



Legal Department

October 11, 2005

TO: Doug Baker, City Administrator
FROM: ^{CT}Christy A. Todd, City Attorney
RE: Quarterly Report – for Third Quarter Ending September 30, 2005

Attached is the listing of new projects and/or requests that came into the Legal Department during the quarter ending September 30, 2005.

I'd also like to bring your attention some of the other matters that were either completed or continued to be handled by the department:

- The appeal to the Western Washington Growth Management Hearings Board by Tumwater Livable Community was dismissed on September 8, 2005 based on the City's motion to dismiss for lack of standing by the appellants.
- I assisted the City of Olympia by agreeing to be appointed as special prosecutor for a conflict case. The matter was resolved by the defendant pleading guilty.
- Continued discussions with Animal Services and attorneys from Olympia and Lacey to complete a comprehensive amendment to the animal services ordinance. It is hoped that I can report the completion of this project prior to the end of the year.
- A SEPA appeal by the Salmon Creek Drainage Basin Neighborhood Association concerning Cardinal Glass was withdrawn. The parties were able to reach a mutual agreement regarding stormwater discharge.
- On behalf of the Hearing Examiner prepared Rules of Procedure and Hearing Protocol for appeals before the Hearing Examiner. Those Rules will soon be available on the City's website.
- Following Council approval, contacted Charles Greenberg of the Triad Law Group to assist the City in collection efforts of our civil judgment against Harborside, Inc. (Jim Brown Park) and to pursue litigation with the surety if necessary.
- Met with Finance and Development Services staff in order to finalize interlocal agreement with WSDOT for placement of fiber optic cable in City right-of-way.

- Reviewed a memorandum of understanding with the Washington State Patrol for a pilot project called TACT (Ticketing Aggressive Cars & Trucks); in which our Police Department was asked to participate by assisting in the ticking effort.
- Reviewed and forwarded to the Public Works Department, a Latecomer Agreement.
- Worked with counsel representing the property owner (Graoch Associates) regarding amendment to a property exchange agreement.
- Reviewed a Water Rights Conveyance Agreement prepared by the Public Works staff.
- Completed a review of contracts with the Nisqually Tribe regarding jail services, Cathy Connolly, Cheryl Cohen, and OHSU.
- Reviewed and approved as to form, contracts for Deschutes Site 130 Bank Stabilization, Tumwater Area Chamber of Commerce, Volunteer Care Institute, Family Support Center, 88th Ave. Pump Station & Force Main project, Tumwater Historical Association, Evergreen Sportsmen's Club (Police firing range), AmeriCorps, CP Pascher Excavating, Party Outfitters, Munifinancial (for Barnes Lake Management assessment), Economic Development Council, Kathy O'Kelly (golf professional), and S.K. Associates for the 2005 Water Auditing Program.
- Reviewed and approved as to form, a right of way lease renewal with On-Guard Mini Storage.
- Reviewed an escrow agreement for the Henderson Blvd. & Old Hwy 99 traffic signal project.
- Reviewed and approved as to form, ordinances O2005-011, O2005-021, O2005-022, O2005-023, O2005-024, and O2005-026.
- Reviewed and approved as to form, resolutions R2005-011, R2005-018, R2005-019, and R2005-030.
- Reviewed a draft of National Incident Management System (NIMS) Implementation Plan.
- The Prosecutor was assigned 217 new cases during the quarter. He also reviewed 3 police reports to determine if sufficient evidence exists to file charges.
- Received an inquiry letter from Thurston County and prepared a response from Mayor Osgood concerning the VAWA grant for domestic violence.
- Assisted the Police Department with property seizures and subsequent civil forfeitures in two different cases.
- Reviewed and returned with comments, a testing agreement for General Services.

LEGAL DEPARTMENT REPORT ON NEW PROJECTS/REQUESTS

For Period of July - September, 2005

To: Doug Baker, City Administrator

From: Christy Todd, City Attorney

Date: October 11, 2005

RE: Report for Thrid Quarter, Ending September 30, 2005

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

Department	Proj #	Project Type	Description
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Development Services

	2005-047	Review/Opinion	Darby Crest Plat Application
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Total for Development Services 1

Fire

	2005-041	Agreement	Oregon Health & Science University (OHSU) and Fire Dept for clinical training of paramedic students
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Total for Fire 1

Legal

Department	Proj #	Project Type	Description
Legal			
	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

Parks & Recreation

	2005-034	Agreement	Kathy O'Kelly (golf professional)
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<i>Total for Parks & Recreation</i>			1
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Planning

	2005-048	Ordinance	Ordinance No. O2005-011 - Manufactured Home Zoning Changes
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<i>Total for Planning</i>			1
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Police

	2005-035	Seizure/Forfeiture	Neil Clendenen
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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)

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

Total for Public Works 5