



## *Legal Department*

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July 14, 2005

TO: Doug Baker, City Administrator  
FROM: Christy Todd, City Attorney  
RE: Quarterly Report – for Second Quarter Ending June 30, 2005

Attached is a list of the new matters that came into the Legal Department during the quarter ending June 30, 2005.

Additionally, we kept busy with the following additional projects/activities:

- Continued discussions with the Animal Services Director and attorneys from Olympia and Lacey regarding the comprehensive amendment of the animal services ordinance.
- Participated in a conference call with the Western Washington Growth Management Hearings Board regarding the matter of Tumwater Livable Community. The parties agreed to a settlement hearing and a settlement officer was appointed. The settlement hearing was held May 26. An agreement was reached, however, reducing the agreement to writing became problematic. It appears the case will be proceeding as litigation.
- Attended the 2005 Council Planning Session.
- Met with John Carpenter and the representative for Homeland Security Region 3 regarding an interlocal agreement.
- Attended the spring Washington State Association of Municipal Attorney's conference.
- Attended a conference by the Association of Washington Cities on labor relations.
- Met with David Ginther to review and revise proposed amendment to the manufactured housing ordinance.
- Met with John Norman and Brian Scharber regarding an agreement with WSDOT for fiber optic cable in the City's right-of-way. The agreement was executed recently.
- Met with Kathy Callison regarding a water rights agreement.
- Met with the attorney for Fire District 6 regarding an investigation.
- Continued discussions with the attorney for Graoch for amendments to the Linwood stormwater pond agreements.
- Completed review and final draft of the Mutual Aid Agreement for Fire Fighting and Emergency Medical Services. The agreement was executed in May.

- Reviewed and approved as to form, contracts with Child Care Action Council, Skillings-Connolly, Sacred Heart Catholic Church, Todd Robinson Painting, Parametrix, Protect Construction Services, Sound Urban Forestry, Pacific Groundwater Group, S.K. Associates.
- Reviewed and approved as to form, ordinances O2005-010, O2005,017, O2005-016, O2005-018, O2005-015 (including preparation of findings of fact), O2004-019 and O2005-009.
- Reviewed and approved as to form, resolutions R2005-014, R2005-010.
- Reviewed Easement Deed with General Administration for fire lane at new Department of Corrections building.
- Reviewed Quitclaim Deed with General Administration for property along Tumwater Boulevard.
- Responded to inquiry from Capitol Boulevard Associates regarding concerns over zoning changes in the area of the airport overlay zone.
- Responded to second inquiry by Blockbuster to allow trades of DVD's and video games. This issue was brought to Council in June and was referred to the Public Safety Committee.
- Currently, I am reviewing the contract for jail services at the Nisqually Tribal jail, contracts with Cathy Connolly and Cheryl Cohen for the Employee Assistance Program, agreement with Oregon Health & Science University for clinical training of students, an interlocal agreement with the drug unit, the Washington Traffic Safety Commission and EMS.
- The Prosecutor was assigned 213 new cases this past quarter. This number represents the total of cases filed, regardless of the number of charges on a single citation. In other words, if Jane Smith has two criminal charges on one citation, that constitutes a single case. (I should point out that this is a change from the reporting done in the past. Previous quarterly reports indicated the number of court proceedings attended by the Prosecutor rather than the new cases filed. Future quarterly reports will report the number of new cases assigned.
- Met with Roger Gellenbeck, Bob Kuehl and Richard Phillips regarding a request for an independent fee calculation for school impact fees.

If you have any questions, please feel free to contact me.

# LEGAL DEPARTMENT REPORT ON NEW PROJECTS/REQUESTS

For Period of April - June, 2005

To: Doug Baker, City Administrator  
From: Christy Todd, City Attorney  
Date: July 14, 2005  
RE: Report for Second Quarter, Ending June 30, 2005

The following is a listing of the projects and requests for legal services received by this office during the period of April through June, 2005:

Department	Proj #	Project Type	Description
<b>Development Services</b>			
	2005-047	Review/Opinion	Darby Crest Plat Application
	<i>Total for Development Services</i>		1
<b>Fire</b>			
	2005-041	Agreement	Oregon Health & Science University (OHSU) and Fire Dept for clinical training of paramedic students
	<i>Total for Fire</i>		1
<b>Legal</b>			

Department	Proj #	Project Type	Description
<b>Legal</b>			
	2005-031	Zoning Issue	Airport overlay zone - response to letter from Frank McMahon of Capitol Boulevard Associates
	2005-036	Special Prosecutor	City of Olympia v. Christiancy
	2005-037	Legal Opinion	Corporate Responsibility - Community Report Card
	2005-040	Opinion	Authority for Executive Session
<i>Total for Legal</i>			4
<b>Parks &amp; Recreation</b>			
	2005-034	Agreement	Kathy O'Kelly (golf professional)
<i>Total for Parks &amp; Recreation</i>			1
<b>Planning</b>			
	2005-048	Ordinance	Ordinance No. O2005-011 - Manufactured Home Zoning Changes
<i>Total for Planning</i>			1
<b>Police</b>			
	2005-035	Seizure/Forfeiture	Neil Clendenen

Department	Proj #	Project Type	Description
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**Police**

	2005-043	Civil Forfeiture	Linda Holladay
	2005-045	Agreement	Drug Unit Interlocal Agreement
	2005-051	Interlocal Agreement	TACT (Ticketing Aggressive Cars and Trucks) Pilot Project with Washington Traffic Safety Commission (WTSC)

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*Total for Police* 4

**Public Works**

	2005-032	ROW Vacation	Request for ROW vacation - Capitol Blvd / Linwood Ave / Elm St by Triway Enterprises - 1890 law
	2005-038	Interlocal Agreement	Port of Olympia regarding right-of-way (ROW) and storm drainage facilities
	2005-038	Leases	Review ground leases with Port along Tumwater Blvd. In anticipation of ROW to the City, for road widening project
	2005-050	Agreement	S.K. Associates - 2005 Water Auditing Program
	2005-052	Review	ROW leases - On-Guard Mini Storage

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*Total for Public Works* 5