



AMENDED AGENDA

CITY OF BLACK DIAMOND
February 27, 2014 Special Meeting Agenda - Amended
25510 Lawson Street, Black Diamond, Washington

6:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

NEW BUSINESS:

- 1) **Presentation** - General Government Facilities Mitigation Fee Plan
No Final Action MAKERS
- 2) **Presentation** – Law Firms regarding providing City Attorney Services
No Final Action
- 3) **Executive Session** - To evaluate the qualifications of an applicant in accordance with RCW42.30.110(1)(g).
Final action is possible following the executive session.

ADJOURNMENT:



City Council Study Session

Black Diamond Government Facilities Plan

February 27, 2014



*Agenda****Agenda***

- **Introduction**
- **Review Work to Date**
- **Cost Estimate**
- **Draft Mitigation Fee Calculation**
- **Next Steps**

Project Context

- **2011 Development Agreement: Section 13.9 requires mitigation of impact on government facilities.**
- **Interim rates: \$1,750 per house and \$1.50 per sq. ft. of commercial space.**
- **Facilities plan required to be completed by April 5, 2014.**
- **Must adopt mitigation fee schedule based on completed plan, or interim rates become void, thus no mitigation is required.**

Project Purpose

Develop a Plan to provide municipal facilities Black Diamond will need to serve the city into the future.

There are three components:

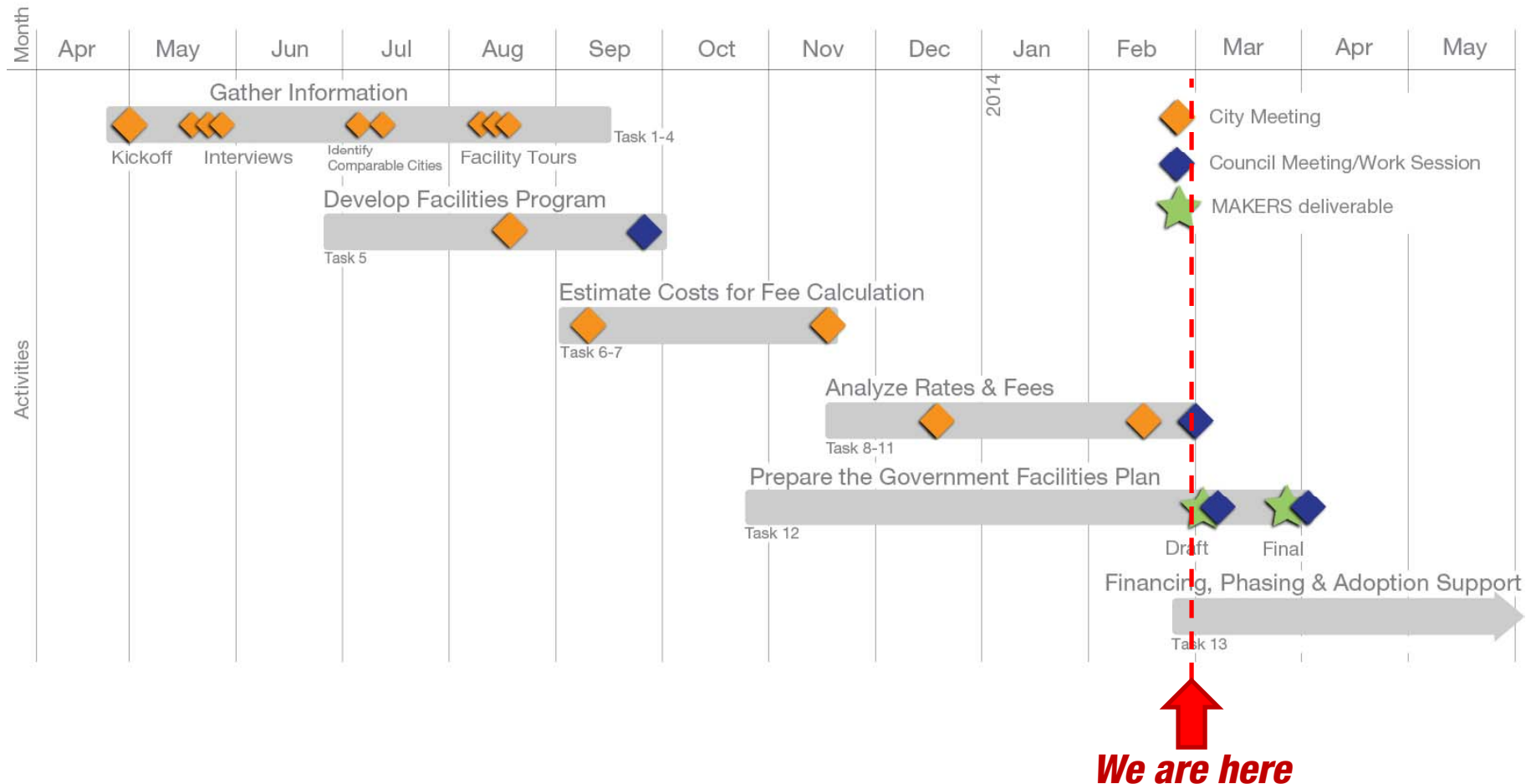
- **Identify needed facilities.**
- **Estimate costs to provide these facilities.**
- **Calculate development impact fees to provide funding.**

Introduction

Project Schedule

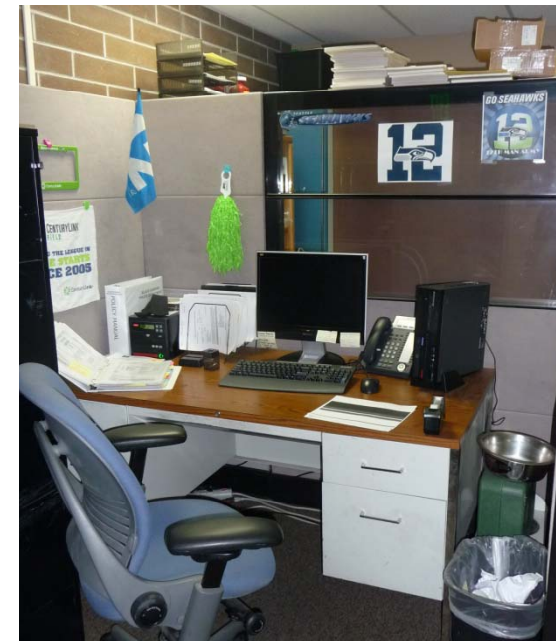
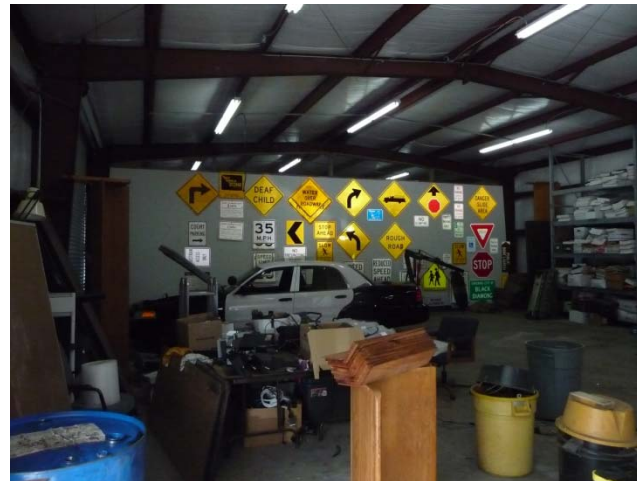
Exhibit B
Black Diamond Government Facilities Plan Schedule

Schedule Update: February 2014



*Review Work to Date**Staff Interviews & City Facility Tours*

- Interviewed key staff and City Council members
- Toured existing City facilities



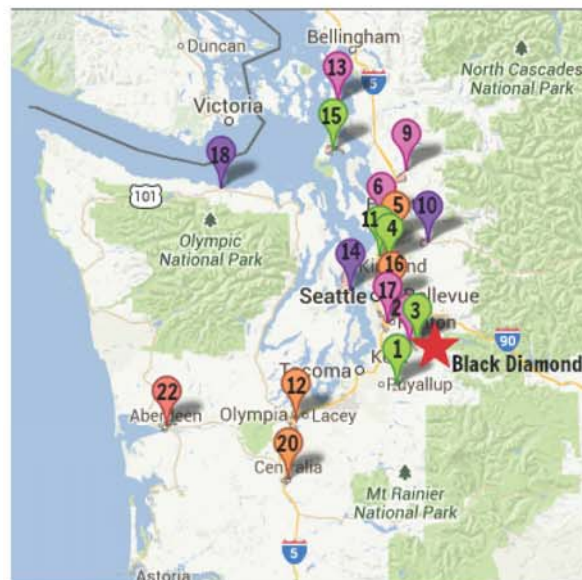
*Review Work to Date**Staff Interviews & City Facility Tours*

- **City Hall – Inefficient for collaboration, management and customer service**
- **Police Department & Court – Very space constrained; inadequate holding, evidence processing/storage, and records storage**
- **Public Works – Very inadequate shop and covered storage; inefficient split working yard**



*Review Work to Date**Comparable Cities Research*

Identified a model for City staffing levels, operational organization, and service characteristics at future population levels.

**Most Comparable**

1	184	Bonney Lake
2	179	Covington
3	177	Maple Valley
4	174	Kenmore
5	170	Mill Creek
6	165	Mukilteo
7	164	Battle Ground
8	163	Camas

Somewhat Comparable

9	157	Arlington
10	156	Monroe
11	147	Mountlake Terrace
12	146	Tumwater
13	144	Anacortes

Least Comparable

14	124	Bainbridge Island
15	123	Oak Harbor
16	122	Mercer Island

City Name	Daytime Population Change due to Commuting	Percent Who Live and Work in Same City	Average Household Size (WA avg = 2.6) [2012]	Population Mile (3)
Source-->	\$	\$	\$	12
Black Diamond current	not available		2.47	
Black Diamond building	not forecast		2.48	
Average of 23 cities	9%	32%	2.56	
Benchmark	0%	median of 23 cities (27%)	BD median (2.48)	mid-point of average of Benchmark
Slightly different than threshold	single digit positive %	1.5 - 2.0%	none	0.5-0.8
Nearly different than threshold	double digit positive %	2.0 - 2.0%	> 1.5%	> 2.0
Very different than threshold	high digit positive %	> 2.5%	none	> 2.5
Comparable				
184	Bonney Lake	-29%	11%	2.32
179	Covington	-31%	11%	2.48
177	Maple Valley	-29%	14%	2.48
174	Kenmore	-29%	11%	2.41
170	Mill Creek	-18%	13%	2.30
165	Mukilteo	-18%	15%	2.27
164	Battle Ground	-29%	17%	2.54
163	Camas	11%	27%	2.34
Somewhat Comparable				
157	Arlington	-25%	28%	2.42
156	Monroe	-19%	28%	1.39
147	Mountlake Terrace	-27%	9%	2.41
146	Tumwater	-49%	22%	2.08
144	Anacortes	-9%	34%	2.04
Least Comparable				
124	Bainbridge Island	-11%	47%	2.07
123	Oak Harbor	-4%	49%	2.31
122	Mercer Island	-13%	22%	2.28

*Review Work to Date**State-of-the-Art Facility Tours****Lessons Learned – City Halls***

- Consolidation helps create a cohesive team
- Consider the public interface and security
- Include a multi-use Council Chamber/Court and a community room
- Think beyond the grand entrance
- Careful with art
- Watch the systems details

*Review Work to Date**State-of-the-Art Facility Tours****Lessons Learned – Police & Public Works******Police***

- **Less space for officer gear/more space for evidence and records**
- **Great to have an on site practice range; needs to be carefully designed**

Public Works

- **Covered storage is critical and should be designed efficiently**
- **Great results can be achieved with an integrated design approach and department participation**

