

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, February 5, 2018

2:00 PM

Council Chamber, City Hall
600 Fourth Avenue
Seattle, WA 98104

Full Council

Bruce Harrell, Council President

Sally Bagshaw

M. Lorena González

Lisa Herbold

Rob Johnson

Debora Juarez

Teresa Mosqueda

Mike O'Brien

Kshama Sawant

Chair Info: 206-684-8804; Bruce.Harrell@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on February 5, 2018, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Harrell presiding.

B. ROLL CALL

Present: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Excused: 1 - Juarez

Motion was made, duly seconded and carried, to excuse Councilmember Juarez from the February 5, 2018 Full Council meeting.

C. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 145](#) **February 5, 2018**

ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend the proposed Introduction and Referral Calendar by introducing Appointments 00907 through 00909, and by referring them to the Planning, Land Use, and Zoning Committee.

Appointment 00907, Appointment of Richard E. Mohler as member, Seattle Planning Commission, for a term to April 15, 2018.

Appointment 00908, Appointment of Kelly A Rider, as member, Seattle Planning Commission, for a term to April 15, 2020.

Appointment 00909, Appointment of Amy Shumann as member, Seattle Planning Commission, for a term to April 15, 2019.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

D. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

E. APPROVAL OF THE JOURNAL

[Min 166](#) **January 29, 2018**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

F. PRESENTATIONS

There were none.

G. PUBLIC COMMENT

Pauly G. addressed the Council regarding a non-Agenda item.

Sue Tanner addressed the Council regarding Agenda item 1, Appointment 00905.

Michele D'Alessandro addressed the Council regarding Agenda item 1, Appointment 00905.

La Crese Green addressed the Council regarding a non-Agenda item.

H. PAYMENT OF BILLS

[CB 119188](#) **AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119188.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

I. COMMITTEE REPORTS

GOVERNANCE, EQUITY, AND TECHNOLOGY COMMITTEE:

- 1. [Appt 00905](#) **Appointment of Ryan P. Vancil as Hearing Examiner, for a term from March 21, 2018 to March 20, 2019.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 4 - Harrell, Herbold, Mosqueda, Johnson

Opposed: None

ACTION 1:

Motion was made by Councilmember Harrell, duly seconded and carried, to amend Appointment 00905, by amending the term of office from February 21, 2018 through February 22, 2019 to March 21, 2018 through March 20, 2019, and reflected in the revised title.

Appointment of Ryan P. Vancil as Hearing Examiner, for a term from March 21, 2018 to March 20, 2019.

ACTION 2:

Motion was made and duly seconded to confirm Appointment 00905 as amended.

The Motion carried, and the Appointment (Appt) was confirmed as amended by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

Council President Harrell invited Mr. Vancil to provide brief remarks to the Council.

HOUSING, HEALTH, ENERGY, AND WORKERS' RIGHTS COMMITTEE:

2. [CB 119187](#) **AN ORDINANCE relating to the City Light Department; authorizing the acceptance of the Statutory Warranty Deed for the “Hansen Property” in Skagit County, Washington, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.**

The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

3. [Appt 00892](#) **Reappointment of Dianna Finnerty as member, Burke-Gilman Place Preservation and Development Authority Council, for a term to December 31, 2020.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

4. [Appt 00893](#) Reappointment of Kathryn A. Gardow as member, Burke-Gilman Place Preservation and Development Authority Council, for a term to December 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

5. [Appt 00894](#) Reappointment of Michael J. Hatzenbeler as member, Burke-Gilman Place Preservation and Development Authority Council, for a term to December 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

6. [Appt 00895](#) Reappointment of Elizabeth A. Rankin as member, Burke-Gilman Place Preservation and Development Authority Council, for a term to December 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

7. [Appt 00902](#) **Reappointment of Dan Bernard as member, Burke-Gilman Place Preservation and Development Authority Council, for a term to December 31, 2020.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

8. [Appt 00896](#) **Reappointment of Dana Behar as member, Capitol Hill Housing Improvement Program Governing Council, for a term to March 31, 2020.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

9. [Appt 00897](#) Reappointment of Paul Breckenridge as member, Capitol Hill Housing Improvement Program Governing Council, for a term to March 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

10. [Appt 00898](#) Reappointment of Bob Fikso as member, Capitol Hill Housing Improvement Program Governing Council, for a term to March 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

11. [Appt 00899](#) Reappointment of Michael J. Malone as member, Capitol Hill Housing Improvement Program Governing Council, for a term to March 31, 2020.

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

12. [Appt 00901](#) **Reappointment of Bill L. Stockman as member, Joint Apprenticeship Training Committee, for a term to December 31, 2020.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

13. [Appt 00904](#) **Appointment of Debbie Carlsen as member, 2016 Housing Levy Oversight Committee, for a term to December 31, 2018.**

The Committee recommends that Full Council confirm the Appointment (Appt).

In Favor: 3 - Mosqueda, Juarez, Bagshaw

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

14. [Res 31795](#) **A RESOLUTION adopting Statements of Legislative Intent for the 2018 Adopted Budget and 2018-2023 Adopted Capital Improvement Program.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31795.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Resolution 31795, Attachment A, item 6, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31795 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

15. [Res 31796](#) **A RESOLUTION adopting the Seattle City Council 2018 Work Program.**

Motion was made and duly seconded to adopt Resolution 31796.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 8 - Bagshaw, González , Harrell, Herbold, Johnson, Mosqueda, O'Brien, Sawant

Opposed: None

K. OTHER BUSINESS

Motion was made, duly seconded and carried, to excuse Councilmember Bagshaw from the February 20, 26, and March 5, 2018 Full Council meetings.

