to communicate and/or appear at critical stages of the
prosecution may be reasonably interpreted as nonrepresentation rather than ineffective
representation).

Having found that plaintiffs’ Sixth Amendment rights were violated, the Court
must determine whether the Cities are responsible for the constitutional deprivation. Plaintiffs have shown that the constitutional deprivations at issue here were the direct and predictable result of the deliberate choices of City officials charged with the administration of the public defense system. Intentional choices made while negotiating the public defender contracts and allocating funds to the public defender system left the defenders compensated at such a paltry level that even a brief meeting at the outset of the representation would likely make the venture unprofitable. And the Cities knew it. When Mountain Law took over the public defense contract, the Cities estimated there would be approximately 1,700 cases transferred from Sybrandy and Witt and yet chose a proposal pursuant to which they would pay only $17,500 per month. That works out to $10 per case for April 2012, with the per case rate reduced in future months by each additional case assigned to Mountain Law. Mountain Law had (and still has) every incentive to close cases as quickly as possible and to minimize the time spent on each case. While every attorney, whether privately or publicly retained, must be cognizant of costs when choosing a course of action, defending an indigent criminal defendant – any indigent criminal defendant – on $10 per month inclusive of staff, overhead, and routine investigation costs makes it virtually impossible that the lawyer, no matter how competent or diligent, will be able to provide effective assistance.12

Legislative and monitoring decisions made by the policymaking authorities of the Cities ensured that any defects in the public defense system would go undetected or could be easily ignored. Despite receiving monthly reports listing case assignments, types of cases, dispositions, and hours worked on each case, the administrators made no effort to calculate the number of cases assigned to Mountain Law or to evaluate the nature or extent of the services provided under the contract. After this litigation was filed, the City of Mount Vernon twice

12 The Court recognizes that approximately 1,100 cases were transferred from Sybrandy and Witt to Mountain Law, making the actual pay per case closer to $16 for April 2012. Nevertheless, the conclusion that the Cities knowingly underfunded their public defense system remains inescapable.
amended its ordinance related to the provision of public defender services, both times removing what little “teeth” the previous ordinances had. For example, in January 2012, the City jettisoned its previously acknowledged obligation to develop “a procedure for systematic monitoring and evaluation of attorney performance based on published criteria” in favor of a newly-found concern that such monitoring and evaluation “is not practical nor consistent with attorney/client privilege nor the constitutional rights of indigent defendants.” Tr. Exs. 45 and 147. In November 2012, Mount Vernon deleted references to specific duties of the public defenders, redefined “case” to exclude from the caseload calculation matters that would clearly count toward the 400 unweighted limit under the Supreme Court’s Standards for Indigent Defense, and removed the requirement that the public defenders report hours worked on and the disposition of each case.

The Court finds that the combination of contracting, funding, legislatively, and monitoring decisions made by the policymaking authorities for the Cities directly caused the truncated case handling procedures that have deprived indigent criminal defendants in Mount Vernon and Burlington of private attorney/client consultation, reasonable investigation and advocacy, and the adversarial testing of the prosecutor’s case. The Cities are therefore liable under § 1983 for the systemic Sixth Amendment violation proved by plaintiffs. See Miranda v. Clark County, 319 F.3d 465 (9th Cir. 2003) (finding that county could be liable for constitutional deprivations arising from funding and case assignment policies); Clay v. Friedman, 541 F. Supp. 500, 502, 505-06 (N.D. Ill. 1982) (finding that administrative head of public defender’s office could be liable for non-representative decision-making and that county could be liable for promulgating policies and customs that led to the constitutional deprivation).13

13 To the extent Gausvik v. Perez, 239 F. Supp.2d 1047, 1065 (E.D. Wash. 2002), stands for the proposition that hiring an independent contractor, such as Mountain Law, to provide public defense services discharges a municipality’s Sixth Amendment obligations, the Court finds it unpersuasive and unsupported by the cited authorities.
C. Injunctive Relief

Plaintiffs have succeeded on the merits of their claim, establishing both a systemic deprivation of the right to the assistance of counsel and the Cities’ responsibility for the deprivation. In order to obtain injunctive relief, plaintiffs must also show irreparable injury and the inadequacy of available legal remedies. Sierra Club v. Penfold, 857 F.2d 1307, 1318 (9th Cir. 1988). This burden is easily met here. A system that makes it impossible for appointed counsel to provide the sort of assistance required by the Sixth Amendment works irreparable harm: the lack of an actual representational relationship and/or adversarial testing injures both the indigent defendant and the criminal justice system as a whole. The exact impacts of the constitutional deprivation are widespread but difficult to measure on a case by case basis, making legal remedies ineffective. See Walters v. Reno, 145 F.3d 1031, 1048 (9th Cir. 1998).

This Court has broad authority to fashion an equitable remedy for the constitutional violations at issue in this case. Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 15 (1971) (“Once a right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.”). The Court has considered whether merely declaring that a constitutional right has been violated would be enough to work a change in defendants’ conduct, such that affirmative injunctive relief would be unnecessary. Having carefully considered the testimony of the Cities’ officials and reviewed the recent legislative and contractual developments, the Court has grave doubts regarding the Cities’ ability and political will to make the necessary changes on their own. The Cities’ unwillingness to accept that they had any duty to monitor the constitutional adequacy of the representation provided by the public defenders, their steadfast insistence that the defense services offered by Sybrandy and Witt were not just

14 In Farrow v. Lipetzky, 2013 WL 1915700 (N.D. Cal. May 8, 2013), the case defendants cite for the proposition that a federal court has declined to use its equitable powers to monitor a public defense agency, the court found that no Sixth Amendment violation had occurred.
adequate, but “outstanding,” their surprisingly slow response to the pendency of this litigation and the Supreme Court’s adoption of specific caseload limits, and their budgetary constraints all lead to the conclusion that a declaration will not be sufficient to compel change.

The Court is sensitive to the Cities’ interests in controlling the manner in which they perform their core functions, including the provision of services and the allocation of scarce resources. Having chosen to operate a municipal court system, however, defendants are obligated to comply with the dictates of the Sixth Amendment, and the Court will “not shrink from [its] obligation to enforce the constitutional rights of all persons.” Brown v. Plata, __ U.S. __, 131 S. Ct. 1910, 1928 (2011) (internal quotation marks omitted). A continuing injunction is hereby entered against defendants as follows:

– Within seven days of the date of this Order, the officials charged with administering the public defense contracts in Mount Vernon and Burlington and all full- and part-time public defenders in those municipalities shall read the Washington Defender Association’s 2007 Final Standards for Public Defense Services with Commentary (http://www.defensenet.org/about-wda/standards).