*Review Work to Date**Facility Program*

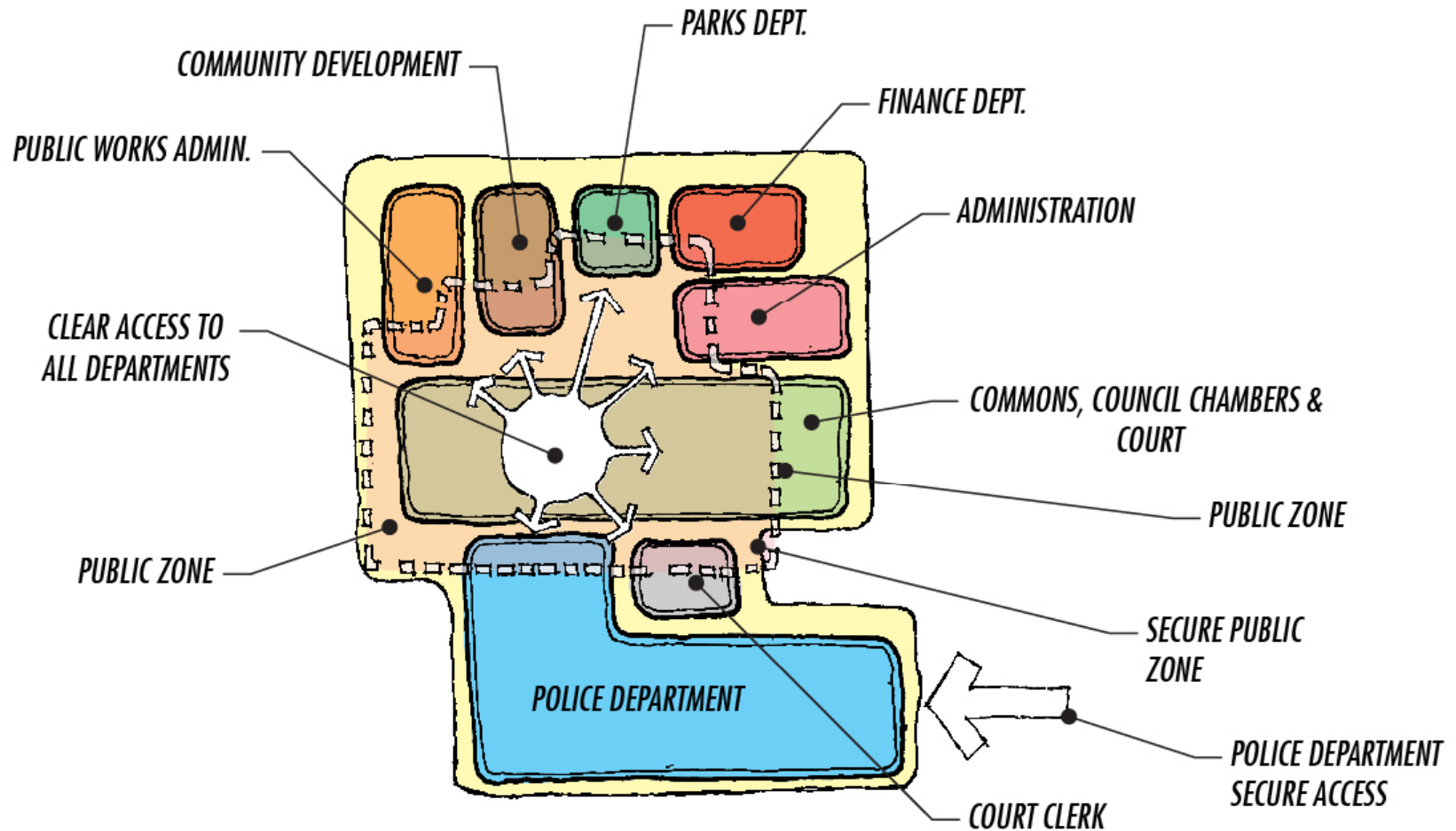
<i>Admin. & Police Departments</i>	Current	10-year	20-year
Executive & Administration	1,662	1,983	2,256
Finance	832	1,432	1,648
Community Development	861	1,616	1,832
Public Works Admin	1,162	1,929	2,259
Parks & Recreation	197	826	934
Municipal Court	717	1,127	1,268
Common Areas	5,549	10,760	11,819
Police Department	5,035	12,151	14,777
City Hall Bldg. Total (GSF)	16,016	31,825	36,793
City Hall Bldg. Footprint (66% GSF)	10,570	21,004	24,283
Parking Area (SF)	15,527	29,891	41,636
Landscape Areas/Buffers (35%) (SF)	9,134	17,813	23,072
City Hall Site Area Total (SF)	35,231	68,708	88,990
City Hall Site Area Total (Rounded Acres)			2.00

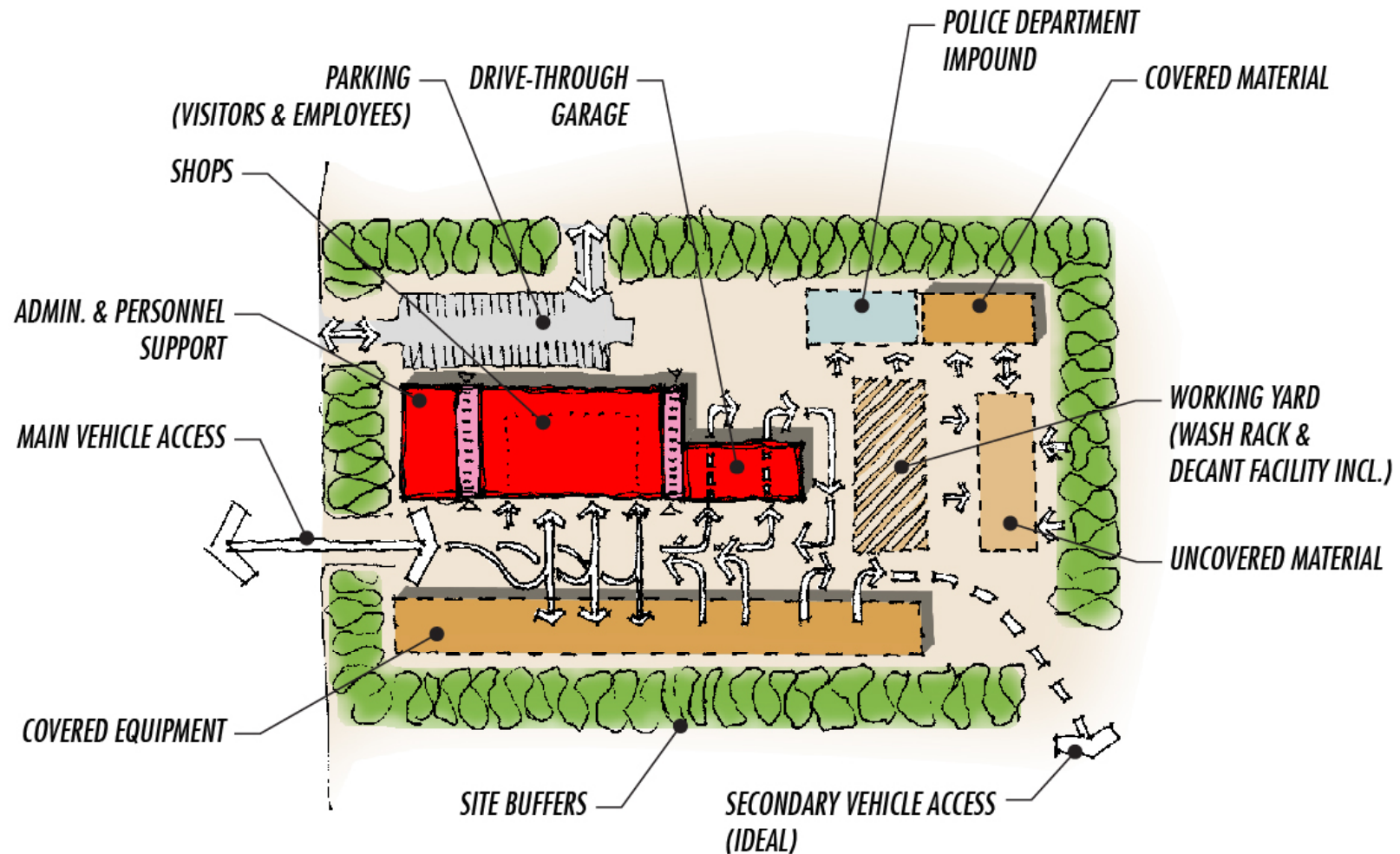
*Review Work to Date**Facility Program*

<i>Public Works Shop & Yard</i>	Current	10-year	20-year
Shop	15,644	26,999	31,778
Storage	11,713	19,610	22,580
Public Works Shop and Storage (GSF)	27,357	46,609	54,358
Public Works Yard Total (SF)	8,566	12,636	19,836
Parking (SF)	2,280	8,310	12,150
Landscape Areas & Buffers (35%) (SF)	13,371	23,644	30,221
Public Works Site Area Total (SF)	51,575	91,200	116,566
Public Works Site Area Total (Rounded Acres)			2.75

GFP Site Area Grand Total (SF)	86,805	159,908	205,556
---------------------------------------	---------------	----------------	----------------

GFP Site Area Grand Total (Rounded Acres)			4.75
--	--	--	-------------

*Review Work to Date**Functional Diagram***City Hall & Police Department**

*Review Work to Date**Functional Diagram***Public Works Operations & Maintenance**

Cost Estimate***Project Cost 10 Year Plan***

City Hall Land	2.00 AC	\$ 1,000,000
Public Works	2.75 AC	\$ 137,500
Total Land Cost		\$ 1,137,500
Government Facilities Plan - Construction Cost (Jan. 2014)		\$ 26,733,715
Total Soft Costs		\$ 15,144,049
Total Project Cost (Jan. 2014)		\$ 42,697,042

Estimate is based on Design/Bid/Build Contract Procurement

Land values assume normal and customary circumstances.

EXCLUSIONS (Costs for the following are not anticipated and are excluded):

- Toxic Soil/Hazardous Materials Removal
- Alternative Contracting Premiums
- Wetlands Development/Mitigation
- Mine Hazard Premiums

- Apparatus/Vehicles/Firing Range Equipment
- Off-site Work (Streets/Signalization/Sidewalks)
- Financing Costs
- Escalation

Cost Estimate***Project Cost 20 Year Plan***

City Hall Land	2.00 AC	\$	1,020,000
Public Works	2.75 AC	\$	137,500
Total Land Cost		\$	1,137,500

Government Facilities Plan - Construction Cost (Jan. 2014)	\$ 29,733,715
---	----------------------

Total Soft Costs	\$ 16,782,774
------------------	---------------

Total Project Cost (Jan. 2014)	\$ 47,653,989
---------------------------------------	----------------------

Estimate is based on Design/Bid/Build Contract Procurement

Land values assume normal and customary circumstances.

EXCLUSIONS (Costs for the following are not anticipated and are excluded):

- Toxic Soil/Hazardous Materials Removal
- Alternative Contracting Premiums
- Wetlands Development/Mitigation
- Mine Hazard Premiums

- Apparatus/Vehicles/Firing Range Equipment
- Off-site Work (Streets/Signalization/Sidewalks)
- Financing Costs
- Escalation

Mitigation Fee

Mitigation Fee for Black Diamond's Government Facilities Plan

1. What is a “mitigation fee”?

- **A one-time payment by each unit of new development...**
- **that the City uses to mitigate the impact of the new development on government facilities...**
- **by building additional facilities identified in the government facilities plan**

Mitigation Fee

2. What is the impact of housing development?

Housing	# of Units	Units
Existing	1,690	dwelling units
Average Sq. Ft. per Unit	x 1,861	sq. ft.
Total Existing Housing	3,145,090	sq. ft.
Future	6,050	dwelling units
Average Sq. Ft. per Unit	x 2,095	sq. ft.
Total Future Housing	12,674,750	sq. ft.
Total All Housing	15,819,840	sq. ft.

Mitigation Fee

3. What is the impact of commercial development?

Commercial	# of Units	Units
Existing	232,463	sq. ft.
Future	+ 1,165,000	sq. ft.
Total Commercial	1,397,463	sq. ft.

