



# **Exhibit: Legal Department Workload & Outside Counsel Overview**

**Dena Burke  
City Attorney**



# Legal Department



Dena Burke  
City Attorney



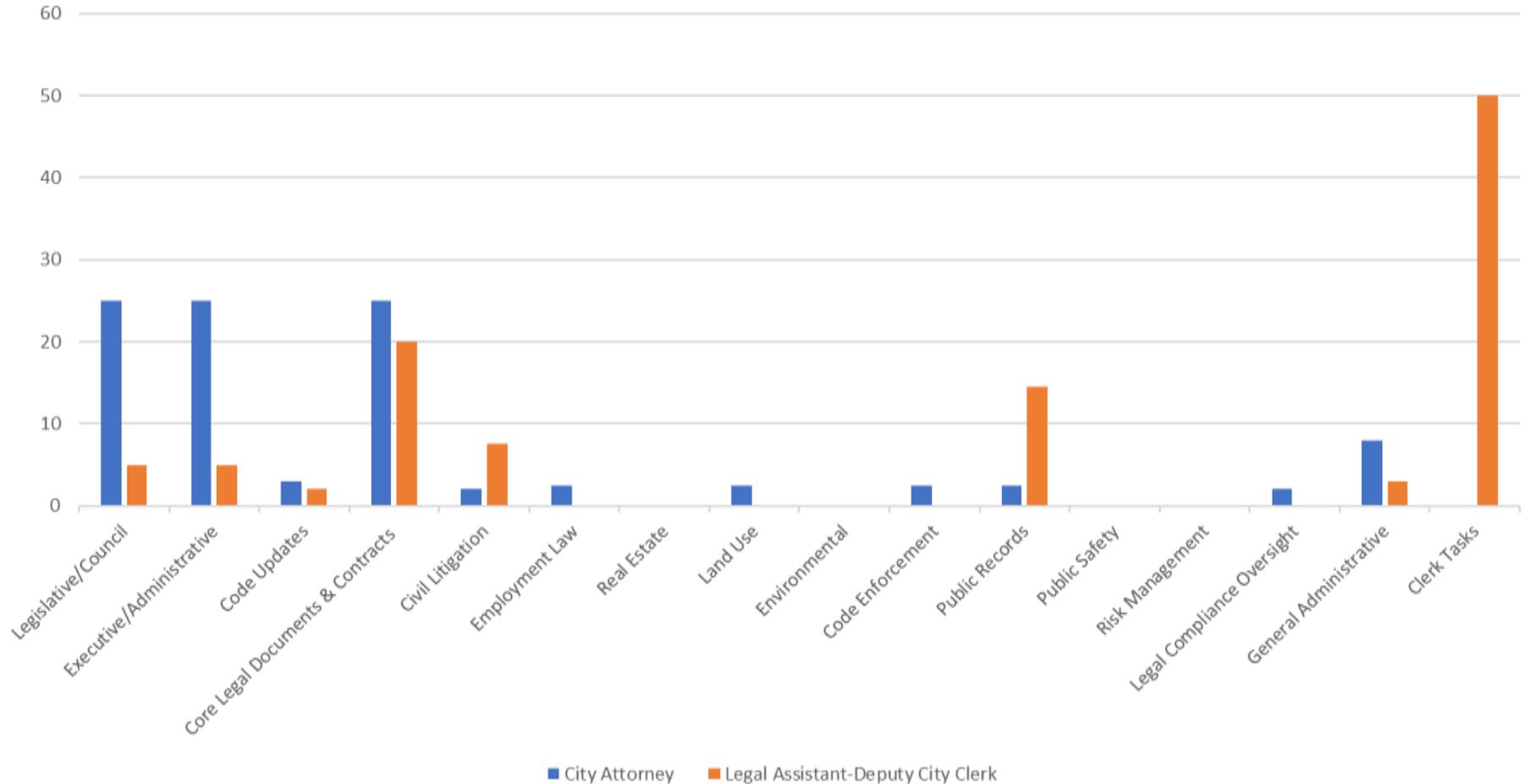
Robert Thrall  
Legal Assistant-  
Deputy City  
Clerk