– The Cities of Mount Vernon and Burlington shall, within thirty days of the date of this Order, re-evaluate their existing contract for the provision of public defense in light of the Court’s findings and ensure that the document encourages and is no way antithetical to a public defense system that allows for private attorney/client communications at the outset of the relationship and the ability to follow up as appropriate given the circumstances, including the client’s status, input, and goals. While the standards adopted by the Washington Supreme Court and the experiences of the Washington Defender Association will undoubtedly inform any evaluation of the adequacy of defendants’ system going forward, the constitutional benchmark cannot be reduced to a number, and the Court declines to adopt a hard caseload limitation. The critical issue is whether the system provides indigent criminal defendants the actual assistance of counsel, such that defendants have the opportunity to assert any rights or defenses that may be
available to them and appropriate adversarial testing occurs.

The Cities shall hire one part-time Public Defense Supervisor to work at least twenty hours per week. The Public Defense Supervisor may be either a contractor or a part-time employee, but the funds for this position shall not come out of the existing budget for public defense services. The parties shall have sixty days from the date of this Order to reach agreement on selection of a Public Defense Supervisor. The Public Defense Supervisor will be part of the attorney/client confidential relationship between Mountain Law and its clients, but will not be part of the Mountain Law firm. The Public Defense Supervisor may not have worked previously for the Cities, Mountain Law, Baker Lewis, or any of the Cities’ witnesses or attorneys. The Public Defense Supervisor must have a minimum of five years of experience as a public defender, including jury trial experience. If the parties fail to reach agreement within sixty days from the date of this Order, each side shall submit the names and resumes of two candidates willing to serve as the Public Defense Supervisor to the Court, which will then select the Public Defense Supervisor.

The duties of the Public Defense Supervisor shall include:

1. Supervision and evaluation of whether the public defenders are making contact (in-person or by phone) in a confidential setting with each new client within 72 hours of appointment. If contact cannot be made within that time period, the Public Defense Supervisor shall document the reason(s) for the failure and whether an opportunity for confidential communications occurred prior to the client’s first court hearing. The Public Defense Supervisor will also take steps to ensure that the public defenders perform the following tasks when they first meet with a client following a new case assignment: (i) advise the client of the right to jury trial and right to a speedy trial; (ii) advise the client of the elements of the charge and that the prosecutor must prove each element beyond a reasonable doubt to obtain a conviction; (iii) advise the client of the right to present a defense; (iv) advise the client that it is solely the client’s decision whether to accept or reject any plea offer; and (v) discuss with the client any
potential witnesses or avenues of investigation.

2. Monthly supervision and evaluation of the first contact with clients, documenting whether the public defenders are determining if each client: (i) appears competent to proceed with the court process; (ii) has a sufficient literacy level to understand written court documents such as the guilty plea form and sentencing orders; (iii) needs an interpreter; and (iv) is a non-citizen in need of expert immigration advice from the WDA or another source.

3. Monthly supervision and evaluation of whether the public defenders are responding appropriately to information provided by the client and discovery obtained in each case, including pursuing additional discussions with the client, investigations, medical evaluations, legal research, motions, etc., as suggested by the circumstances.

4. Establishing a policy for public defenders to respond to all client contacts and complaints (including jail kites), including the length of time within which a response must occur. The Public Defense Supervisor shall review any and all client complaints obtained from any source and the public defender’s response. Use or non-use of any particular complaint process shall in no way be considered a waiver of the client’s rights. The Public Defense Supervisor shall establish a process for clients to pursue a complaint if the Public Defense Supervisor fails to resolve it to the client’s satisfaction.

5. Monthly supervision and evaluation of whether the public defenders are appropriately using interpreters and translators before any decisions are made by the client.

6. Supervision and evaluation of courtroom proceedings to ensure that the public defenders are fulfilling their role as advocate before the court on the client’s behalf.

7. Supervision and evaluation of whether the public defenders are fully advising clients of their options regarding possible dispositions, including information on treatment services, any options for a less onerous disposition based on treatment, explanations of plea offers, the consequences of a conviction, conditions that are normally imposed at sentencing, any applicable immigration consequences, and any other consequences about which the client has...
expressed concern.

8. Supervision and evaluation of whether the public defenders are maintaining contemporaneous records on a daily basis showing the amount of time spent on each task for each case, recorded in tenth-of-an-hour increments.

9. Quarterly supervision and evaluation of whether cases are being allocated to each public defender fairly and in consideration of existing workloads, the seriousness of the charge(s), any factors that make the case more complex or time-consuming, and the attorney’s experience level.

10. Quarterly selection and review of fifteen randomly chosen files from each public defender to ensure that the necessary tasks are being performed and documented, with appropriate time being spent on each task. The Public Defense Supervisor shall conduct a quarterly meeting with each public defender to advise how their performance can be improved based on the file review.

11. Collecting data on a quarterly basis showing: (i) the frequency of use of investigators and expert witnesses; (ii) the number of motions on substantive issues that are filed and the outcome of each motion; (iii) the frequency with which cases are resolved by outright dismissal or a nonconviction disposition; (iv) the frequency of pleas to a lesser charge; and (v) the number of trials (broken down by bench vs. jury trials) conducted and the outcome of the trials.

12. Conducting a quarterly analysis of whether the Cities’ public defense system (i) provides actual representation of and assistance to individual criminal defendants, including reasonable investigation and advocacy and, where appropriate, the adversarial testing of the prosecutor’s case and (ii) complies with all provisions of the public defense contract and all applicable provisions of the Cities’ ordinances and regulations. The Public Defense Supervisor shall meet with the officials charged with administering the public defense contract to advise how the Cities’ performance can be improved based on the quarterly analysis.
13. Submission of biannual reports to the parties explaining: (i) whether all of the
duties specified above have been performed in the most recent six-month period, and if not, why
not, including a specific discussion of each duty that has not been performed and the Public
Defense Supervisor’s recommendations for how to achieve compliance; (ii) whether the Cities’
public defense system (a) provides actual representation of and assistance to individual criminal
defendants, including reasonable investigation and advocacy and, where appropriate, the
adversarial testing of the prosecutor’s case and (b) complies with all provisions of the public
defense contract and all applicable provisions of the Cities’ ordinances and regulations, and if
not, why not, including a specific discussion of each item where the Cities fall short and the
Public Defense Supervisor’s recommendations for how to achieve compliance. The Public
Defense Supervisor shall submit his or her first report to the parties six months after the date of
this Order. The Public Defense Supervisor shall continue to submit a report every six months
thereafter for a period of 24 months or until the Court orders otherwise.