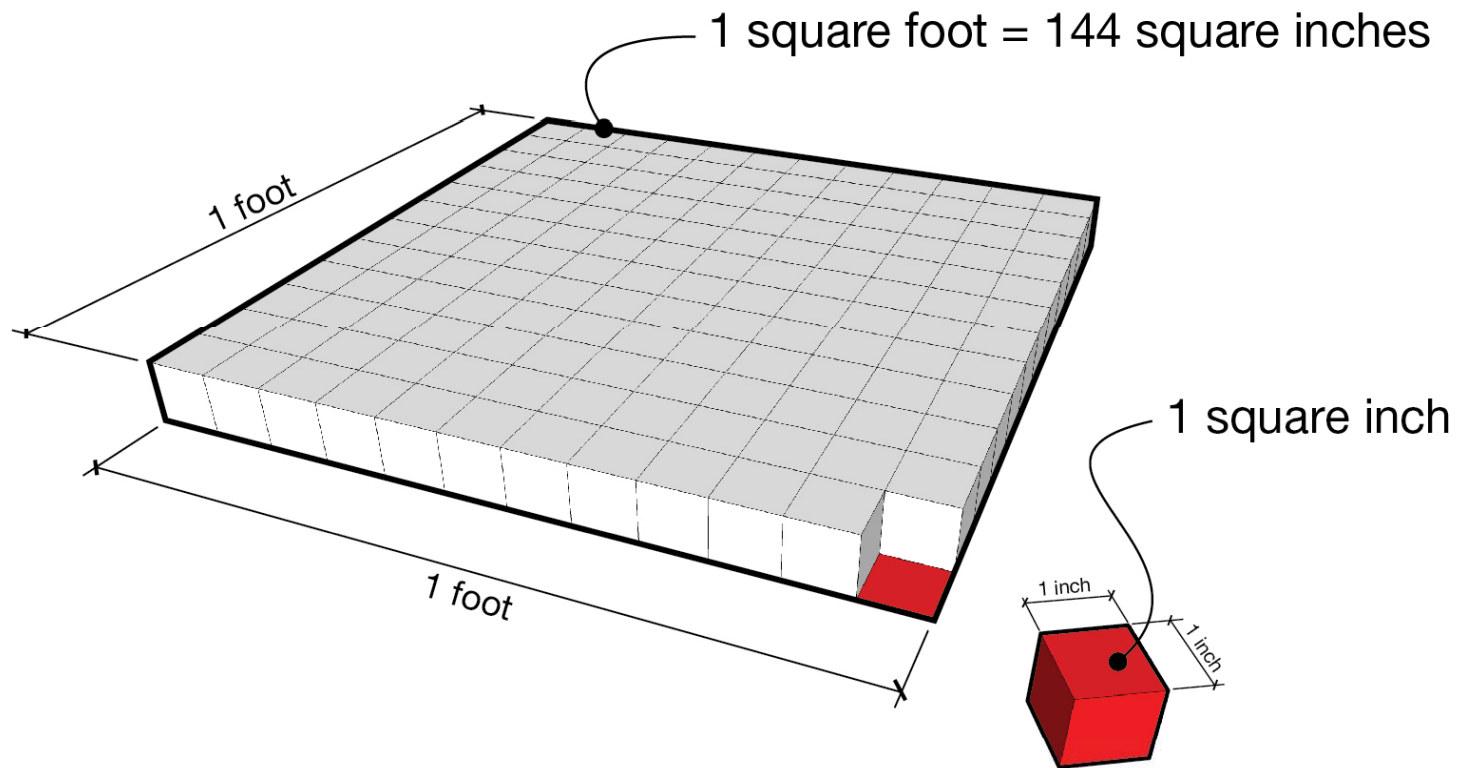
Mitigation Fee

4. What is the impact of all development?

Type	# of Units	Units
Total Housing	15,819,840	sq. ft.
Total Commercial	+ 1,397,463	sq. ft.
Total All Development	17,217,303	sq. ft.
Sq. Ft. of Government Facilities (per Plan)	÷ 95,251	sq. ft.
Ratio: Sq. Ft. of Gov Facilities per Sq. Ft. of Development	0.00553	sq. ft.

Mitigation Fee

5. What is “0.00553 sq. ft.”? = almost 1 square inch



Every square foot of development needs
about 1 square inch of government facilities

6. Why isn't the ratio based on new development, and not existing?

- **The new city hall and public works facility will serve both new and existing development**
- **Most of the cost of the city hall and public works facility will be paid by new development (will be shown in section 10 & 11)**

Mitigation Fee

7. What is the size and cost of government facilities in the plan?

Cost Component	Cost	Size	Cost per Sq. Ft. of Buildings
City Hall Land	\$ 1,000,000	2.00 acres	
Public Works Land	137,500	2.75 acres	
Construction	29,733,715	95,251 sq. ft.	
Soft Costs	16,782,774		
Total	<u>\$47,653,989</u>	÷ 95,251 sq. ft	= \$ 500.30

Mitigation Fee

8. How much is the mitigation fee?

Cost per Sq. Ft. of Government Facilities	\$	500.30
Ratio: Sq. Ft. of Gov Facilities per Sq. Ft. of Development	x	0.00553
Mitigation Fee per Sq. Ft. of Future Development	\$	2.77
Average Sq. Ft. per New Dwelling Unit	x	2,095
Mitigation Fee per New Dwelling Unit	\$	5,803.15

Mitigation Fee**9. Compare mitigation fees**

Type of Future Development	Unit of Development	Proposed Mitigation Fee	Placeholder Fee From Dvpmnt Agreement
Commercial	square foot	\$ 2.77	\$ 1.50
Residential	dwelling unit	\$ 5,803.15	\$ 1,750.00

Mitigation Fee

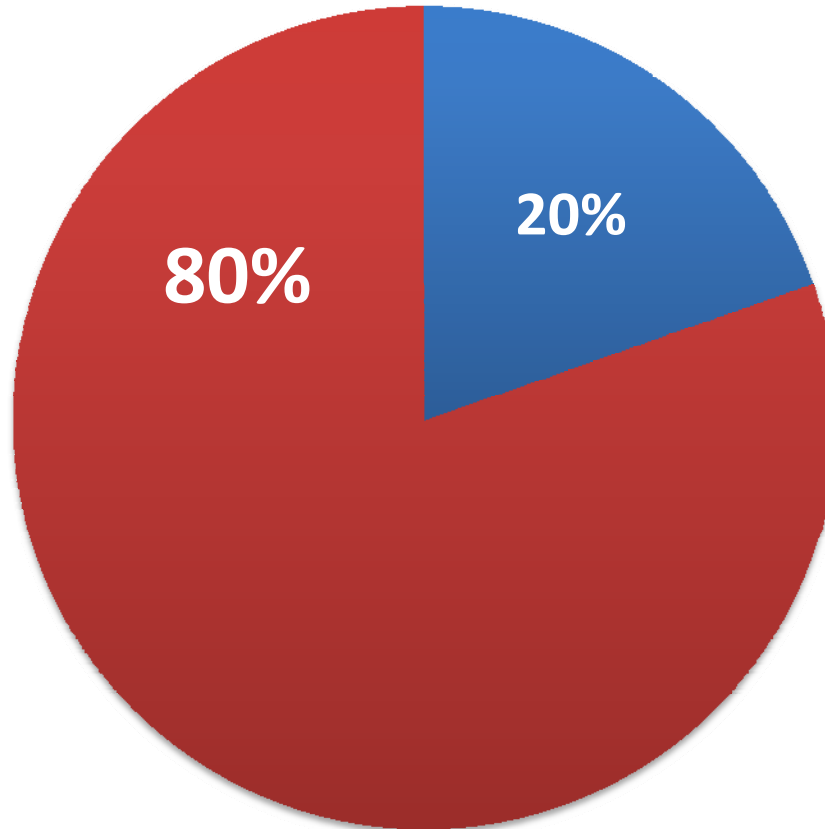
10. What is new development's share of the cost?

Development	# of Sq. Ft.
Total New Housing	12,674,750
Total New Commercial	+ 1,165,000
Total New Development	13,839,750
Total ALL Development	÷ 17,217,303
New Development's Share	80.38%

Mitigation Fee

11. How much is new development's share of the cost?

Total Cost: \$47,653,989



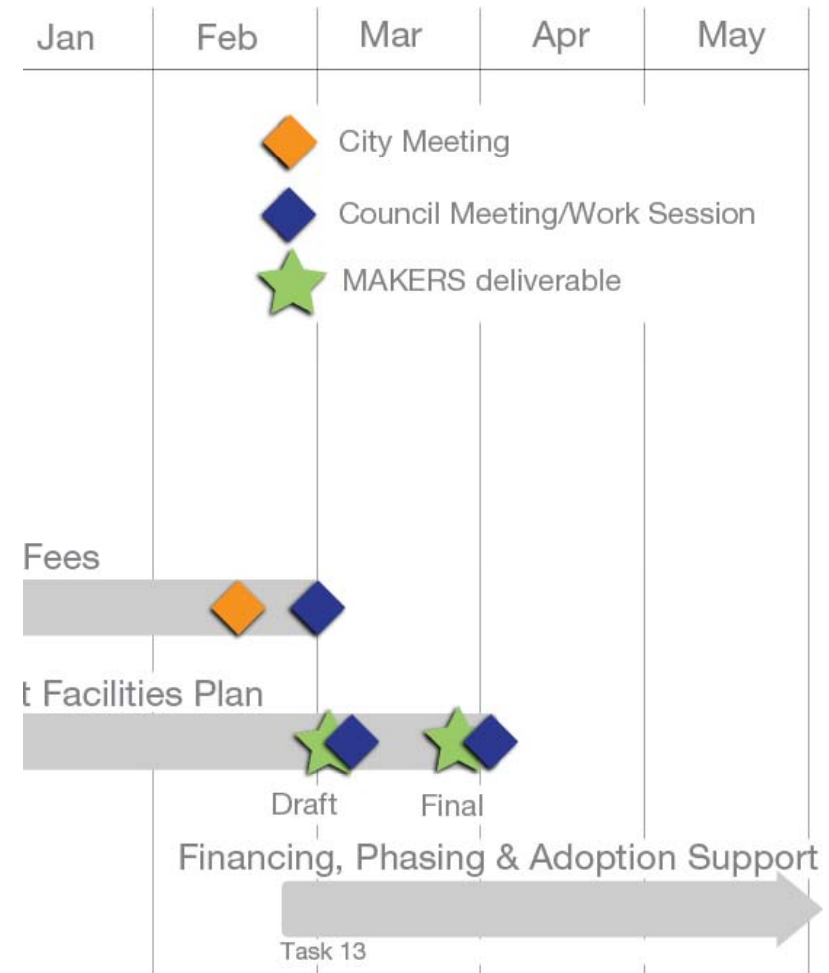
■ City of Black Diamond:
\$ 9,349,713

■ New Development:
\$38,304,276

Next Steps

- **Draft Government Facilities Plan**
- **Plan adoption**
- **Mitigation fee consideration & adoption**

Schedule Update: February 2014



Name of Firm	Proposed Primary Attorney	# of years Municipal Law or other Legal Experience	Proposed Rate	# of Hours per Month at Proposed Rate	Brief Description of Primary Attorney's Experience	Conflicts
Morris Law, PC	Carol Morris	24 years	\$240/hour	None. The rate quoted is hourly.	Ms. Morris has more than 24 years experience in representing cities either as in- house, or by contract. She is currently the City Attorney for the City of Ruston, represents other cities on specific municipal matters, and is currently working for the Association of Washington Cities (AWC) to represent cities in the AWC risk pool in land use litigation matters. The proposal indicates that Ms. Morris is available for up to 25+ hours per week and all City Council meetings. Her associate will provide backup attorney services for illness/vacation or as requested, and provided her hourly rate.	None addressed in this proposal.

Pacifica Law Group	Matthew Segal and Deanna Gregory	Not provided	\$6,000/month	up to 25 hours	<p>Mr. Segal is a founding partner of Pacifica Law Group focusing on litigation, counseling and dispute resolution for public and private clients. He has represented Bellevue, Seattle, Federal Way and Yakima as well as public entities such as Sound Transit, the Tacoma School District and King County Rural Library District.</p> <p>Ms. Gregory practices municipal finance and general municipal law, with emphasis on general obligation and utility revenue financings. She has served as bond counsel, disclosure counsel, and underwriter's counsel. She has experience with interlocal agencies and serves as outside counsel to public entities on general municipal matters, open public meetings, public records and disclosure records.</p>	Currently counsel for Covington Water District and Soos Creek Water and Sewer District.
Goodstein Law Group PLLC	Carolyn Lake	Over 30 years	\$7800/month	40 hours/month	<p>All attorneys have extensive working knowledge of municipal government legal issues, with strong emphasis on land use, public works construction and procurement. They also have experience in public records act compliance and litigation, risk management and insurance issues, comprehensive plan and zoning issues, environmental law, employment law, the growth management act, appearance of fairness doctrine, open public meeting act transportation issues, public works and contracting labor negotiations, and all matters related to municipal legal services.</p>	References are mostly Ports, not cities. Letters of recommendation of Master Builders Association and Building Association of Washington.