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the February 26, 2018 Full Council meeting.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:30 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on February 12, 2018.

Bruce Harrell, President of the City Council

Monica Martinez Simmons, City Clerk

Att 1 - ACTION 2 of RES 31795

Att 1 – ACTION 2 of RES 31795

Amendment 1 to Attachment A of Res. 31795

Amendment Sponsored by Councilmember Herbold

Amendment to Attachment A, item 6, Statement of Legislative Intent (SLI) 303-1-A-2, relating to the Law Department, Seattle Municipal Court, and the Seattle Office for Civil Rights report on bail reform.

| | | |
|-----------|-----------------------|---|
| 6. | SLI Number: | 303-1-A-2 |
| | Title: | LAW, SMC, and SOCR Report on Bail Reform |
| | Department: | City Attorney’s Office (LAW), Seattle Municipal Court (SMC), Seattle Office for Civil Rights (SOCR) |
| | Sponsor(s): | Herbold |
| | Staff Analyst: | Asha Venkataraman |
| | Due Date: | Part I: 5/31/18 Part II: 6/30/18 |

Budget Committee Vote:

| Date | Result | SB | KH | LG | BH | LH | RJ | DJ | MO | KS |
|------------|---------|----|----|----|----|----|----|----|----|----|
| 11/15/2017 | Pass 9- | Y | Y | Y | Y | Y | Y | Y | Y | Y |

Statement of Legislative Intent:

This Statement of Legislative Intent (SLI) asks the Seattle Office for Civil Rights (SOCR), ~~to work with~~ the City Attorney's Office (LAW), Seattle Municipal Court (SMC), and the King County Department of Public Defense to work together to provide a two-part joint report to the Chair of the Civil Rights, Utilities, Economic Development & Arts (CRUEDA) committee and the Council Central Staff Director regarding whether and how the City will reform its bail practices, including but not limited to use of an actuarial tool, use of text-message reminders, and the use of appearance bonds. Part I of the report is due by May 31, 2018 and Part II of the report is due June 30, 2018.

The reports should also be provided to the Criminal Justice Coordinating Council (CJCC) for its consideration and response, at the time they are provided to the CRUEDA committee. In 2016, SMC convened the CJCC as a forum for stakeholders in Seattle’s criminal justice system to share information, collaborate, and work across silos to improve the criminal justice system. Participants have included members from the Mayor’s Office, SMC judges, the City Attorney, Council, the Seattle Police Department, the King County Department of Public Defense, the Office for Civil Rights, and the Human Services Department. Discussions focused on increasing diversion opportunities, offering more pre-trial services, and improving reentry opportunities, among other topics. CJCC partnered with the Council on State Government’s Criminal Justice Institute to research and assess some of these topics, which included research on bail reform.

A 2013 Arnold Foundation study ~~funded by the City~~ on pre-trial criminal justice practices showed that more than 60 percent of inmates across the country are being held in detention while their cases move through the court system. In Seattle, research from an SMC study showed that 31 percent of individuals in custody who were charged with misdemeanors in 2014 remained in jail while waiting for their next court date because they were unable to come up with cash for bail. The ACLU issued a 2016 position paper entitled "No Money, No Freedom", detailing the two-tiered monetary based justice system created by cash bail. It stated that "[j]udges in Washington often impose bail at an amount much higher than many people can afford to pay, and without consideration of individual financial circumstances and

resources. This two-tiered approach denies justice to individuals, undermines the fairness of the court system, and imposes unacceptably high costs on the accused, their families, and our communities." Though the original purpose of bail was a deposit to ensure a person would show up to their court date, it has "become an excessive financial burden, one so great that it prevents the accused from getting out of jail while his or her case is pending."

Jurisdictions such as the District of Columbia and the federal court system have all but eliminated cash bail, instead using a system to identify the small percentage of defendants who pose the greatest likelihood of danger to the community and detain only those individuals. King County Juvenile Detention uses a detention risk assessment instrument (DRAI) rather than bail to look at a wide range of criteria and provide a composite score determining risk. Depending on the score, the DRAI recommends release on personal recognizance, electronic monitoring, or detention, and a judge can use these recommendations to determine release. Several other jurisdictions including Phoenix, AZ, Chicago, IL, and Charlotte, NC use a public safety assessment (PSA) to look at factors determining whether a person is likely to be a flight risk, reoffend, or violently reoffend to determine whether to detain a person.

Promising alternative pre-trial release strategies can provide more consistency in the pre-trial release process and could ameliorate the impacts of cash bail. This SLI requests an examination of how these or similar tools used in jurisdictions not solely using cash bail could be used at SMC and the racial equity outcomes associated with each strategy or tool. Part I of the report should include:

- A survey of pretrial release strategies and tools used instead of or in addition to cash bail, including a review of any evaluations done on those strategies and tools; and
- Best practices associated with such a strategy or tool.
- How the group working on the SLI will develop racial equity outcomes to shape the recommendations in Part II of the report.

Part II of the report should include:

- Whether LAW and SMC plan to implement bail reform, including use of alternative strategies or tools, and if so, a timeline for reforms;
- A recommended process for community engagement before and throughout implementation of bail reform;
- Estimated savings in jail and court costs;
- An analysis of unintended consequences that should be addressed before implementation;
- Any necessary legislative, regulatory, or rule changes needed to implement bail reform; and
- A description of racial equity outcomes that can be measured and evaluated after any new pre-trial release reforms are implemented.