– Twelve months, 24 months, and 34 months after the entry of this Order, the Cities
shall provide fifty case files, randomly selected by the Public Defense Supervisor, to plaintiffs’
counsel so that they may evaluate the Cities’ compliance with this Order and whether the Public
Defense Supervisor is properly performing his or her duties. This Court shall retain jurisdiction
over this case for three years from the date of entry of this Order, and this injunction shall
remain in effect for that period. However, if the Public Defense Supervisor’s annual reports
show prior to that date that the system provides indigent criminal defendants actual
representation by and assistance of counsel, such that defendants have the opportunity to assert
any rights or defenses that may be available to them and appropriate adversarial testing occurs,
defendants may petition the Court to dismiss the case and terminate the injunction at that point in
time.

– If plaintiffs believe that the Cities’ efforts to provide an adequate system of public
defense are not trending in the right direction or a dispute arises as to compliance with the

MEMORANDUM OF DECISION  -22-
injunctive provisions of this Order, plaintiffs’ counsel shall notify defendants in writing of any objections they have regarding the Cities’ efforts or compliance. Within fourteen days of receipt of the objections, the parties shall meet and confer to discuss and attempt to resolve the dispute. If the parties are not able to resolve the objections, plaintiffs may file a motion seeking appropriate relief. The motion shall be noted for consideration on the third Friday after filing, the motion and opposition pages shall not exceed 24 pages, and the reply shall not exceed twelve pages.

**CONCLUSION**

It has been fifty years since the United States Supreme Court first recognized that the accused has a right to the assistance of counsel for his defense in all criminal prosecutions and that the state courts must appoint counsel for indigent defendants who cannot afford to retain their own lawyer. The notes of freedom and liberty that emerged from Gideon’s trumpet a half a century ago cannot survive if that trumpet is muted and dented by harsh fiscal measures that reduce the promise to a hollow shell of a hallowed right.

Dated this 4th day of December, 2013.

[Signature]

Robert S. Lasnik
United States District Judge
Chapter 10.101 RCW
INDIGENT DEFENSE SERVICES

**RCW Sections**
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10.101.080 City moneys.
10.101.900 Construction -- Chapter applicable to state registered domestic partnerships -- 2009 c 521.

**10.101.005**
Legislative finding.

The legislature finds that effective legal representation must be provided for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches.

[2005 c 157 § 1; 1989 c 409 § 1.]

**10.101.010**
Definitions.

The following definitions shall be applied in connection with this chapter:

(1) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(2) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for
federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

(3) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(4) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

[2011 1st sp.s. c 36 § 12; 2010 1st sp.s. c 8 § 12; 1998 c 79 § 2; 1997 c 59 § 3; 1989 c 409 § 2.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015 (2)(k).

Findings -- Intent -- 2011 1st sp.s. c 36: See RCW 74.62.005.

Effective date -- 2011 1st sp.s. c 36: See note following RCW 74.62.005.

Findings -- Intent -- Short title -- Effective date -- 2010 1st sp.s. c 8: See notes following RCW 74.04.225.

10.101.020
Determination of indigency — Provisional appointment — Promissory note.
(1) A determination of indigency shall be made for all persons wishing the appointment of counsel in criminal, juvenile, involuntary commitment, and dependency cases, and any other case where the right to counsel attaches. The court or its designee shall determine whether the person is indigent pursuant to the standards set forth in this chapter.

(2) In making the determination of indigency, the court shall also consider the anticipated length and complexity of the proceedings and the usual and customary charges of an attorney in the community for rendering services, and any other circumstances presented to the court which are relevant to the issue of indigency. The appointment of counsel shall not be denied to the person because the person's friends or relatives, other than a spouse who was not the victim of any offense or offenses allegedly committed by the person, have resources adequate to retain counsel, or because the person has posted or is capable of posting bond.

(3) The determination of indigency shall be made upon the defendant's initial contact with the court or at the earliest time circumstances permit. The court or its designee shall keep a written record of the determination of indigency. Any information given by the accused under this section or sections shall be confidential and shall not be available for use by the prosecution in the pending case.

(4) If a determination of eligibility cannot be made before the time when the first services are to be rendered, the court shall appoint an attorney on a provisional basis. If the court subsequently determines that the person receiving the services is ineligible, the court shall notify the person of the termination of services, subject to court-ordered reinstatement.

(5) All persons determined to be indigent and able to contribute, shall be required to execute a promissory note at the time counsel is appointed. The person shall be informed whether payment shall be made in the form of a lump sum payment or periodic payments. The payment and payment schedule must be set forth in writing. The person receiving the appointment of counsel shall also sign an affidavit swearing under penalty of perjury that all income and assets reported are complete and accurate. In addition, the person must swear in the affidavit to immediately report any change in financial status to the court.

(6) The office or individual charged by the court to make the determination of indigency shall provide a written report and opinion as to indigency on a form prescribed by the office of public defense, based on information obtained from the defendant and subject to verification. The form shall include information necessary to provide a basis for making a determination with respect to indigency as provided by this chapter.

[1997 c 41 § 5; 1989 c 409 § 3.]

10.101.030
Standards.

Each county or city under this chapter shall adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. Standards shall include the following: Compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and

nondiscrimination. The standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.

[2005 c 157 § 2; 1989 c 409 § 4.]

10.101.040
Selection of defense attorneys.

City attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will provide indigent defense services.

[1989 c 409 § 5.]

10.101.050
Appropriated funds — Application, reports.

The Washington state office of public defense shall disburse appropriated funds to counties and cities for the purpose of improving the quality of public defense services. Counties may apply for up to their pro rata share as set forth in RCW 10.101.080 provided that counties conform to application procedures established by the office of public defense and improve the quality of services for both juveniles and adults. Cities may apply for moneys pursuant to the grant program set forth in RCW 10.101.080. In order to receive funds, each applying county or city must require that attorneys providing public defense services attend training approved by the office of public defense at least once per calendar year. Each applying county or city shall report the expenditure for all public defense services in the previous calendar year, as well as case statistics for that year, including per attorney caseloads, and shall provide a copy of each current public defense contract to the office of public defense with its application. Each individual or organization that contracts to perform public defense services for a county or city shall report to the county or city hours billed for nonpublic defense legal services in the previous calendar year, including number and types of private cases.

[2005 c 157 § 3.]