December 18, 2013

City of Black Diamond
ATTN: Mr. Mark Hoppen
P.O. Box 599
Black Diamond, WA 98010

Re: Response to City Attorney RFP

Dear Mr. Hoppen:

The following is the response of Morris Law, P.C. to the City of Black Diamond City Attorney RFP.

I. About the Firm and Our Experience.

Narrative description of the firm: Since 1998, Morris Law, P.C. has represented municipal clients, and with a focus on general municipal (excluding personnel/labor issues), land use and constitutional law. Carol Morris is the president/owner, and Jennifer Robertson is an associate. The firm's business office is in Gig Harbor, Washington.

General experience of the firm:

Carol Morris has more than 24 years of experience representing cities and towns as the city or town attorney. She is currently the City Attorney for Ruston, and provides land use services to other cities under contract, such as Edmonds, Fircrest and Bremerton. In the past, Carol Morris has been the Town/City Attorney for Gig Harbor, Carnation, Hunts Point, Kenmore, Kalama and Eatonville. She has worked "in house" for the City of Kent as an Assistant City Attorney, and as a Rule 9 intern/paralegal with the City of Seattle. Carol also provided Assistant City Attorney services for a number of cities while an associate and later, a member, of Ogden Murphy Wallace LLC, (including, but not limited to, Bothell, Clyde Hill, Mukilteo, Edmonds, Issaquah, Poulsbo and Redmond).

For the last 19 years, Carol has also been hired by the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) to represent the pool cities in land use litigation. These lawsuits involved appeals of land use decisions with accompanying damage claims up to 50 million dollars.

She has also handled land use lawsuits (or administrative appeals) with or without damage claims for a number of cities, including but not limited to, Airway Heights, Brier, Ellensburg, East Wenatchee, Ferndale, Friday Harbor, Gig Harbor, Gold Bar, Hunts Point, Kalama, North Bend, Orting, Port Orchard, Poulsbo, Ruston, Sequim and Yelm.

As part of her services to AWC-RMSA, she provides land use training seminars (about 6 per year) for city councilmembers and planning commission members in the member cities.

In addition to the above, Carol has provided general advice and/or legal representation in land use lawsuits to non-AWC-RMSA pool cities such as Everett, Bremerton, Stanwood, Colville, Fircrest, Mercer Island and the only two community municipal corporations in the State of Washington (the Houghton Community Council and the East Bellevue Community Council).

Carol has also developed a model development code for use by small cities, which is annotated with case law and updated on a regular basis to ensure consistent compliance with law. AWC-RMSA hires her to craft ordinances for use by the cities and towns in the insurance pool to address new legal issues (such as marijuana and recent legislative amendments to the State Subdivision Act).

In sum, Carol's litigation experience during the last 24 years involves representation of municipal clients in general land use, real property and tort litigation, in administrative hearings before boards such as the Pollution Control Hearings Board, Shorelines Hearings Board, the Growth Management Hearings Board, as well as superior court, the appellate and federal courts. In all of this time, Carol has only lost four of these lawsuits, but her clients have never had to pay any money to the plaintiffs as a result.

Current municipal clients.

Currently, Carol Morris is the City Attorney and Jennifer Robertson is the Assistant City Attorney for Ruston. Jennifer provides the bulk of the services to Ruston. Carol Morris is currently providing model code services to Edmonds and Yakima. She advises Bremerton and Fircrest on land use issues on an as-needed basis. She is currently representing the Cities of Ruston, Ferndale and Port Orchard in land use litigation through the AWC-RMSA insurance pool. At present, Carol is advising the Edmonds City Council in a closed record hearing involving the appeal of the Architectural Review Board's decision on large multi-family residential project.

Identify experience with municipal and land use issues.

As city/town attorney for the last 24 years, Carol has been involved in every aspect of municipal law and practice (with the exception of personnel and employment issues), including, but not limited to: comprehensive plan adoption/amendment, zoning code amendment, SEPA, critical areas ordinances, permitting, development agreements, moratoria, marijuana, water/sewer/transportation concurrency, code enforcement, condemnation, nuisance litigation, real property acquisition, public works contracting, utility services, street issues, subdivisions and shorelines. Carol also taught municipal law at the University of Puget Sound Law School (now Seattle University) for two semesters in 1998-99.

Carol's general municipal experience also involves the review, drafting and negotiation of contracts and interlocal agreements on any subject, ranging from the funding and construction of \$40 million roadway improvements to \$75.00 contracts for quilting workshops. As city attorney (and attorney for a fire district), she drafted contracts for the purchase of fire engines, police cars and patrol boats. Carol has been asked to draft, review and/or enforce contracts for the sharing of responsibilities between her client city, another city and/or the county for mutual aid, police task force responsibilities, annexation agreements, inspections relating to building permits in newly annexed areas and the construction of large-scale sewer projects.

In the planning arena, Carol has been asked to provide training to city councils, planning commissions, staff members and the public on land use issues. As city attorney, she reviews and provides recommendations on staff reports, to assist final decision makers and provide advice on issues such as appearance of fairness, conflict of interest, authority, constitutional matters and the drafting of the final land use decision of the city. She has drafted numerous ordinances on every subject, including, but not limited to, comprehensive plan amendments, zoning codes, permit processing procedures, SEPA, concurrency, impact fees, transfers of development rights, critical areas and code enforcement. Carol has attended hundreds of city council and planning commission meetings as city attorney or special land use counsel (for the purpose of assisting the decision-makers in the drafting of findings and conclusions to support land use decisions).

Carol has represented a number of cities in administrative actions such as appeals before the Growth Management Hearings Board involving appeals relating to concurrency, comprehensive plan amendments, inter and intra-jurisdictional consistency of development regulations, annexation issues, designation of urban growth areas, etc. She has also been asked to represent cities challenging county comprehensive plan amendments, based on deficiencies relating to SEPA and GMA compliance.

Carol was hired by AWC-RMSA to develop a training manual for cities on moratoria and interim zoning, complete with model ordinances, which is available on her website at carolmorrislaw.com. More recently, she wrote a report on Marijuana Regulation (also available on her website) and was asked by the insurance pool to develop a model ordinance for cities relating to medical marijuana. This Marijuana Regulation report has been used by municipalities throughout Washington, as well as the Washington County Prosecuting Attorneys' Association (in Oregon).

In 2010, Carol obtained a dismissal of a lawsuit involving a \$56 million damage claim filed against Gig Harbor and the Gig Harbor City Council members *personally*, for their actions relating to a land use decision. She obtained another complete dismissal of recent lawsuit filed against the City of Yelm and the Planning Director personally, based on a subdivision approval. A few years ago, Carol filed a lawsuit on behalf of the City of Orting to invalidate a development agreement between the City and a developer relating to the installation of a sewer line to serve a proposed development of over 8,000 people.

The City prevailed in the lawsuit, and in subsequent mediation obtained a dismissal of the developer's \$35 million dollar damage counter-claim against the City.

Many city attorneys are involved in the front end of the development process – advising the city on code adoption, review of permit applications and land use decision-making. When a lawsuit is filed, the city's insurance carrier usually assumes defense of the lawsuit, and assigns a new attorney to handle the litigation. Because the city attorney is not involved in the litigation arising from the advice he/she provided or ordinance he/she drafted, the ability to predict the outcome of the litigation is limited. Carol's advice can be relied upon because she has filled the role of both city attorney and the attorney assigned to handle defense of a damage lawsuit arising from her advice/work product. This breadth of experience allows her to "see around corners," and prevent unnecessary litigation and/or disputes.

II. Proposed City Attorney and Back-Up.

Carol Morris is proposed as the City Attorney for Black Diamond. Jennifer Robertson will provide back-up services as needed to cover Carol's vacation/illness. Their resumes are attached.

III. Accessibility and Responsiveness.

Carol Morris is available to handle all City Council meetings and up to 25+ hours per week on Black Diamond matters. She will be available to the City in person, by e-mail, telephone land line, cell phone or fax. Lead time is usually very short for ad-hoc meetings, especially telephone conference calls. If there is a reason for Carol to attend an ad-hoc, unscheduled, urgent meeting in person, she may need at least 3-4 hours lead time.

IV. Proposed fee structure.

The hourly rate for Carol Morris during the first three years of the contract for all legal services (including litigation) would be \$240.00. Jennifer Robertson's hourly rate is \$225.00. However, Carol Morris would be the lead attorney, and Jennifer Robertson would not be involved with Black Diamond except in the event Carol was ill or on vacation (or with Black Diamond's express permission).

We understand that some cities would like to have more predictability with regard to their finances, and might desire a retainer contract for attorney services. Morris Law is open to executing a retainer contract with the City with a not-to-exceed amount for city attorney services (although not with regard to litigation). If the City desired a contract of this type, we would propose to work for the City for up to 6 months under an hourly arrangement in order to establish an average number of hours to use in the retainer contract. (Please keep in mind that the existing city attorney contracts are not helpful in this regard, given the difference in experience and skill levels of the attorneys.)

Morris Law, P.C. does not bill for long-distance telephone, legal research costs or mileage. We will not charge for travel time. Black Diamond will only be billed for the firm's out-of-pocket costs, such as filing fees, legal messenger fees, large photocopying projects or bulk mailing (without markup).

V. Why Black Diamond Should Hire Morris Law, P.C.

The City may receive a number of responses to the RFP from firms specializing in municipal law and the provision of city attorney services. Many of these firms propose an experienced attorney as the city attorney during the interview process, but once hired, a much less experienced associate provides the day-to-day city attorney services. The result is that the City may be billed at a lower rate for the associate, but because the associate likely is performing many tasks for the first time, the associate spends a great deal of time on the particular task.

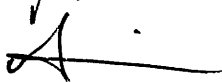
If the City hires Morris Law, P.C., we will guarantee that Carol Morris will be the city attorney and provide all of legal services to the City. There are very few city attorney tasks that she hasn't already done at least once, and usually many times, over the last 24 years. Usually, Carol has a form that she has developed, and can modify it for the City with little to no cost.

In addition, the City should consider the fact that Carol was the city attorney in Gig Harbor for 14 years, while Mark Hoppen was the administrator. During that time, Carol and Mark established significant trust in each other's abilities and an excellent working relationship. Mark knows exactly what to expect with Carol, and this can be a significant advantage in all aspects of the City's business, from Mark's knowledge of the way Carol handles herself in negotiations to his knowledge that her work product will be accurate and timely delivered.

Finally, if the City is interested in an attorney with a great deal of municipal land use knowledge and experience, few attorneys can compare with Carol. That is the reason that the AWC-RMSA has hired Carol over the last 10+ years to answer its Land Use Hotline and provide answers to land use questions to pool members. It is also significant to note that city attorneys (such as the Bremerton City Attorney) hire Carol to provide more expansive land use advice on land use issues or in land use litigation.

Thank you for the opportunity to respond to the RFP.

Sincerely,

A handwritten signature in black ink, appearing to be 'Carol A. Morris', with a long horizontal stroke extending to the right.

Carol A. Morris

VI. References.

Steve Ekberg. Steve is a Gig Harbor City Council Member, and was on the Council for many years while Carol Morris was City Attorney. He is also the President of the Board of Directors for the Association of Washington Cities Risk Management Services Agency. His contact information is as follows:

Steve Ekberg
7411 Stinson Ave.
Gig Harbor, WA 98335
253-851-7937
Cell: 253-380-0287

Derek Bryan. Derek is the Program Manager for Association of Washington Cities Risk Management Services Agency. Derek has worked with Carol for at least five years, assigning her work for the cities in the insurance pool.

