



**King County**

**Metropolitan King County Council  
Budget and Fiscal Management Committee**

**Agenda Item No.:** 21  
**Proposed No.:** 2011-0332

**Date:** November 1, 2011  
**Prepared By:** Nick Wagner

**STAFF REPORT**

**SUBJECT**

Approval of the response of the Prosecuting Attorney's Office (PAO) to a 2011 budget proviso that required monthly reports to county agencies regarding services provided by the PAO, and release of \$150,000 of PAO funding that has been subject to the proviso.

**SUMMARY**

Proposed Motion 2011-0332 (pp. 3-4 of these materials) would approve the PAO's response to Proviso 1 in Section 29 of Ordinance 16984, the 2011 annual budget ordinance, and would release \$150,000 that has been held in reserve subject to the proviso. The proviso (pp. 7-8 of these materials) called upon the PAO to provide monthly reports to each county agency, consisting of summary data about the legal services that the prosecuting attorney provided to the agency during the preceding calendar month.

**BACKGROUND**

In addition to prosecuting criminal cases, the civil division of the PAO serves as legal counsel to the Council, the Executive, the Superior and District Courts, the Sheriff, the Assessor, the Elections Director, and all executive agencies. PAO civil division attorneys track their time, and the PAO had provided to each county agency, on an annual basis, the cost of the work performed for the agency by PAO attorneys, including a breakdown by matter. This made it possible for agencies to track whether they were making cost-effective use of PAO resources.

In order to make more timely information available to county agencies, the Council last year included in the 2011 Annual Budget a proviso requiring the PAO to provide certain basic information, including hours spent by PAO attorneys on each agency matter that they handled, to county agencies on a monthly basis instead of only annually. The PAO has fully complied with the proviso, and the response from county agencies to the new monthly reports has been almost uniformly favorable, though some agencies

volunteered that quarterly reports would be sufficient, and almost all agencies, when asked, agreed with that.

The PAO has informed council staff that the PAO is willing to continue providing reports to county agencies for the rest of 2011 and all of 2012. Since county agencies have indicated that quarterly reports are sufficient for their purposes, the PAO proposes to provide the reports quarterly instead of monthly, which seems reasonable. In addition, in order to save paper and reduce costs, the PAO proposes to provide the reports only in electronic form, rather than both electronically and in hard copy.

**PROPOSED MOTION 2011-0332**

Proposed Motion 2011-0332 (pp. 3-4 of these materials) would approve the PAO's response to the 2011 budget proviso and release the \$150,000 that is currently being held in reserve subject to the proviso. Given the PAO's compliance with the proviso, the proposed motion seems appropriate.

In view of the PAO's willingness to continue providing reports to county agencies in 2012, there does not appear to be a need for another proviso or for other legislative action at this time.

**AMENDMENT**

Title Amendment T1 (p. 5 of these materials) would clarify the title of the proposed motion.

**ATTACHMENTS**

**Page**

1. Proposed Motion 2011-0332 .....	3
2. Title Amendment T1 .....	5
3. Proviso 1 to Section 29, Ordinance 16984 .....	7
4. Transmittal Letter.....	9



**KING COUNTY**  
**Signature Report**

**October 31, 2011**

**Motion**

**Proposed No. 2011-0332.1**

**Sponsors**

1           A MOTION adopting the response to the 2011 Budget  
2           Ordinance, Ordinance 16984, Section 29, Proviso P1,  
3           prosecuting attorney's office, in compliance with Ordinance  
4           16984; and authorizing the release of \$150,000 currently  
5           held in reserve.

6           WHEREAS, the 2011 Budget Ordinance, Ordinance 16984, Section 29, Proviso  
7 P1, states that \$150,000 shall not be expended or encumbered by the prosecuting  
8 attorney's office until the transmittal and adoption by the council of a motion that  
9 references the proviso's ordinance, section and number and states that the prosecuting  
10 attorney has responded satisfactorily to the proviso, and

11           WHEREAS, the prosecuting attorney's office has responded to the proviso by  
12 providing monthly reports to the chief elected officer of each independent agency and to  
13 the chief appointed officer of each executive department of county government, which  
14 monthly reports describe in summary fashion the nature of the work the civil division  
15 performed for that agency or department during the preceding month, and

16           WHEREAS, the council has determined that the prosecuting attorney's office has  
17 responded satisfactorily to the proviso;