10.101.060
Appropriated funds — Use requirements.

(1)(a) Subject to the availability of funds appropriated for this purpose, the office of public defense shall disburse to applying counties that meet the requirements of RCW 10.101.050 designated funds under this chapter on a pro rata basis pursuant to the formula set forth in RCW 10.101.070 and shall disburse to eligible cities, funds pursuant to RCW 10.101.080. Each fiscal year for which it receives state funds under this chapter, a county or city must document to the office of public defense that it is meeting the standards for provision of indigent defense services as endorsed by the Washington state bar association or that the funds received under this chapter have been used to make appreciable demonstrable improvements in the delivery of public defense services, including the following:

(i) Adoption by ordinance of a legal representation plan that addresses the factors in RCW...
10.101.030. The plan must apply to any contract or agency providing indigent defense services for the county or city;

(ii) Requiring attorneys who provide public defense services to attend training under RCW 10.101.050;

(iii) Requiring attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies. This subsection (1)(a)(iii) does not apply to cities receiving funds under RCW 10.101.050 through 10.101.080;

(iv) Requiring contracts to address the subject of compensation for extraordinary cases;

(v) Identifying funding specifically for the purpose of paying experts (A) for which public defense attorneys may file ex parte motions, or (B) which should be specifically designated within a public defender agency budget;

(vi) Identifying funding specifically for the purpose of paying investigators (A) for which public defense attorneys may file ex parte motions, and (B) which should be specifically designated within a public defender agency budget.

(b) The cost of providing counsel in cases where there is a conflict of interest shall not be borne by the attorney or agency who has the conflict.

(2) The office of public defense shall determine eligibility of counties and cities to receive state funds under this chapter. If a determination is made that a county or city receiving state funds under this chapter did not substantially comply with this section, the office of public defense shall notify the county or city of the failure to comply and unless the county or city contacts the office of public defense and substantially corrects the deficiencies within ninety days after the date of notice, or some other mutually agreed period of time, the county's or city's eligibility to continue receiving funds under this chapter is terminated. If an applying county or city disagrees with the determination of the office of public defense as to the county's or city's eligibility, the county or city may file an appeal with the advisory committee of the office of public defense within thirty days of the eligibility determination. The decision of the advisory committee is final.

[2005 c 157 § 4.]

10.101.070
County moneys.

The moneys shall be distributed to each county determined to be eligible to receive moneys by the office of public defense as determined under this section. Ninety percent of the funding appropriated shall be designated as "county moneys" and shall be distributed as follows:

(1) Six percent of the county moneys appropriated shall be distributed as a base allocation among the eligible counties. A county's base allocation shall be equal to this six percent divided by the total number of eligible counties.

(2) Ninety-four percent of the county moneys appropriated shall be distributed among the eligible
counties as follows:

(a) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the population of the county as a percentage of the total population of all eligible counties; and

(b) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the annual number of criminal cases filed in the county superior court as a percentage of the total annual number of criminal cases filed in the superior courts of all eligible counties.

(3) Under this section:

(a) The population of the county is the most recent number determined by the office of financial management;

(b) The annual number of criminal cases filed in the county superior court is determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(c) Distributions and eligibility for distributions in the 2005-2007 biennium shall be based on 2004 figures for the annual number of criminal cases that are filed as described under (b) of this subsection. Future distributions shall be based on the most recent figures for the annual number of criminal cases that are filed as described under (b) of this subsection.

[2005 c 157 § 5.]

10.101.080
City moneys.

The moneys under RCW 10.101.050 shall be distributed to each city determined to be eligible under this section by the office of public defense. Ten percent of the funding appropriated shall be designated as "city moneys" and distributed as follows:

(1) The office of public defense shall administer a grant program to select the cities eligible to receive city moneys. Incorporated cities may apply for grants. Applying cities must conform to the requirements of RCW 10.101.050 and 10.101.060.

(2) City moneys shall be distributed in a timely manner to accomplish the goals of the grants.

(3) Criteria for award of grants shall be established by the office of public defense after soliciting input from the association of Washington cities. Award of the grants shall be determined by the office of public defense.

[2007 c 59 § 1; 2005 c 157 § 6.]

10.101.900
Construction — Chapter applicable to state registered domestic partnerships — 2009 c 521.
For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[2009 c 521 § 30.]
IN THE MATTER OF THE ADOPTION OF NEW STANDARDS FOR INDIGENT DEFENSE AND CERTIFICATION OF COMPLIANCE

ORDER

NO: 25700-A-1004

[ June 15, 2012 ]

The Washington State Bar Association having recommended the adoption of New Standards for Indigent Defense and Certification of Compliance, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the standards and certificate as shown below are adopted.

(b) That the New Standards for Indigent Defense, except Standard 3.4, will be published in the Washington Reports and will become effective September 1, 2012. New Standard 3.4 will be published in the Washington Reports and become effective on September 1, 2013.

DATED at Olympia, Washington this 15th day of June, 2012.

Madsen, C.J.

________________________
Chambers, J.

________________________
J. M. Johnson, J.

________________________
Stephens, J.

________________________
Wiggins, J.

________________________
Gonzales, J.

STANDARDS FOR INDIGENT DEFENSE

The following Standards for Indigent Defense are adopted pursuant to CrR 3.1, CrRLJ 3.1 and JuCR 9.2 and shall have an effective date concurrent with the effectiveness of amendments to those rules approved by the Court July 8, 2010 (effective July 1, 2012);

Standard 3: Caseload Limits and Types of Cases

http://apps.leg.wa.gov/documents/laws/wwsr/2012/14/12-13-064.htm
3.1 The contract or other employment agreement or government budget shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

3.2 The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.

3.3 General Considerations

Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

The experience of a particular attorney is a factor in the composition of cases in the attorney's caseload.

The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in Standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.

Definition of case: A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.

3.4 Caseload Limits

The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or

300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or
250 Juvenile Offender cases per attorney per year; or
80 open Juvenile Dependency cases per attorney; or
250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non death penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2 or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full time attorneys. [Effective September 1, 2013]

3.5 Case Counting

The local government entity responsible for employing, contracting with or appointing public defense attorneys should adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases. If such policies and procedures are not adopted and published, it is presumed that attorneys are not engaging in case weighting. A numerical case weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation; and

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upwards. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

3.6 Case Weighting
The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. Case Weighting Upwards: Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers and/or expenditures of time and resources should be weighted upwards and counted as more than one case.

B. Case Weighting Downward: Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Non-complex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client’s participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

iv. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recognizing that case weighting must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on such dockets.

v. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative non-criminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

Related Standards

American Bar Association, Standards for Criminal Justice, 4-1.2, 5-4.3.
American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. [Link]

American Bar Association, Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation, May 13, 2006, Formal Opinion 06-441. [Link]


American Bar Association Eight Guidelines of Public Defense Related to Excessive Caseloads. [Link]


American Bar Association Disciplinary Rule 6-101.