Derek Bryan
Association of Washington Cities
1076 Franklin Street S.E.
Olympia, WA 98501
800-562-8981

Steve Osguthorpe. Steve is the Planning Director for the City of Yakima. Steve worked as a Planner in Gig Harbor while Carol was City Attorney there. Since that time, Steve has hired Carol to represent his employers – Shelton and now Yakima – in land use matters.

Steve Osguthorpe
City of Yakima
129 N. 2nd Street
Yakima, WA 98901
509-575-6000

CAROL A. MORRIS
Morris Law, P.C.

3304 Rosedale Street N.W., Gig Harbor, WA 98335
(253) 851-5090 F: (360) 850-1099
carol@carolmorrislaw.com
website: carolmorrislaw.com

EDUCATION

Juris Doctorate 1988
University of Puget Sound, Tacoma, WA (Seattle University)

Bachelor of Science 1984
Major: Legal Administration
City University, Seattle, WA

AFFILIATIONS

Washington State Bar Association; Washington State Association of Municipal Attorneys
United States District Court, Eastern and Western Washington, 9th Circuit Court of Appeals,
United States Supreme Court

EXPERIENCE

Owner/President/Attorney 1998- present
Morris Law, P.C.

Represent cities and towns by providing a full range of civil legal services (excluding employment and criminal prosecution) with a special emphasis on land use. Served as city/town attorney or assistant city attorney for over 19 cities in the last 24 years. Currently serve as the Ruston City Attorney.

Handle land use damage and tort litigation for the 80+ cities in the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) insurance pool (since 1994). Provide additional services for the pool cities, such as code review (to ensure codes are consistent with law), code revision, pre-litigation advice and representation, and answer the land use hotline sponsored by AWC-RMSA. Provide land use training seminars as requested by AWC-RMSA at the Association of Washington Cities annual conference and provide general land use training seminars for cities throughout the state (average of 4-5 per year).

Of Counsel 1998
Kenyon Law Firm
Issaquah, WA
Same general municipal practice — city attorney representation, land use and tort litigation.

CAROL A. MORRIS

Adjunct Professor of Law

1998-1999

University of Puget Sound (Seattle University), Tacoma, WA
Taught municipal law at the UPS law school for two semesters.

Member

1996-1998

Ogden Murphy Wallace, PLLC

1601 – 4th Ave., Seattle, WA 98401

Same general municipal practice – represented Kenmore, Gig Harbor, Carnation, Hunts Point as city/town attorney, handled land use and tort litigation for cities in the AWC-RMSA insurance pool.

Associate

1992-1996

Ogden Murphy Wallace, PLLC

(see above)

Same general municipal practice – represented Bothell, Clyde Hill, Mukilteo, Edmonds, Redmond, Issaquah as assistant city attorney.

Assistant City Attorney

1990-1992

City of Kent

Kent, Washington

In-house assistant city attorney, assigned to departments of planning and public works. Provided advice, drafted ordinances/resolutions, handled condemnation actions, administrative appeals, code enforcement, etc.

RECENT PRESENTATIONS:

Land use training for city councils, planning commissions and staff, sponsored by Association of Washington Cities Risk Management Services Agency (at least 3-4 per year)

Marijuana Law, King County Bar Association, Seattle, 2013

Marijuana Law, Washington State Municipal Attorneys' Association, Suncadia, 2013

Marijuana Law in Washington, Washington State Bar Association-CLE, Seattle, 2012

Land Use Toolbox, Annual Association of Washington Cities conference in Spokane, 2011

Medical Marijuana Local Regulation, AWC-RMSA sponsored workshop, Bellevue, 2011

Law Seminars, Seattle, development agreements, 2011

University of Washington Law School Foundation, Seattle, presentations on concurrency, subdivisions, development agreements, takings, impact fees, permit conditioning, SEPA, 2006, 2007, 2008, 2009, 2010

Appellate Judges' Spring Program, Regulatory Takings and Damages, 2003

RECENT ARTICLES

Author, "Recreational and Medical Marijuana Uses – Local Regulation," 2013; "Moratoria Handbook for Municipalities" 2005; "Concurrency and Moratoria" 2006; Completion and Maintenance of Subdivision Improvements" 2007; "Subdivisions, Imposing Conditions" 2008; "Code Enforcement" 2009; "Development Agreements" 2011. Articles are posted on website: carolmorrislaw.com.

JENNIFER S. ROBERTSON
Morris Law, P.C.

3304 Rosedale Street N.W., Gig Harbor, WA 98335
(253) 851-5090 F: (360) 850-1099

EDUCATION

Doctorate of Jurisprudence, cum laude (6/150) 1993

Certificate in Dispute Resolution

Willamette University College of Law, Salem OR

Bachelor of Arts 1990

Major: Economics; *Minors:* Mathematics and English

University of Puget Sound, Tacoma WA

AFFILIATIONS

Washington State Bar Association; Washington State Association of Municipal Attorneys
United States District Court, Western Washington

EXPERIENCE

Attorney 2010 - present

Morris Law, P.C.

Gig Harbor WA

Represent small cities and towns by providing a full range of civil legal services with a special emphasis on land use. Duties include drafting ordinances and resolutions; advising city councils, planning commissions and staff; reviewing and drafting contracts and interlocal agreements; advising on public works issues and bid packages; advising on city-operated utilities and land use applications and decisions, including drafting decisions and recordable documents.

City Councilmember 2009 – present

(Deputy Mayor 2012-2013)

City of Bellevue

Bellevue WA

Elected to serve the citizens of Bellevue to provide oversight and policy direction for the City, including setting the City budget. Elected in 2009 and re-elected in 2011. Represent Council on the Light Rail Leadership Group which successfully negotiated with Sound Transit on the following issues: the \$160 million tunnel funding MOU, the land use code overlay, and the final system alignment through Bellevue. Regional assignments include: PSRC Growth Management Policy Board and King County Growth Management Planning Council and Executive Committee. Serve as Council Liaison to Planning Commission, Library Board, Bellevue School Board and Bellevue Sister Cities Association.

JENNIFER S. ROBERTSON

Planning Commissioner
(Chairperson 2007-2008)
City of Bellevue
Bellevue WA

2003 – 2009

Prepared recommendations to City Council regarding land use and zoning issues, including conducting public hearings and evaluating information from staff. Completed the award-winning Bel-Red Plan update during time as chair.

Co-Chair Light Rail Best Practices Committee
City of Bellevue
Bellevue WA

2007 - 2008

Studied and evaluated light rail development and design. Made recommendations to City Council regarding adoption of land use regulations and Comprehensive Plan Amendments to facilitate “best practices” for light rail design and implementation.

Attorney
Ogden Murphy Wallace, PLLC
Seattle WA

1996 - 2000

Practiced municipal law and land use litigation. Duties included drafting ordinances and resolutions; advising city councils, planning commissions, and boards of adjustment; reviewing and drafting contracts and interlocal agreements; performing all aspects of telecommunications work; litigating land use matters, including Land Use Petition Act appeals, 42 U.S.C. §1983 damage claims, code enforcement, and condemnation claims.

Attorney
Davies Pearson, PC
Tacoma WA

1993 - 1996

Practiced in the areas of civil litigation, general business, and estate planning/trusts. Litigation practice included employment law, domestic relations, business law and debt collection.

Court Certified Law Clerk
Marion County District Attorney’s Office
Salem OR

1992 - 1993

Represented County prosecuting juvenile offenders for felonies and misdemeanors and terminating parental rights.

VOLUNTEER ACTIVITIES

Girl Scout Troop Leader
Girl Scout Volunteer

2011 – present

2004 – present

Board Member, Bellevue Philharmonic Orchestra

2010 – 2012

Somerset Elementary PTSA Legislative Affairs Chair

2005 – 2009



Pacifica Law Group LLP
1191 Second Avenue, Suite 2100
Seattle, Washington 98101
206-245-1700

Proposal to the City of Black Diamond, Washington, to Provide City Attorney Services

**Submitted by: Pacifica Law Group LLP
February 10, 2014**

VIA ELECTRONIC MAIL

City of Black Diamond
ATTN: Christy Todd
P.O. Box 599
Black Diamond, WA 98010

Table of Contents

I.	Cover Letter	3
II.	Expression of Interest	3
III.	Relevant Experience	4
	a. Unparalleled Experience with Washington Law	4
	b. General Counsel Experience	5
	c. Litigation and Appellate Experience	6
	d. Construction and Public Works	7
	e. Real Estate Experience	8
	f. Local Improvement District Experience	8
IV.	Method of Service Provision; Attorney Resumes	9
	a. Method of Service Delivery	9
	b. Attorney Resumes	9
V.	Proposed Compensation/No-Charge Investment Time	9
VI.	Avoiding Conflicts	10
VII.	Client References	11
VIII.	Conclusion	11

Appendix A: Attorney Resumes

**Proposal to the City of Black Diamond
to Provide City Attorney Services**



Pacifica Law Group LLP
1191 Second Avenue, Suite 2100
Seattle, Washington 98101
206-245-1700

February 10, 2014

VIA ELECTRONIC MAIL

City of Black Diamond
ATTN: Christy Todd
P.O. Box 599
Black Diamond, WA 98010

Dear Ms. Todd:

Thank you for including Pacifica Law Group LLP ("Pacifica") in your consideration of law firms to provide City Attorney services to the City of Black Diamond (the "City"). We would be honored to have the opportunity to represent the City in this regard. We believe the following key qualifications distinguish our firm and make us uniquely well-qualified to provide outstanding legal services to the City:

- **A Firm Founded to Serve Pacific Northwest Clients.** Pacifica is dedicated to serving Pacific Northwest clients, particularly our municipal and other public clients, over the long term. As a firm we have made deliberate and particular choices: to serve Washington public entities and other Pacific Northwest clients, to emphasize our municipal law, public finance, construction, real estate, public-private, appellate, and constitutional law areas of excellence, and to contribute to our communities both as lawyers and as a firm.
- **Depth of Practice and City Experience.** Pacifica is well positioned to provide legal advice and support to the City, the City Council, the City Mayor, the City Administrator and staff. Our city practice is a keystone of our firm. We have particular depth with municipal, state and federal statutes as they relate to cities, including the Interlocal Cooperation Act, the Open Public Meetings Act, and the Public Records Act and the applicable regulations including records retention provisions, and state and municipal ethics laws and policies. Pacifica also has been retained to litigate issues throughout the Northwest in the region's appellate and trial courts including issues under SEPA, the GMA, and LUPA. As a nationally recognized bond firm, our attorneys have represented cities in financing a host of public improvements, including through the formation of local improvement and other special assessment districts. Pacifica attorneys have represented cities in the State for the full spans of their legal careers, including specific experience representing the City with respect to the potential formation of a community facilities district. We are committed to serving cities - our membership and participation in the Association of Washington Cities and the

Washington State Association of Municipal Attorneys are examples of this commitment. Pacifica also brings a strong depth of practice including litigation, real estate, public contracting, construction, and environmental matters including pollution liability and clean-up, and endangered species act litigation.

- **Unmatched Service; Team Approach.** As a firm with a strategic focus and a cooperative culture, our attorney team communicates daily, providing consistent, seamless responses to questions and monitoring the status of projects and open issues. We propose that Matthew J. Segal and Deanna Gregory would serve as the lead partners for the legal team for the City. Matt and Deanna would work closely with Paul Lawrence (litigation and appellate), Sarah Johnson (litigation, municipal law, and appellate), Rich Moore (real estate and leasing), Zak Tomlinson (construction and procurement law), Kymberly Evanson (general municipal law), and other Pacifica attorneys as necessary. We also have experience coordinating and working cooperatively with specialized attorneys in other areas, such as labor counsel.
- **Creative and Thoughtful Solutions; Community Commitment.** We are cognizant that our representation, and the advice we provide, reflects on our clients. We are proud of our contributions to creative and thoughtful solutions for clients. We pride ourselves not only on our technical know-how and our leadership at the national level, but on being “counselors” to our clients, understanding and advancing our clients’ goals, and engaging in our community and its public institutions.
- **Avoiding Conflicts.** Pacifica is very sensitive to conflicts of interest. As a regional law firm that primarily serves public entities in the Pacific Northwest, we strive to avoid conflicts with our public entity clients.
- **Cost.** We formed Pacifica to be in the very strongest position to provide high-quality advice within a cost structure that works for public entities. We are pleased to be able to control our costs, and to have the flexibility to negotiate alternative fee structures that work for our clients. We are both willing and able to develop a fee structure tailored to the needs of the City.