18           NOW, THEREFORE, BE IT MOVED by the Council of King County:

Motion

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19           The proviso response is hereby adopted and the \$150,000 currently held in  
20 reserve in Ordinance 16984, Section 29, Proviso P1, prosecuting attorney office, is  
21 hereby released.  
22

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

**T1**

Nov. 1, 2011

nw

Sponsor: Patterson

Proposed No.: 2011-0332

1 **TITLE AMENDMENT TO PROPOSED MOTION 2011-0332, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 through 5, and insert:

3 "A MOTION approving the prosecuting attorney's office  
4 response to the 2011 Budget Ordinance, Ordinance 16984,  
5 Section 29, Proviso P1; and authorizing the release of  
6 \$150,000 currently held in reserve subject to the proviso."

7 **EFFECT: Clarifies the title.**

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SECTION 29. PROSECUTING ATTORNEY - From the general fund there is hereby appropriated to:

Prosecuting attorney \$56,439,180

The maximum number of FTEs for prosecuting attorney shall be: 458.80

P1 PROVIDED THAT:

Of this appropriation, \$150,000 must not be expended or encumbered until the prosecuting attorney transmits and the council adopts a motion that references this proviso's ordinance, section and number and states that the prosecuting attorney has responded satisfactorily to the proviso.

The proviso also requires that the prosecuting attorney provide to the chief elected or appointed officer of each county agency for which the prosecuting attorney has provided legal services during the preceding calendar month, a tabular report, in the form of a Microsoft Excel spreadsheet and a paper copy, containing the following columns of information, with appropriate headings, about the legal services that the prosecuting attorney provided to the agency during the preceding calendar month: (1) the name of the attorney who performed the services; (2) the matter name, with sufficient specificity for the agency to identify it; (3) the hours spent by the attorney on the matter during the month; and (4) the cost of those hours, with cost determined by multiplying the number of hours times the attorney's hourly rate, which is based on the most recent available data.

The report should be provided to each county agency beginning in February 2011, reporting on the preceding calendar month, and should continue every month thereafter.

The prosecuting attorney should transmit the required motion to the council in July 2011, filed in the form of a paper original and an electronic copy with the clerk of the council, who

shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee or its successor.



July 18, 2011

The Honorable Larry Gossett  
Chair, King County Council  
Room 1200  
King County Courthouse

Dear Councilmember Gossett,

As required by the 2011 Adopted Budget, Ordinance 16984, Section 29, Proviso 1, enclosed is a motion finding that the Prosecuting Attorney's Office has responded satisfactorily to this proviso. Proviso 1, of Section 29 of the budget ordinance, required the Civil Division of the Prosecuting Attorney's Office to send a monthly report to the chief elected or appointed officer of each county agency for which the Civil Division provided services during the preceding month. These monthly reports describe, in summary fashion, the work the Civil Division performed during the preceding month. Proviso 1 of Section 29 also requires the transmittal of this motion in July of 2011 and the adoption of this motion by the Council.

The Prosecuting Attorney's Office has complied with Proviso 1 of Section 29 of Ordinance 16984. Throughout the first half of 2011, the Civil Division has provided monthly reports to the chief elected officer of each independent agency and to the chief appointed officer of each executive department of county government. The first monthly reports, covering work done in January of 2011, were delivered in February of 2011, in compliance with the proviso. Subsequent reports were delivered in each succeeding month of 2011.

Per the terms of Proviso 1 of Section 29 of Ordinance 16984, your adoption of this motion will release \$150,000 of the Prosecuting Attorney's 2011 budget for expenditure or encumbrance.

The Honorable Larry Gossett

July 18, 2011

Page 2

If you have any questions about this matter, please contact Chief Civil Deputy Prosecuting Attorney Kevin Wright, at 206-296-9015.

Sincerely,

Dow Constantine  
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Acting Chief of Staff

Anne Noris, Clerk of the Council

The Honorable Dan Satterberg, King County Prosecuting Attorney

Leesa Manion, Chief of Staff, King County Prosecuting Attorney's Office

Kevin Wright, Chief Civil Deputy, King County Prosecuting Attorney's Office

Dwight Dively, Director, Office of Performance, Strategy and Budget (PSB)

Krista Camenzind, Budget Supervisor, PSB

Carrie Cihak, Director of Policy and Strategic Initiatives, King County Executive Office