American Bar Association Ten Principles of a Public Defense Delivery System. [Link]


The American Council of Chief Defenders Ethical Opinion 03-01 (2003).

National Legal Aid and Defender Association, Standards for Defender Services, Standards IV-I.

National Legal Aid and Defender Association, Model Contract for Public Defense Services (2002). [Link]

NACC Recommendations for Representation of Children in Abuse and Neglect Cases (2001). [Link]

City of Seattle Ordinance Number: 121501 (2004). [Link]

Seattle-King County Bar Association Indigent Defense Services Task Force, Guideline Number 1.


5.2 Administrative Costs

A. Contracts for public defense services shall provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel, telephones, law library, including electronic legal research, financial accounting, case management systems, computers and software, office space and supplies, training, meeting the reporting requirements imposed by these standards, and other costs necessarily incurred in the day-to-day management of the contract.

B. Public defense attorneys shall have 1) access to an office that accommodates confidential meetings with clients and 2) a postal address, and adequate telephone services to ensure prompt response to client contact.

6.1 Investigators

Public defense attorneys shall use investigation services as appropriate.

Standard 13: Limitations on Private Practice

Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

Standard 14: Qualifications of Attorneys

14.1 In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:

A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and

B. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and

C. Be familiar with the Washington Rules of Professional Conduct; and

D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and
E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

14.2 Attorneys' qualifications according to severity or type of case:

A. Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in which the death penalty has been or may be decreed and which the decision to seek the death penalty has not yet been made shall meet the following requirements:

   i. The minimum requirements set forth in Section 1; and

   ii. At least five years criminal trial experience; and

   iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and

   iv. Have served as lead or co-counsel in at least one aggravated homicide case; and

   v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and

   vi. Have completed at least one death penalty defense seminar within the previous two years; and

   vii. Meet the requirements of SPRC 2.

The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist and an investigator. Psychiatrists, psychologists and other experts and support personnel should be added as needed.

B. Adult Felony Cases - Class A

Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:

   i. The minimum requirements set forth in Section 1; and

   ii. Either:

      a. has served two years as a prosecutor; or

      b. has served two years as a public defender; or two years in a private criminal practice; and

      iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.

C. Adult Felony Cases - Class B Violent Offense
Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements.

i. The minimum requirements set forth in Section 1; and

ii. Either;

a. has served one year as a prosecutor; or

b. has served one year as a public defender; or one year in a private criminal practice; and

iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.

D. Adult Sex Offense Cases

A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both counsel at trial must have five years' experience in the practice of criminal law be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel.

At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel. [Link]

Each attorney representing a client in an adult sex offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 1 and Section 2(C); and

ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

E. Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation

Each attorney representing a defendant accused of a Class B felony not defined in Section 2 (C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:

i. The minimum requirements set forth in Section 1, and

ii. Either:

a. has served one year as a prosecutor; or

b. has served one year as a public defender; or one year in a private criminal practice; and
iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the
trial in two criminal cases that have been submitted to a jury; and

iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.

F. Persistent Offender (Life Without Possibility of Release) Representation

Each attorney acting as lead counsel in a "two-strikes" or "three strikes" case in which a
conviction will result in a mandatory sentence of life in prison without parole shall meet the
following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Have at least:

a. four years criminal trial experience; and

b. one year experience as a felony defense attorney; and

c. experience as lead counsel in at least one Class A felony trial; and

d. experience as counsel in cases involving each of the following:

1. Mental health issues; and

2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases
resulting in the possibility of life in prison without parole is a sex offense; and

3. Expert witnesses; and

4. One year of appellate experience or demonstrated legal
writing ability.

G. Juvenile Cases - Class A

Each attorney representing a juvenile accused of a Class A felony shall meet the following
requirements:

i. The minimum requirements set forth in Section 1, and

ii. Either:

a. has served one year as a prosecutor; or

b. has served one year as a public defender; one year in a private criminal practice; and

iii. Has been trial counsel alone of record in five Class B and C felony trials; and

iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor, if available.

H. Juvenile Cases - Classes B and C
Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Either:

a. has served one year as a prosecutor; or
b. has served one year as a public defender; or one year in a private criminal practice, and

iii. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and

iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if available.

I. Juvenile Sex Offense Cases

Each attorney representing a client in a juvenile sex offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 1 and Section 2(H); and

ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

J. Juvenile Status Offenses Cases. Each attorney representing a client in a "Becca" matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Either:

a. have represented clients in at least two similar cases under the supervision of a more experienced attorney or completed at least three hours of CLE training specific to "status offense" cases; or

b. have participated in at least one consultation per case with a more experienced attorney who is qualified under this section.

K. Misdemeanor Cases

Each attorney representing a defendant involved in a matter concerning a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.

L. Dependency Cases

Each attorney representing a client in a dependency matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.
iii. Attorneys in dependency matters should be familiar with expert services and treatment resources for substance abuse.

iv. Attorneys representing children in dependency matters should have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Public Defense resource attorney or other attorney qualified under this section.

M. Civil Commitment Cases

Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and

iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:

a. served one year as a prosecutor, or

b. served one year as a public defender, or one year in a private civil commitment practice, and

c. been trial counsel in five civil commitment initial hearings; and

iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury trial as lead counsel; or been co-counsel with a more experienced attorney in a 90 or 180 day commitment hearing.

N. Sex Offender "Predator" Commitment Cases

Generally, there should be two counsel on each sex offender commitment case. The lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Have at least:

a. Three years criminal trial experience; and

b. One year experience as a felony defense attorney or one year experience as a criminal appeals attorney; and

c. Experience as lead counsel in at least one felony trial; and

d. Experience as counsel in cases involving each of the following:

1. Mental health issues; and

2. Sexual offenses; and

3. Expert witnesses; and
e. Familiarity with the Civil Rules; and

f. One year of appellate experience or demonstrated legal writing ability.

Other counsel working on a sex offender commitment cases should meet the Minimum Requirements in Section 1 and have either one year experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.

**O. Contempt of Court Cases**

Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.

**P. Specialty Courts**

Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. The requirements set forth above for representation in the type of practice involved in the specialty court (e.g., felony, misdemeanor, juvenile); and

iii. Be familiar with mental health and substance abuse issues and treatment alternatives.

14.3 **Appellate Representation.**

Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:

A. The minimum requirements as outlined in Section 1; and

B. Either:

i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or

ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.

C. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions, and meet the requirements of SPRC 2.
RALJ Misdemeanor Appeals to Superior Court: Each attorney who is counsel alone for a case on appeal to the Superior Court from a Court of Limited Jurisdiction should meet the minimum requirements as outlined in Section 1, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ appeal.