Our team of attorneys has the experience, knowledge, legal capability and depth to meet the needs of the City. We would consider it a privilege to serve as City Attorney to the City. We would be very pleased to meet with you to discuss our response. We welcome follow-up questions and discussion and encourage you to call our references. Thank you for your consideration.

PACIFICA LAW GROUP LLP



Matthew J. Segal



Deanna Gregory

I. Cover Letter

Please see attached cover letter.

II. Expression of Interest

Pacifica Law Group LLP (“Pacifica”) is pleased to submit this proposal to provided City Attorney services to the City of Black Diamond (the “City”).

Pacifica is a limited liability partnership formed in the State of Washington on March 30, 2011. Pacifica was founded by six partners who left K&L Gates LLP to create a law firm focused on representing municipal and other clients based in the Pacific Northwest, providing general counsel, bond counsel, appellate and governmental litigation support, and complex project advice to public and private entities in the Pacific Northwest.

Pacifica has grown to include 24 attorneys who practice in the areas of municipal law and finance, construction, public-private partnerships, real estate, litigation, appeals, and other areas of general municipal law.

Pacifica lawyers are recognized for their substantive knowledge, unparalleled experience with Washington law, skillful approach to solving complex challenges, successful track record, and unwavering integrity. Pacifica is ranked as Tier 1 in the 2014 Edition of *U.S. News – Best Lawyers* “Best Law Firms” in the areas of Appellate Practice and Public Finance Law for the Seattle Metropolitan area. Stacey Crawshaw-Lewis, Paul Lawrence, Mac McCullough, Rich Moore, Faith Pettis, Jay Reich and Matt Segal are recognized by *Best Lawyers in America*, and John Parnass is recognized in *Chambers USA* as one of “America’s Leading Lawyers for Business” in litigation. In addition, the majority of our lawyers have been selected for multiple years for inclusion in the “Washington Super Lawyers” and “Rising Stars” lists by *Washington Law & Politics*.

Pacifica meets or exceeds all requirements in the City’s Request for Qualifications – Contracted City Attorney Services (the “RFQ”): each member of our proposed team possesses a Juris Doctorate degree and is a graduate of a law school accredited by the American Bar Association, is a member in good standing with the Washington State Bar Association, and has more than five years of experience in the field of municipal law, including particular experience in land use and public works construction.

We propose to provide legal services to the City in accordance with the Scope of Services outlined in the RFQ, which would include providing routine legal advice, research, telephonic and personal consultations with members of the City Council, the City Mayor, the City Administrator, and staff; reviewing and/or preparing staff reports, resolutions, ordinances, agreements and other documents required by the City; attending regular and special meetings (including executive sessions) as requested; assisting with regulatory compliance and negotiations and representing the City in litigation in administrative, state, and federal forums; assisting with real estate, construction, and procurement matters; assisting with the formation of local improvement districts and the collection of assessments; and serving as a liaison and coordinating with other outside counsel for the City. Our approach to providing City Attorney services to the City is straightforward: we will make the City a high priority, provide legal services promptly, efficiently, and in accordance with industry standards, and make sure the City is always supported.

III. Relevant Experience

a. Unparalleled Experience with Washington Law. As general counsel or special counsel to a host of municipalities, Pacifica attorneys have broad and deep experience with the range of constitutional and statutory provisions that affect the work of municipal corporations. All of the lawyers at Pacifica have extensive experience with Washington public law (constitutional, statutory, regulatory and case law, informed by attorney general opinions and other guidance). We routinely work with clients on issues related to open public meetings laws, public records policy, retention and disclosure, public disclosure commission regulation and election law, ethics and governance policies, application of local tax revenue to public projects, property acquisition and disposition, and financing tools under state law. We track and analyze legislative proposals and are asked to draft bills in each session. We also have extensive experience with budget requirements and financial and performance audits, and enjoy a strong working relationship with staff and legal counsel at the Washington State Auditor's Office.

Clients turn to Pacifica attorneys for their significant issues. Pacifica attorneys have represented public entities at all levels: from assignment as special assistant attorneys general for the State of Washington to special prosecuting attorneys for counties to acting as outside counsel for cities, port districts, public utility districts, housing authorities, and other special purpose districts. For example, Pacifica attorneys have represented Sound Transit since its inception litigating cases that range from attacks on the constitutionality of the agency and its taxing scheme to litigating inverse condemnation claims to advising on insurance issues. The scope of our representation of public entities has included counseling and litigation involving public contracting, real estate, insurance recovery, environmental (NEPA/SEPA, pollution liability, ESA), construction and land use.

Representative clients include:

- City of Burien
- City of Bellevue
- City of Bellingham
- City of Camas
- City of Cle Elum
- City of DuPont
- City of Everett
- City of Kenmore
- City of Kent
- City of Kirkland
- City of Maple Valley
- City of Mercer Island
- City of North Bend
- City of Ocean Shores
- City of Pacific
- City of Port Angeles
- City of Puyallup
- City of Redmond
- City of Renton
- City of Seattle
- City of Snoqualmie
- City of Tacoma
- City of University Place
- City of Yakima
- Sound Transit
- University of Washington
- Kitsap County
- Kitsap Transit
- Port of Olympia
- Port of Seattle
- Port of Pasco
- Port of South Whidbey
- Washington Department of Natural Resources
- Washington State Housing Finance Commission
- Washington Higher Education Facilities Authority
- King County Housing Authority
- Housing Authority of Snohomish County
- South Correctional Entity
- South Correctional Entity Facility Public Development Authority
- Klickitat Public Utility District
- Cowlitz Public Utility District
- Chelan Public Utility District
- Covington Water District
- Soos Creek Water and Sewer District
- Cascade Water Alliance
- Northshore Utility District
- Pike Place Market Preservation and Development Authority
- Museum Development Authority of Seattle
- Bellingham Public Development Authority
- South King Fire and Rescue
- Jefferson Public Hospital District
- Peninsula Metropolitan Park District

- Metropolitan Park District of Tacoma
- Si View Metropolitan Park District
- Bethel School District No. 403
- and many other public and private sector clients in the Pacific Northwest.

Pacifica also has been retained to litigate issues throughout the Northwest in the region's appellate and trial courts on behalf of public entities. These representations include issues under the Public Records Act, the Open Public Meetings Act, SEPA, the GMA, and LUPA. Pacifica attorneys also have substantial experience litigating tax, fee and assessment issues.

b. General Counsel Experience. We serve as general or outside special counsel to a wide array of municipal entities and non-profit corporations. In this capacity, we are often called upon to provide guidance on corporate governance and policy issues, interpret liability provisions, review contracts and transactions, consider legal and regulatory compliance issues, advise on issues regarding the lending of credit or gifts of public funds, review compliance with prevailing wage and competitive bidding statutes, analyze ethical issues, and represent clients in insurance, contract, tort and other disputes. We also have significant experience providing legal advice with regard to regular and special meetings and executive sessions. We regularly draft motions and resolutions, review meeting minutes, attend staff and council/board meetings, and provide day-to-day assistance when called upon. We also have particular experience negotiating, drafting and reviewing interlocal agreements, to accomplish public projects and goals.

Representative general counsel clients include:

- *North East King County Regional Public Safety Communications Agency (NORCOM).* Representing NORCOM as general counsel, Pacifica attorneys address governance, procurement, interlocal and contract interpretation, open public meetings, public records, contracting, and service agreements. Pacifica attorneys attend monthly board meetings and other meetings upon request and review and/or draft resolutions prior to board consideration.
- *South Correctional Entity (SCORE).* Representing the South Correctional Entity as general counsel, Pacifica attorneys address governance, procurement, interlocal and contract interpretation, finance, open public meetings, public records, contracting, service agreements, municipal law and litigation matters. Pacifica attorneys attend monthly board meetings and other meetings upon request, review and/or draft resolutions prior to board consideration, represent SCORE in administrative and court proceedings, advise on land use issues, and are in frequent contact with the SCORE director and staff on day-to-day issues.
- *Foss Waterway Public Development Authority.* Representing the Foss Waterway Public Development Authority as general and special counsel, Pacifica attorneys have played a leading role in the redevelopment of Tacoma's central waterfront for commercial and institutional use. Pacifica attorneys have advised the Foss PDA regarding public-private partnerships, partnership agreement negotiations, procurement and contracting.
- *Pike Place Market Public Development Authority.* Representing the Pike Place Market Public Development Authority as general and special counsel, Pacifica attorneys have negotiated

and implemented a range of transactions that further the mission of Seattle's historic public market. These projects have combined a range of funding sources including historic, housing and new market tax credits, a City of Seattle levy lid lift, tax-exempt bonds and private lease revenues to complete housing, commercial, infrastructure and other market improvements.

- *Public Utility District No. 1 of Klickitat County, Washington.* Representing Klickitat Public Utility District as special counsel, bond counsel, litigation counsel, and disclosure counsel, Pacifica attorneys have worked with the district on various matters including financings for its electric system and water utility systems and assisting with governance, procurement, open public meetings, public records, contracting, service agreements, defense of eminent domain proceedings, and other municipal law and litigation matters.
- *Washington State Housing Finance Commission.* As general counsel and bond counsel to the Washington State Housing Finance Commission, Pacifica attorneys are called upon to review contracts, interpret liability provisions and advise on issues regarding the lending of credit or gifts of public funds and compliance with prevailing wage and competitive bidding statutes, as well as records retention and open meeting requirements, eminent domain and foreclosure.

c. Litigation and Appellate Experience. Pacifica attorneys litigate throughout the Northwest in the region's appellate and trial courts on behalf of public entities, private companies and individuals. We have been retained to litigate a wide range of issues including many high-profile and precedent-setting cases. We are experienced with handling both large and small cases as well as arbitrations and mediations. We believe that litigation success starts with planning, working with our clients to assess cases, developing budgets and deciding on appropriate litigation strategy. Our team approach assures effective and cost-efficient representation.

The litigation team is led by Paul Lawrence, who has been litigating cases for 30 years and was former chair of the Litigation Department of Preston Gates & Ellis (now K&L Gates), and Matthew J. Segal, who has been litigating cases for 13 years after clerking for the Washington Supreme Court. Together, Paul and Matt have argued more than 70 appeals and tried more than 25 cases.

Our litigation attorneys regularly handle complex constitutional disputes on behalf of public and private clients. We understand both the procedural and substantive issues inherent in successfully resolving constitutional matters. Examples of our experience include constitutional land use issues (such as eminent domain, inverse condemnation, and substantive due process); challenges to state legislation based in federal protections such as the Commerce Clause, Supremacy Clause and Contract Clause; individual rights such as equality, marriage, and privacy; freedom of expression, speech and association under the First Amendment including defense of libel, defamation and invasion of privacy claims.

Pacifica attorneys have been on the cusp of initiative and referenda practice in Washington for more than a decade. Cases in which Pacifica lawyers have been involved as lead or amicus counsel include challenges to Initiatives 601 (regarding imposition of a 2/3 vote requirement for the passage of taxing measures), 695 (an initiative combining \$30 car tabs and a public vote requirement for all new taxes), 722 (the so-called "son" of 695), 776 (another successor to Initiative 695), 297 (an initiative attempting to limit federal authority over the Hanford nuclear facility), 342 (attempting to

forcibly recall local government bonds), Referenda 60 (relating to an attempt to refer legislation that contained a valid emergency clause), 71 (regarding rights of domestic partners), Seattle Initiative 83 (the “Monorail Recall” initiative), and Seattle Referendum 1 (regarding the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program tunnel).

Pacifica attorneys also regularly advise and consult upon, and appear in court or administrative proceedings arising from election law issues including challenges to ballot titles and summaries, voter’s pamphlet challenges, campaign finance requirements, sufficiency of initiative or referendum signatures and qualification procedures, and the constitutional voting rights.