# Legal Department Core Functions



1. Legislative/Council
2. Executive/Administrative
3. Code Updates
4. Core Legal Documents & Contracts
5. Civil Litigation
6. Employment Law
7. Real Estate
8. Land Use
9. Environmental
10. Code Enforcement
11. Public Records
12. Public Safety
13. Risk Management
14. Legal Compliance Oversight
15. General Administrative

# Percentage of Time Per-Week Per-Core Function



# Legal Department Core Functions



## Council/Legislative

- Advise Council, Committees, and Commissions on legal issues
- Attend and provide counsel and act as parliamentarian at Council Meetings, Committee Meetings, some Commissions, and Executive Sessions
- Provide legal opinions (oral and written)

## Results & Why

- Immediate risk and financial liability avoided or mitigated
- Policy decisions comply with state and federal law
- Elected officials avoid conflicts of interest and ethics violations

## Percentage of Time Per-Week

- City Attorney = 25%
- Legal Asst-Deputy City Clerk = 5%

# Legal Department Core Functions



## Executive/Administrative

- Advise Mayor, City Administrator, and Department Heads
- Provide legal opinions (oral and written)
- Provide daily legal advice to all departments
- Review policies and procedures for legal compliance
- Assist with triaging emergent legal issues
- Monitor and provide advice on federal policy changes and litigation

## Percentage of Time Per-Week

- City Attorney = 25%
- Legal Asst-Deputy City Clerk = 5%

## Results & Why

- Immediate risk and financial liability avoided or mitigated
- Policy decisions comply with state and federal law
- Elected officials avoid conflicts of interest and ethics violations

# Legal Department Core Functions



## Municipal Code Updates & Advice

- Review municipal code and answer questions from Department Heads, staff, and elected officials
- Update municipal code based on emerging case law, legislative changes, and best practices
- Ensure code aligns with community goals

## Results & Why

- Improves clarity and usability
- Supports long-term goals
- Addresses new issues
- Makes expectations clear

## Percentage of Time Per-Week

- City Attorney = 3%
- Legal Asst-Deputy City Clerk = 2%



# Legal Department Core Functions

## Core Legal Documents and Contracts

- Draft and review ordinances, resolutions, motions, and agenda bills
- Ensure compliance with federal, state, and local laws
- Draft, review, and negotiate contracts
- Draft and negotiate interlocal agreements
- Review RFPs/RFQs, bid documents, and procurement processes
- Review professional service agreements

## Percentage of Time per-Week

- City Attorney = 25%
- Legal Asst-Deputy City Clerk = 20%

## Results & Why

- Ordinances and resolutions are lawful and enforceable
- Contract terms protect the City
- Contracts comply with procurement laws
- Poorly drafted contracts can cost the City and taxpayers

# Legal Department Core Functions



## Civil Litigation

- Represent the City in litigation or oversee outside counsel in litigation
- Manage and oversee cases assigned to WCIA
- Manage discovery and searches
- Manage or directly involved in deposition and trial preparation
- Track litigation risk and trends
- Evaluate and respond to claims for damages

## Results & Why

Protects City's liability

Ensures stances in litigation aligns with City political policies

## Percentage of Time Per-Week

- City Attorney = 2%
- Legal Asst-Deputy City Clerk = 7.5%



# Legal Department Core Functions

## Employment Law

- Advise on hiring, discipline, investigations, and termination
- Support and manage outside counsel in collective bargaining
- Review employment policies
- Provide counsel on discrimination, wage/hour, ADA, FMLA, etc.
- Review and assist with understanding legal ramifications of collective bargaining agreements
- Assist with drafting personnel policies and memoranda of understanding with unions
- Attend negotiations and provide advise on collective bargaining agreements

## Results & Why

- Mistakes head to costly lawsuits, potentially causing morale and reputation issues

## Percentage of Time Per-Week

- City Attorney = 2.5%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Real Estate

- Advise on purchase, sale, or lease agreements for real property
- Draft and negotiate real estate agreements
- Coordinate regarding planning, public works, and economic development

## Results & Why

- Reduced legal and financial risk
- Ensure project timeline
- Improved community outcomes

## Percentage of Time Per-Week

- City Attorney = <1%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Land Use