14.4 Legal Interns

A. Legal interns must meet the requirements set out in APR 9.

B. Legal interns shall receive training pursuant to APR 9 and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.

1 Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases.

2 SPRC 2 APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2 (f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

3 RCW 10.101.060 (1)(a)(iii) provides that counties receiving funding from the state Office of Public Defense under that statute must require "attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies."

CERTIFICATION OF COMPLIANCE

"Applicable Standards" required by CrR 3.1/CrRLJ 3.1/JuCR 9.2

For criminal and juvenile offender cases, a signed certification of compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

The certification must be in substantially the following form:

SEPARATE CERTIFICATION FORM

_____ Court of Washington

for

Certification of
The undersigned attorney hereby certifies:

1. Approximately ___% of my total practice time is devoted to indigent defense cases.

2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

   a. **Basic Qualifications:** I meet the minimum basic professional qualifications in Standard 14.1.

   b. **Office:** I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.

   c. **Investigators:** I have investigators available to me and will use investigation services as appropriate, in compliance with Standard 6.1.

   d. **Caseload:** I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective 9/1/13: I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]

Defendant's Lawyer, WSBA#          Date

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.
SUBJECT: 2015-16 Biennial Budget

ATTACHMENT(S): to be provided at the meeting
1. City Manager Budget Message
2. Six-Year Revenue projection spreadsheets for base budget and City Manager recommended budget
3. Preliminary 2015-2016 base budget and City Manager recommended budget
4. Preliminary 2015-2016 budget detail
5. Decision Card Summary

PRESENTED BY: Glenn Akramoff, City Manager

RECOMMENDED BY: Glenn Akramoff, City Manager

REVIEWED BY: Finance, City Manager

STAFF EXPLANATION:
The City Manager will present his preliminary 2015-2016 Biennial Budget to the City Council to kick off the budget process.

Tentative Budget Schedule:
- October 14 - City Manager presents 2015-2016 Budget
- October 28 - City Manager and staff provide 2015-2016 Budget presentations
- October 28 - City Council begins deliberation on 2015-2016 Budget
- November 12 - Public Hearing #1 on 2015-2016 Budget
- November 25 - Public Hearing #2 on 2015-2016 Budget
- December 9 - City Council approves final budget, for 2015-2016 Biennium

FISCAL IMPACT:
To be determined during the process

COMMITTEE RECOMMENDATIONS: N-A

RECOMMENDED MOTION:
Presentation Only
About the Survey

The City Communications Survey was distributed starting August 1, 2014 and was closed on September 30, 2014. The survey was produced as a postcard and mailed to all Normandy Park homes through the City Scene Magazine as well as at City events, and available online. The survey was promoted through the City Scene Magazine, e-notices, Facebook, the City’s website and at City events and facilities.

The purpose of the survey is to measure a baseline of current satisfaction with the City’s communications and gain an understanding of preferred methods of receiving information as well as suggestions for improvement. It is recommended that the survey be repeated at least every two years.

Overview

Approximately 6.7% of Normandy Park households responded to the survey. To qualify, respondents were required to verify Normandy Park residency. Only qualifying surveys are noted in the response calculations. Of those, approximately 77% responded that they are very satisfied or somewhat satisfied with the amount of information that they receive about the City of Normandy Park. Respondents were interested in a variety of information, primarily from the Police Department and City Council. The most popular way that respondents receive information through is through the City Scene Magazine (87.3% of respondents) and E-notices (57.4%) as well as from their neighbors (59.3%).

Advantages of Survey Method

Due to the low cost of the online survey and the relative low cost of printing the postcards, the survey was accomplished for less than $800. The wide distribution through the City Scene Magazine assured that all households were given an opportunity to respond to the survey.

Disadvantages of Survey Method

Those answering the survey are more likely to be already engaged with City communications because they noticed and took the time to respond to the survey. Because respondents were required to either 1) pay postage and mail their survey, 2) deliver their survey to City Hall in person or 3) go online and complete the survey, responses may be skewed compared to a randomized survey. The results bore this out: of those responding via online, 64% responded that they preferred e-notices as a method to get information. Of those responding by mail or in person, 49% indicated a preference for e-notices. Additionally, requiring postage can create a
barrier to response and may have discouraged some responding altogether compared to a postage-paid (business reply mail) postcard.

RESULTS

Responses by Method

<table>
<thead>
<tr>
<th>Method</th>
<th>Number of Responses</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postcard</td>
<td>87</td>
<td>56.9%</td>
</tr>
<tr>
<td>Online</td>
<td>53</td>
<td>34.6%</td>
</tr>
<tr>
<td>Disqualified*</td>
<td>13</td>
<td>8.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>153</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Number of NP Households (est.) 2300 6.7%

*Disqualified due to missing address or outside of City

Questions 1 & 2 requested name and address, 140 responses

Question 3: Do you follow what is happening in the City of Normandy Park?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Responses</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>130</td>
<td>92.9%</td>
</tr>
<tr>
<td>No</td>
<td>6</td>
<td>4.3%</td>
</tr>
<tr>
<td>No response</td>
<td>4</td>
<td>2.9%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>140</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Question 4: What Department(s) do you seek information from the most?
Respondents provided feedback as text. Full transcript of answers at the end of this document.

<table>
<thead>
<tr>
<th>Most Popular Responses</th>
<th>Number of Responses</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>41</td>
<td>38.7%</td>
</tr>
<tr>
<td>City Council</td>
<td>22</td>
<td>20.8%</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>17</td>
<td>16.0%</td>
</tr>
<tr>
<td>Public Works/Roads/Construction</td>
<td>15</td>
<td>14.2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>106</strong></td>
<td></td>
</tr>
</tbody>
</table>