We also have extensive experience on matters relating to insurance coverage. This ranges from advice and consulting on insurance procurement and claims, to complex coverage disputes in Washington, locally and internationally. Pacifica attorneys are familiar with and regularly analyze a complete spectrum of coverages including general liability, product liability, directors’ and officers’ liability, errors and omissions, property, crime, cyber coverage, professional liability, and public entity liability. Pacifica attorneys also focus on other important legal issues that arise in coverage disputes such as relationships with excess carriers, multi-carrier claims, claims handling regulations, and bad faith.

Our experience includes a broad range of environmental litigation including land use work, GMA, SMA and SEPA/NEPA. For example, we successfully defended Sound Transit in NEPA and SEPA challenges to their East Link light rail project. We have previously successfully defended Sound Transit in earlier NEPA and SEPA litigation regarding their phase I light rail project. We have significant land use, GMA and SMA experience including projects relating to siting a school district facility building, siting telecommunications facilities, and siting Safeco Field. We have defended both public and private entities with regard to claims for environmental liability under CERCLA and MTCA and under tort theories, and also provided municipal clients with advice and consulting regarding these laws as they relate to procurement, waste management and other similar projects. We are representing the Washington Department of Natural Resources with regard to ESA issues in Western Washington, and we have successfully represented both public and private entities in land use litigation under LUPA and the Growth Management Act.

d. Construction and Public Works. Pacifica’s public works procurement and dispute practice is comprehensive. We have represented many large municipal and governmental clients on all types of large civic and infrastructure projects, including Sound Transit, the City of Bellevue, Snohomish County, the City of Everett, numerous large water and wastewater utilities, and the public facilities district that owns and leases Safeco Field. Our construction and procurement attorneys have depth in risk management to avoid or mitigate the occurrence of claims and in litigating claims when necessary, including alternative dispute resolution such as mediation, arbitration, Dispute Review Boards, and mini-trials.

We assist clients with a variety of complex public sector procurement issues, from bid document and contract preparation to selection of architectural and engineering service providers and consultants. Many of our clients solicit work (and bid on projects) using traditional design-bid-build procurement. In that area, we actively assist clients in taking advantage of opportunities to use bidder qualification rules to increase the quality and responsibility of bidders.

Our clients also increasingly procure projects using alternative methods such as GC/CM, Design-Build and Integrated Project Delivery. Pacifica's construction lawyers have expertise in both traditional and alternative delivery systems and have assisted many clients with procuring and building large civic and public facilities (schools, courthouses, bridges, sports stadiums and tunnels) using these alternative processes. We also regularly represent clients in defending and challenging public procurement procedures in bid protests.

We provide a wide variety of general counsel services, responding efficiently to issues that commonly arise before or during construction. We do so primarily for owner clients (cities, counties, school districts, port authorities, special purpose districts) and certain contractors, providing guidance on issues related to:

- | | |
|--|----------------------------------|
| • Insurance | • Pass-through agreements |
| • Disadvantaged Business Enterprise (DBE) compliance | • Preconstruction agreements |
| • Indemnity | • Joint venture agreements |
| • Prevailing Wage | • Default and termination |
| • Retainage trust fund issues | • Schedule delay issues |
| • Site safety | • Differing Site Conditions |
| • Change order negotiations | • Impact and inefficiency claims |

Our attorneys assist a wide variety of Washington State water and sewer utility districts with procurement and construction of complex projects. Recent projects have included an \$80 million wastewater treatment facility, a \$40 million pollution control facility, an extensive lead paint and asbestos abatement and remediation project, a \$20 million open cut gravity sewer system in high groundwater with permeable soils, and a \$5 million open cut of a sensitive river with bypass and diversion systems.

e. Real Estate Experience. Our real estate attorneys represent a variety of clients in leasing, managing, acquiring or disposing of commercial and public properties. Our clients look to us for advice on all aspects of owning and managing commercial real estate, including resolving landlord and tenant disputes, interpreting contract provisions and analyzing title issues. Pacifica lawyers are experienced in performing due diligence evaluations, including detailed title and survey review, for purchases of individual properties, as well as multi-property portfolio acquisitions. We regularly assist clients in drafting and negotiating purchase and sale agreements, licenses, covenant agreements, private and public easements. We also review and/or prepare financing and closing documents and help to meet our clients' goals by efficiently managing the closing process.

We also counsel landlords and tenants in all aspects of commercial leasing, including leases for offices, industrial, warehouses, marinas, and governmental/municipal purposes. Our representation of both landlord and tenant clients, on a national basis, provides us with significant insight into market terms and conditions.

f. Local Improvement District Experience. Attorneys at Pacifica have extensive public finance and litigation experience, representing cities and other local governments in financing street and other public improvements including through the formation of local improvement and other special assessment districts. We are well-versed in the statutory requirements, informed by case law, of LID formation and assessment financing, and can assist through all steps in the LID process including

drafting notices to property owners, resolutions of intent, formation ordinances, assessment confirmation ordinances, and interim and long-term financing documents. Although the procedural steps in forming a LID and imposing special benefit assessments are dictated by statute, these steps are best implemented in a manner that exceeds minimum statutory requirements by inviting public participation, cognizant of the possibility that one or more property owners may challenge the process. With our team, which combines the perspectives of both public finance attorneys and litigators, we are particularly well-positioned to advise the City on legal approaches to inviting timely and meaningful public participation while preparing for and working to limit the scope of any legal challenge.

IV. Method of Service Provision; Attorney Resumes

a. Method of Service Delivery. Pacifica recognizes the benefits of using a coordinated, team approach. We would propose to provide City Attorney services to the City through a tested team of Pacifica attorneys. We also recognize that it is best for the client, typically, to have an identified point of contact with primary responsibility for doing and/or coordinating the client's work within the firm. This is the most efficient way for us to provide service, and it controls the potential for redundant or ineffective time spent by multiple attorneys. Accordingly, we propose that Matt Segal and Deanna Gregory be your primary contacts. Matt would also be primary lead on litigation matters. Zak Tomlinson would be primary lead on public contracting and construction matters. Rich Moore would be primary lead on real estate matters. Other members of our team (Sarah Johnson, Kymberly Evanson, Haley Krug, or other Pacifica attorneys as determined from time to time) would be consulted as needed.

Our clients particularly appreciate the depth of our team and the ability to call on any of our team members without restraint. In our experience, this collaborative approach ensures availability and responsiveness: a key member of the team is always available to answer questions in "real time," to attend meetings—on short notice, if necessary—and to provide a proactive focus on each project with an eye toward pragmatic rather than legalistic solutions. All of the members of our proposed team communicate regularly on transaction status and open issues.

Your lead counsel would attend each meeting of the City Council and we would be available to advise staff with respect to wide-ranging municipal law questions. Our goal will be to ensure the City is always properly supported.

b. Attorney Resumes. Resumes for our proposed team are attached in **Appendix A**.

V. Proposed Compensation/No-Charge Investment Time

Pacifica was formed to provide high-quality advice within a cost structure that works for public entities. We are pleased to be in a position to control costs, and to have the flexibility to negotiate alternative fee structures that work for clients. We would appreciate the opportunity to meet with you to discuss the scope and number of hours per month you anticipate the City needing for legal services. We will then be able to determine whether an hourly rate with a cap, a fixed monthly fee, or other arrangement would work best for the City. With that in mind, we have prepared the following initial proposal, which consists of three main aspects:

First, to assist in making the transition to Pacifica cost-effective and productive for the City, we propose to make a non-chargeable investment totaling 25 attorney hours to come up to speed on

matters of current importance to the City, conduct background discussions with staff, review existing agreements and generally prepare ourselves to serve the City.

Second, we propose a monthly fixed fee for City Attorney services up to 25 hours per month of \$6,000 for 2014. This amount is calculated based on a blended hourly rate of the proposed attorney team, and reflects a further discount. As we anticipate the majority of our work will be captured in our monthly fixed fee, we want to be clear that we are willing and able to reach a monthly fixed fee that works for the City.

Third, for special projects and general legal services beyond 25 hours per month we propose to charge a discounted hourly rate for all Pacifica attorneys performing legal services for the City. We would work with you to determine how each matter will be staffed and set a budget that works for the City. We would not charge separately for any unauthorized expenses without the City's prior written approval.

Our rates reflect the experience we have in providing these services, and our clients feel well served by the quality of our advice and appreciate the value provided. The proposed rates set forth in the table below are applicable to 2014 (and reflect a further discount from our other public rates, subject to annual adjustments):

Name	Hourly Billing Rate
Matt Segal (general counsel; litigation)	\$335
Deanna Gregory (general municipal law; legislative matters; LID and municipal finance)	\$295
Paul Lawrence (litigation)	\$495
Rich Moore (real estate and leasing)	\$350
Zak Tomlinson (construction; procurement)	\$350
Brie Jenson (real estate and leasing)	\$270
Sarah Johnson (litigation, general municipal law; appellate)	\$285
Kymberly Evanson (litigation; general municipal law)	\$245
Haley Krug (litigation; general municipal law)	\$285

VI. Avoiding Conflicts

We take conflicts very seriously—not to be papered-over, but to be avoided whenever possible. We formed Pacifica in part to minimize the potential for client conflicts because we found that, in larger firms, conflicts are inevitable and weaken client confidence in attorney loyalty, even when knowingly waived. Even at Pacifica, a smaller firm primarily serving public clients, we encounter conflicts from time to time.

Pacifica currently does not represent any entity in a dispute with or litigation against the City. As a general matter the firm does not represent private developers, which further reduces the potential for conflicts. We are proactive in identifying potential conflicts—including positional conflicts—with our clients and take specific steps to minimize the likelihood of potential conflicts. We welcome the opportunity to discuss this matter with you, as conflicts expose the City to unnecessary risk.

VII. Client References

The following clients are references for our work.

References			
Lori Riordan, Esq. City Attorney City of Bellevue 450 110th Avenue NE PO Box 90012 Bellevue, WA 98009 (425) 452-6829	Penny Bartley, CJM Director South Correctional Entity (SCORE) 20817 17th Avenue S. Des Moines, WA 98198 (206) 257-6262	Desmond Brown, Esq. General Counsel Sound Transit 401 S. Jackson Street Seattle, WA 98104 (206) 398-5000	Jim Smith General Manager Klickitat Public Utility District 1313 S Columbus Ave Goldendale, WA 98620-9578 (509) 773-5891

We would be pleased to provide additional references upon request.

VIII. Conclusion

We believe our team of attorneys has the experience, knowledge, legal capability and depth to meet the needs of the City. We would welcome the opportunity to meet with you to discuss our proposal. Thank you for your consideration.

Appendix A: Resumes



Matthew J. Segal, Partner

Matt Segal is a founding partner of Pacifica Law Group. Matt's practice focuses on litigation, counseling and dispute resolution for public and private clients.

Matt's litigation experience spans the appellate and trial court level, with an emphasis on complex appellate matters, federal and state constitutional law, municipal law, insurance coverage, land use, public records, and media & privacy issues. Matt has appeared and presented arguments in state and federal trial and appellate courts, including the United States Court of Appeals for the Ninth Circuit, Washington Supreme Court, all three divisions of the Washington Court of Appeals, and the United States District Courts for the Western District of Washington and Eastern District of Washington, District of D.C., Southern District of California, and District of Maine.

Matt also regularly counsels and defends public clients with respect to a wide range of topics. Matt's work for public clients has included representing cities such as Bellevue, Seattle, Federal Way and Yakima; and other public entities such as Sound Transit, the Tacoma School District, and the King County Rural Library District.

Prior to the founding of Pacifica Law Group, Matt was a partner at the law firm of K&L Gates, and an associate at its predecessor firm Preston Gates & Ellis. Before entering private practice, Matt also served as a judicial clerk for Justice Charles W. Johnson of the Washington State Supreme Court, where he drafted opinions on issues ranging from software licensing to capital punishment, reviewed legal briefings on cases before the court, and made recommendations to the bench. Matt also worked as an extern for the Pierce County Department of Assigned Counsel, where he tried cases as criminal defense counsel for disadvantaged youths. Matt began his legal career as a law clerk for Rush, Hannula, Harkins & Kyler in Tacoma, Wash.