- Advise on land use decisions and quasi-judicial matters
- Review and draft development agreements
- Support Growth Management Act compliance
- Defend land use appeals
- Support annexations
- Support legal issues regarding development and zoning issues

## Results & Why

- Land use litigation is common and expensive
- Ensure City controls its own destiny in terms of zoning, building, structure as much as possible within confines of the law

## Percentage of Time Per-Week

- City Attorney = 2.5%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Environmental Law

- Guides compliance with state and federal environmental laws
- Support stormwater and water-quality programs
- Advises on climate, sustainability, and natural-resource policies
- Represents City in environmental enforcement and litigation

## Results & Why

- Reduces regulatory and litigation risk
- Protection of public health and natural resources
- Stronger environmental stewardship
- Improved defensibility of city decisions

## Percentage of Time Per-Week

- City Attorney = 0%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Code Enforcement

- Provide legal advice on all aspects of code enforcement matters
- Represent the City in code enforcement appeals, requests for court ordered abatement, and all matters before the Hearing Examiner
- Review enforcement orders and compliance agreements
- Support code updates to ensure best practices in code enforcement procedures
- Review and update Hearing Examiner Rules of Procedures

## Results & Why

- Enforcement actions follow due process and are legally defensible
- Compliance to ensure public safety and aesthetic

## Percentage of Time Per-Week

- City Attorney = 2.5%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Public Records

- Advise on Public Records Act compliance
- Review responsive records to provide advise on exemptions and redactions
- Oversee response to complex or high-risk records requests
- Defend PRA litigation, including lawsuits and injunction requests
- Provide advice and training on records management best practices

## Results & Why

- Mistakes lead to fines, lawsuits, and public mistrust
- PRA lawsuits not covered by WCIA Insurance
- \$100 per-document per-day, plus attorney's fees

## Percentage of Time Per-Week

- City Attorney = 2.5%
- Legal Asst-Deputy City Clerk = 14.5%

# Legal Department Core Functions



## Public Safety

- Oversee prosecution and public defender contracts to ensure compliance and solid performance
- Ensure compliance with new public defender standards
- Work with and assist contract prosecutor in drafting complex motions
- Advise police on legal issues and interpretation of state and local laws
- Manage outside counsel and case posture in King County Inquests regarding officer involved deaths

## Results & Why

- Ensues constitutional policing, proper use of force, and legally sound prosecutions.
- Errors trigger civil rights lawsuits or federal oversight

## Percentage of Time Per-Week

- City Attorney = <1%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## Risk Management

- Identify liability exposure
- Advise on insurance and indemnification issues
- Develop preventative strategies
- Develop staff trainings on legal issues to provide guidance and advice on best practices
- Primary WCIA delegate

## Results & Why

- Proper risk management saves the City and taxpayers money and prevents crises

## Percentage of Time Per-Week

- City Attorney = <1%
- Legal Asst-Deputy City Clerk = 0%



# Legal Department Core Functions

## Legal Compliance Oversight

- Track legislative changes
- Track case law updates
- Code and policy maintenance
- Template and form management
- Monitor emerging legal issues
- Track federal, state, and regional regulatory trends
- Drafting internal guidance for departments
- Reviewing department policies for legal sufficiency
- Preparing legal update briefings for staff and leadership
- Creating trainings for staff to ensure best practices

## Results & Why

- Builds a city that is efficient, consistent, and reliable with strong legacy knowledge

## Percentage of Time Per-Week

- City Attorney = 2%
- Legal Asst-Deputy City Clerk = 0%

# Legal Department Core Functions



## General Administrative

- General file management
- Invoice processing
- Administrative paperwork
- Returning phone calls and emails
- Budget management
- Routine internal mandatory trainings and meetings
- Supervising and mentoring staff in the Legal Department

## Results & Why

- Compliance with city rules and policies

## Percentage of Time Per-Week

- City Attorney = 8%
- Legal Asst-Deputy City Clerk = 3%



# When Outside Support is Helpful

- Specialized expertise
- Independence and objectivity
- Support for major transactions and development projects
- Access to robust resources
- Litigation power
- Surge capacity for special projects
- Bandwidth support to ensure timely legal support and review to all City Departments