Question 5. How satisfied are you with the amount of information you receive about the City of Normandy Park?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Responses</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very satisfied</td>
<td>53</td>
<td>37.9%</td>
</tr>
<tr>
<td>Somewhat satisfied</td>
<td>55</td>
<td>39.3%</td>
</tr>
<tr>
<td>Somewhat dissatisfied</td>
<td>20</td>
<td>14.3%</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>5</td>
<td>3.6%</td>
</tr>
<tr>
<td>No response</td>
<td>7</td>
<td>5.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>140</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Question 6. What ways do you prefer to receive information about the City of Normandy Park? Check all of the City-sponsored information sources that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Responses</th>
<th>Response Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Scene Magazine</td>
<td>117</td>
<td>87.3%</td>
</tr>
<tr>
<td>City Website</td>
<td>61</td>
<td>45.5%</td>
</tr>
<tr>
<td>E-Notices</td>
<td>77</td>
<td>57.4%</td>
</tr>
<tr>
<td>Facebook</td>
<td>14</td>
<td>10.4%</td>
</tr>
<tr>
<td>Twitter</td>
<td>4</td>
<td>2.9%</td>
</tr>
<tr>
<td>Bulletin Boards</td>
<td>17</td>
<td>12.6%</td>
</tr>
<tr>
<td>Signs</td>
<td>34</td>
<td>25.3%</td>
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<td>Public Meetings</td>
<td>36</td>
<td>26.8%</td>
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<tr>
<td>Direct Mail</td>
<td>55</td>
<td>41.0%</td>
</tr>
<tr>
<td>Other</td>
<td>7</td>
<td>5.2%</td>
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<td><strong>Total Number of Responses</strong></td>
<td><strong>134</strong></td>
<td><strong>100.0%</strong></td>
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</tbody>
</table>

Question 7. What ways do you prefer to receive information about the City of Normandy Park? Check all of the information sources NOT sponsored by the City that apply.

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Responses</th>
<th>Response Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westside Weekly Newspaper</td>
<td>23</td>
<td>87.3%</td>
</tr>
<tr>
<td>B-town Blog</td>
<td>26</td>
<td>45.5%</td>
</tr>
<tr>
<td>Neighbors</td>
<td>54</td>
<td>57.4%</td>
</tr>
<tr>
<td>Nextdoor.com</td>
<td>31</td>
<td>2.9%</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>12.6%</td>
</tr>
<tr>
<td><strong>Total Number of Responses</strong></td>
<td><strong>91</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

**Question 4 Answers**

City Council, Parks and Rec, Police

Police. Request their walk-around service during our away from home trips

city council, parks, arts

police, planning, results of city council/public meetings

Arts. Police. Economic Development Committee

Public works, Building, Manager

Police, Public works, General city business

City Council, Planning Commission,
Debbie Burke for random questions

I used the passport service - Awesome!
City Council, Police
City Council

I want info from City Manager, council, etc.

Question #3 is worthless -- all or nothing

questions don't give you information needed to improve or validate your programs.

All.

street repair

I find this question unclear. Do you mean who do I call or who do I want to see information from in newsletters and online? Regarding the latter: Police, City Manager, and Public Works. Also, it's not a "Department" but I would like information from the City Council on their topics, decisions, and research.

Police, Maintenance, Council

Public works

All departments

City Council, Police

Not one in particular - latest for permit for alarm system

Desire to see police reports communicated on the Nextdoor website.

permits

Planning Commission

I read the emails sent out. I have not sought out information recently.

city planner and police

recreation

public works, planning and parks

city council, planning, public works

police and zoning

parks dept and arts commission, police, animal problems, development

police, public works, parks

parks and streets

arts commission, parks commission

police, city council, cove, beach boat launch

city council

development

city council, police, planning commission
city hall

mail, magazine

community activities, music in the park, kid related

musical events, environment and fish

police

environment, police, parks

city hall, police

planning, crime blog, schools, parks

parks, arts, salmon returns

city hall, parks and recreation, commercial

city council and police

facebook

Police

Police, City Council

desk help, had 911 help

Police, Public Works

Police, Fire, Community Club

City Manager, Planning, Parks

Parks & Rec, Police

Events, police

Police

Police

Public Works, Parks

City Planning, Roads
We just moved here a year ago; so we are just beginning to get settled in and figuring out how to get information about the city.

The city should be more proactive about disseminating information and including as many people as possible through electronic means as opposed to just sitting around waiting people to sign up. The website should more prominently display meetings and events so they are visible, rather than making them sometimes impossible to find when you know they are there. Things have improved, but there more to go.

I think the Chief should resume his Nextdoor comments relative to activities within the city. It can be especially helpful when there if a traffic or work stoppage issue within the city.

Useless city scene is not informative but mostly a "push" piece. Advertising is fine, but format is weak.

Explicit financial information isn't always gathered in simple formats and in single places

N/A

Some regulations do not make sense.

I'm on the e-mail list for city alerts and so forth but have noticed a decline in the frequency of such news. In particular, I miss the monthly police blotters which were a great source of information to me, having been a 2-time victim of residential burglary.

I like the communications choices - web site, emails, magazine

Notifications of important events are not always timely.
There needs to be some way for people to find out what road repairs are even on the city's agenda, as well as what projects will, might, or will not happen each year. I think all departments should post similar information on the city's website, along with the current year's budget information, so people can see what is and is not on the city's radar. An uninformed public results in an unaccountable government. The lines between official and personal seem a bit blurred sometimes when I am loosely following issues and concerns on Nextdoor.com

Wish website was updated more often.

Want city officials/police to be on Nextdoor, or start a Nextdoor page just for official city business.

Police Facebook is awesome. Could utilize the NP blog more overall

I belong to the EDC and get my info from meetings

communication is improving

I miss the N.P. Police activity reports that used to be emailed to all, and have wondered why it was terminated. It would really be great if that practice were re-instated!

maryann zukowski has been helpful

The Police Chief does an amazing job putting updates out on Facebook. He sometimes covers subjects that don't strictly fall under police jurisdiction. I would like hear much more from the City Council. I never heard what happened with the City Hall move after the last meeting. Also, I would like to hear more of what the City Manager is up to.

However, Normandy Park does a much better job than most places I've lived and I appreciate this survey and all our city's efforts to communicate.

City Scene and online messages are very helpful.

Would like more seen on the Nextdoor website.

I receive agendas of meetings. I would also like to receive summaries of meeting minutes. Summaries only!

Many meetings have vague minutes reporting or no reporting at all about a topic or issue.

still the worst police dept in the state

**Question 8 Additional Comments**

Thank you again for having this survey and for your efforts to keep Normandy Park citizens involved.

I like to wave to the police officers in their cars....but they rarely wave back. How about getting them to be more friendly and wave to residents??!!!!!!!

Btown blog reports events and old news and mixes & in advertising.

It does not employ writers or reporters that cover normandy park council meetings.

I like and very much appreciate having access to current audio tapes of City Council meetings

We don't nee too many avenues for communication - it gets overwhelming
Really like to be kept informed via e notice re: what's happening i.e. arts, police activity, any development of community, etc.

City website is not well organized and could be more user friendly.

I wish the City Scene magazine would take on a year long campaign to get people to be responsible for their dog's poop. Marvista Elementary had their kids create posters last year with some really good thoughts on how all the poop affects them on the school grounds. City Scene could take these posters and feature one each month on the front page.

I have found, working for a local non-profit that there is a large discrepancy in the city about signs/banners and what is allowed. The city says one thing, and then proceeds to do another. It appears the rules only apply to others and not to the city itself, so if the city wants to promote an event, they are allowed to not follow city ordinances.

e notice is fine as well

Normandy Park and Waterland blogs should be added above, too.

cant wait to move back

the city is making great efforts at communication. keep up the good work!

love the e-news!

loved having chief gaddis related bulletins on nextdoor.com

The new paving on sylvester rd didn't leave room for bikes, joggers or walkers

like to see updates on real estate market in NP

I receive best info from neighbors, city scene is fluff. don't receive council meeting adgendas early enough to review 200 pages.

news about sports/recreation activities for families

as a senior at fernwood at the park, nice place here and good environment

police report in westside weekly or other media

overall, pretty good!

I like emails on current city topics and updates on ongoing issues

thank you for your efforts in keeping citizens of NP apprised of events and issues concerning us.

b-town blog would be a waste of taxpayer money since email and facebook are free. plus it's burien.

What happened to the police reports?

bulletin boards always out of date, communications is great but many other are more important: i.e. listening, good judgment, empathy, financial health, vision of healing city, do not oversell the communication aspect!

Replace Zombie Fest with a more positive, uplifting theme for families in beautiful NP, have never understood the draw of zombies, yuck
thank you to our police, EMT, 911 services, they all do a fine job

the people of 208th st would like information about roadwork, perhaps by flyers

Great magazine - keep it up

4th of july days before and after fireworks disturbing, please fix, it's the law!

consider shortening the light exiting NP by Towne Center (200th I think) too long when you want to turn onto 1st, forces you to turn on red, no cars on 1st

I just heard from a neighbor that there is a (new?) law about needing a permit to cut down one’s own trees. How are people supposed to know this?

great place to live and play

the Police Dept. needs to enforce what they post as to no fireworks, it gets worse every year

we have lost our beautiful water view since moving to our home in 1975, trees have grown and just a peek view now

stop purchasing properties when NP doesn't have debt-free tax papers pay for federal grants to conservation groups, protect property owners instead of aggressive moves on [unreadable] on Sound, appreciation to our Mayor and Council. Thank you, NP was great for family.

allow Chief Gaddis to put is information notices on Nextdoor & Facebook, road closures & investigations which affect our movements especially

the amount of info received could be offset with better info. concise communications w/links to more info former Highline Times is gone, current paper is worthless! we don't care about Ballard, etc.

the new magazine is good, but will it be forwarded if I'm out of town?

why can't the city use this [postcard survey] as a way to ask citizens of NP about Town Hall

I don't use a computer so I appreciate your City Scene Magazine. am a 49-year resident of NP

would like monthly report on burglaries, violence against humans, i.e. what is police responding to?

I'd like more info regarding police activity in NP, to be more aware of things to be on the lookout for

I was stunned to read about the possible move of city hall in the newspaper during the decision, not well ahead. Something like that should have been a direct mailing letter, thanks.

note about information sources not sponsored by city: haven't heard of any of them

I didn't know anything about city hall moving until the decision was made

the fireworks are out of control, 30 days later midnight - ugh. Please ban.

city officials and office staff have been consistently positive and I've been very happy with my interaction

why are we not receiving the police blotter email anymore?
**TREASURER’S REPORT**  
**CITY OF NORMANDY PARK**  
July, 2014

<table>
<thead>
<tr>
<th>FUND No.</th>
<th>FUND NAME</th>
<th>01/01/14 FUND BEGINNING YEAR</th>
<th>09/01/07 FUND BEGINNING YEAR</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>ENDING FUND</th>
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<td>001</td>
<td>General Fund</td>
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<td>1,330,327.01</td>
<td>248,211.75</td>
<td>263,519.49</td>
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<td>101</td>
<td>Street Fund</td>
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<td>6,877.63</td>
<td>12,253.89</td>
<td>25,384.37</td>
<td>(6,252.85)</td>
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<td>104</td>
<td>Arts Commission</td>
<td>16,263.75</td>
<td>15,638.87</td>
<td>501.06</td>
<td>4,514.55</td>
<td>11,625.38</td>
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<td>105</td>
<td>U.I.R.C. Fund</td>
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<td>1,130.13</td>
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<td>203</td>
<td>Debt Service Fund</td>
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<td>Debt Service Fund</td>
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<td>320</td>
<td>Capital Improv.Fund</td>
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<td>672,469.20</td>
<td>23,230.16</td>
<td>938.79</td>
<td>694,760.57</td>
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<td>402</td>
<td>Storm Water Fund</td>
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<td>25,927.57</td>
<td>20,696.78</td>
<td>1,447,562.15</td>
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<tr>
<td>621</td>
<td>Wilson Endowed</td>
<td>72,575.65</td>
<td>71,688.36</td>
<td>4.85</td>
<td>246.38</td>
<td>71,446.83</td>
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<td>623</td>
<td>Beaconsfield Stwd.</td>
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<td>47,517.15</td>
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<td>47,520.37</td>
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<td>631</td>
<td>Agency Pass Thru</td>
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<td>42,179.10</td>
<td>21,734.01</td>
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<tr>
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<td>MPD</td>
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<td>534,835.89</td>
<td>1,983.19</td>
<td>536,819.08</td>
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</tr>
</tbody>
</table>

**Total Fund Balance**  
4,319,466.00

**KEY BANK**  
650,143.15  
**POOL**  
3,089,420.72  
**Petty Cash/Register**  
575.00  
**MPD**  
536,819.08  
**Payroll 8/5/14 Direct Deposit withdrawal**  
50,360.41  
**Deposit in Transit**  
846.39  
**Outstanding Warrants**  
(8,698.75)

4,319,466.00
I. CALL TO ORDER at 7:00 p.m.

II. ROLL CALL

III. CONTINUED BUSINESS
   a. Council Communications Committee
      Requested Council Action:
   b. Facility Planning Task Force
      Requested Council Action:
   c. Shoreline Master Plan Adoption
      Requested Council Action: M/S to adopt, discussion and vote.

IV. 2015-16 BIENNIAL BUDGET WORKSHOP
   a. Department Presentations: Executive, Administration, Police, and Public Services
   b. Review Budget Strategies - Glenn Akramoff, City Manager
   c. Budget Discussion - City Council

V. ADJOURN
   Requested Council Action: M/S to adjourn by 10:00 p.m. per Resolution #609.
   The next Regular City Council Meeting is scheduled for Wednesday, November 12, 2014 at 7:00 p.m.