Bar Admissions:

- Washington
- Oregon

Honors:

- Selected for inclusion in *The Best Lawyers in America*® 2014 in the fields of Appellate Law and Municipal Law (Copyright 2013 by Woodward/White, Inc., of Aiken, SC)
- 2013 *Washington Super Lawyers*
- 2012 *Washington Super Lawyers*
- 2011 *Washington Super Lawyers*
- *Washington Rising Stars* (2004-09)
- Preston Gates & Ellis Jim Ellis Award for service as an ACLU Cooperating Attorney

- Greater Seattle Business Association's Special Recognition Award Collaboration for Social Change

Representative Matters:

- *Central Puget Sound Regional Transit Authority v. Level 3 Communications, LLC*, 2012 WL 1574305 (9th Cir. 2012)
- *Parisi v. Sinclair*, 2012 WL 3068437 (D.C. Cir. 2012) (appeal dismissed by opposing party)
- *Chicago Title Ins. Co. v. State Office of the Ins. Commissioner*, 166 Wn. App. 844, 271 P.3d 373 (2012)
- *Freeman v. Gregoire*, 171 Wn.2d 316, 256 P.3d 264 (2011) (dismissal of original writ proceeding in Washington Supreme Court in favor of Sound Transit)
- *Eastwood Enterprises, Inc. v. Tacoma School Dist. No. 10*, 2011 WL 2565255 (Wash. App. 2011 (obtained reversal of fee awards against the District, and denial of subsequent petition for review)
- *State v. Fry*, 168 Wn.2d 1, 228 P.2d 1 (2010)
- *Sanders v. State*, 169 Wn.2d, 240 P.3d 120 (2010)
- *Pande Cameron & Co. of Seattle, Inc. v. Central Puget Sound Regional Transit Authority & City of Seattle*, 376 F. Appx. 672 (9th Cir. 2010)
- *Coulter v. AstenJohnson, Inc.*, 155 Wn. App. 1, 230 P. 3d 169 (2010)
- *United States v. Manning*, 527 F.3d 828 (9th Cir. 2008) (constitutionality of Washington Initiative 297)
- *Gearin v. Jones*, 2008 WL 4060945 (Wash. App. 2008)
- *Washington Rule of Law Project v. McKenna* (Wash. 2007)
- *Pierce County v. State II*, 159 Wn.2d 16, 148 P.3d 1002 (2006)
- *In re Disciplinary Proceeding Against Sanders*, 159 Wn.2d 517, 145 P.3d 1208 (2006)
- *Coulter v. AstenJohnson, Inc.*, 135 Wn. App. 613, 146 P. 3d 444 (2006)
- *Sheehan v. Central Puget Sound Regional Transit Authority et al.*, 155 Wn.2d 790, 123 P.3d 88 (2005)
- *United States v. Hoffman*, 154 Wn.2d 730, 116 P.3d 999 (2005)
- *Washington State Farm Bureau Federation v. Reed*, 154 Wn.2d 668, 115 P.3d 301 (2005)
- *United States v. Manning*, 434 F. Supp. 2d 988 (E.D. Wash. 2006) (constitutionality of Washington Initiative 297)
- *Reliance Ins. Co. v. Plum Creek Timber Co., L.P.*, 2004 WL 838634 (Del. Super.) (insurance coverage)
- *Daimatsu v. City of Bellevue*, No. 03-2-32651-8 SEA (K.C. Super. Ct., 2003) (land use/real estate)
- *G.B. Enterprises, Inc. v. Ronken Industries, Inc.*, No. 02-CV-02189-RBL (W.D. Wash. 2002) (products liability)
- *City of Federal Way v. St. Paul Ins. Co.*, No. 03-CV-00171-TSZ (W.D. Wash. 2002) (insurance coverage)



Deanna Gregory, Partner

Deanna practices municipal finance and general municipal law, with emphasis on general obligation and utility revenue financings. Her experience includes serving as bond counsel, disclosure counsel, and underwriter's counsel on financing matters for a variety of public entities, including cities, public utility districts, public hospital districts, ports, fire protection districts, transit agencies, public development authorities, public facilities districts, school districts, industrial development corporations, and state agencies. Financing structures include revenue bonds, general obligation bonds, lease financings, assessment financings, short-term obligations, industrial development bonds, and other private-activity bonds. Deanna routinely serves as bond counsel and disclosure counsel on combined and stand-alone water, sewer and storm drainage system, solid waste system, electric distribution system, and generation system revenue financings for city utilities, water-sewer districts, and public utility districts.

Deanna also advises clients on revenue options available under state law, including lodging taxes, emergency medical services levies, affordable housing levies, levy lid lifts, and excess levies, as well as in the use of special purpose entities such as public development authorities, public facilities districts, metropolitan park districts, and transportation benefit districts. Deanna has significant experience in the use of interlocal agencies and the Interlocal Cooperation Act to accomplish public projects and goals. Deanna also serves as outside counsel to public entities on general municipal matters, advising clients on open public meetings, public records and disclosure matters, and other municipal law issues.

Bar Admissions:

- Washington

Education:

- University of Washington, B.A., Political Science (major), Women's Studies (minor), Society and Justice (minor)
- Gonzaga University School of Law, J.D., *summa cum laude* (Thomas More Scholar, 1999—2002; Deans Medal for Academic Achievement recipient, 2002; Alpha Sigma Nu National Honor Society, member, 2000—2002; Lawless Memorial Award, recipient, 2002)

Honors:

- Selected to *Washington Super Lawyers*, 2013, 2014
- Selected to *Washington Rising Stars*, 2010—2012

Community Involvement:

- Encompass Northwest, current Board Member
- Hopelink, Executive Leadership Council, current Member
- Puget Sound Finance Officers Association, current Board Member
- Solid Ground, Former Board Member (former president and treasurer of Board), 2006—2012
- CASA Program (King and Spokane Counties), 1999—2002

Professional Organizations:

- National Association of Bond Lawyers, Education Committee, Chair, 2011-2013; Vice-Chair, 2010-2011
- National Association of Bond Lawyers, Fundamentals of Municipal Bond Law Conference, Faculty, 2013
- Washington Association of Municipal Attorneys
- Washington Association of Public Utility District Attorneys
- Washington Finance Officers Association
- Washington Public Ports Association
- Puget Sound Finance Officers Association, current Board Member

**Paul J. Lawrence, Partner**

Paul Lawrence is the senior litigation partner at Pacifica Law Group LLP. Paul concentrates his practice on complex appellate and civil litigation, including commercial, municipal, constitutional, environmental, and insurance coverage cases in federal and state courts. Paul's appellate experience includes over fifty appeals principally in the Ninth Circuit Court of Appeals, the Supreme Courts of Washington and Montana, and the various Courts of Appeal in Washington. He has also practiced in the

United States Supreme Court, the Third, Eleventh, D.C., and Federal Circuit Courts of Appeal, and the California and New York appellate courts.

Paul has been lead trial counsel in numerous successful complex, multi-party cases, including jury trials, in federal and state courts in Washington, Montana, and California.

His clients include a broad range of public entities and private clients including Fortune 500 Companies, significant local businesses, a foreign nation, and Washington counties, cities, special purpose districts, and port districts. He previously Chaired the Litigation Department at Preston Gates Ellis (now K&L Gates) and the Appellate Practice Group at K&L Gates.

Bar Admissions:

- Washington
- Montana
- U.S. District Court Eastern District of Washington
- U.S. District Court Western District of Washington
- U.S. District Court of Montana
- Court of Appeals – D.C. Circuit
- Third Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. Supreme Court

Education:

- University of Chicago, B.A., Politics, Economics, Rhetoric and Law, Dean's List

- University of Pennsylvania Law School, J.D., with honors (University of Pennsylvania Law Review, Articles Editor)

Honors:

- Selected to Washington Super Lawyers, 2001–2014, and to Washington Super Lawyers Top 100, 2012–2013
- Selected for inclusion in The Best Lawyers in America, in the field of Appellate Law (Copyright by Woodward/White, Inc., of Aiken, SC), 2010-2013
- 2012 Fellow of Litigation Counsel of America
- Peer Review Rated AV® Preeminent™ in Martindale-Hubbell
- Selected as a leading lawyer in the Puget Sound region for 2012, as determined by his peers (Seattle Business Magazine)
- Listed in Seattle Met “Best Lawyers”
- ACLU’s Preston Gates & Ellis Jim Ellis Award

Community Involvement:

- ACLU of Washington Board Member, 1985–present, former Board President, 1989–1996
- ACLU National Board Member, 1999–2005
- Intiman Theatre Board Member, 2002–2011

Professional Organizations:

- Greater Seattle Business Association, Special Recognition Award, Collaboration for Social Change
- American Bar Association Council of Appellate Lawyers
- Washington Appellate Lawyers Association

Representative Matters:

- State Legislators and Education Advocates: Successful Challenge to the Constitutionality of the 2/3rds Vote Initiative.
- Pike Place Market Development Agency: Defended the Pike Place Market against efforts of the Urban Group to wrest control of the market from the public.
- Washington State Major League Baseball Stadium Public Facilities District: Defended over a dozen lawsuits challenging various aspects of the effort to build the Safeco Field baseball stadium in Seattle.
- Sound Transit: Defended several lawsuits challenging the legality of Sound Transit and its public transportation projects. Issues litigated include the constitutionality of the statute creating Sound Transit and the taxes imposed to fund Sound Transit, the legality of changes to the Sound Move plan, compliance with NEPA/SEPA, and the potential impairment of Sound Transit’s bonds.
- City of Seattle: Represented the City in its litigation to prevent the Sonics from breaking its Key Arena lease.
- The Republic of Nauru: Obtained defense trial verdict in a federal lawsuit alleging breach of contract and breach of the covenant of good faith and fair dealing. Trial court judgment affirmed on appeal.
- BNSF Railway Company: Prosecuted and defended cases arising from alleged environmental contamination in Washington and Montana. Successfully argued that federal law preempted a

local effort to regulate environmental impacts of a rail transportation plan. Appellate Counsel work in Washington.

- PPL Montana: Obtained intentional breach of contract finding at federal court trial in Montana. Defended claims by State regarding ownership of riverbeds upon which PPL Montana's dams sit.
- Microsoft Corp.: Defeated an attempt to certify a class of plaintiffs alleging product defects and advertising misrepresentations in Windows 95. Litigated a multi-million dollar CGL insurance coverage claim.
- Monin, Inc.: Prevailed in a federal court jury trial in Washington defending a manufacturer accused of breaching distribution and commission contracts.
- Queen City Farms: Litigated from trial to state Supreme Court the leading Washington case establishing that general liability insurance policies provide coverage for costs to clean up environmental damages. Obtained millions of dollars in settlement for client.
- Amazon.com: Litigated a multi-million dollar advertising injury insurance coverage claim.
- Delta Airlines: Lead counsel for Delta Airlines in a five-week federal trial regarding the constitutionality of City's airport access ordinance. Judgment for airlines entered at trial and upheld on appeal.



Zak Tomlinson, Partner

Zak Tomlinson's practice focuses on the construction industry, and he counsels clients at every phase of the construction process. His representative clients include public owners (including utility and school districts), private owners and developers, general contractors, and design professionals. He advises clients on the front-end of projects (including bidding, contract drafting, and procurement issues), and has a particular interest in alternative methods of project procurement and administration. He also represents clients throughout the claims and dispute resolution process, and has significant experience in mediating, arbitrating, and litigating claims in state and federal courts.

Bar Admissions:

- Washington
- Western District of Washington
- Eastern District of Washington
- Ninth Circuit

Education:

- Stanford University, B.A., Public Policy
- University of Washington School of Law, J.D., with honors (Order of the Coif, *Washington Law Review*, Executive Articles Editor)

Publications:

- Co-Author, *An Owner's Guide to Managing Trenchless Risks*, Pacific Northwest Trenchless Review (Spring 2014)
- Co-Author, *Pacifica Builds* (Pacifica Law's Construction Law Blog) (2013 – present)

- Author, *CR 13 Counterclaims and Cross Claims*, Washington Civil Procedure Deskbook (2008-present, new edition 2014)

Community Involvement:

- West Seattle Junction Association, Board Member (2011—present)
- Northwest Immigrant Rights Project, *pro bono* attorney

Professional Organizations:

- King County Bar Association
- Washington State Bar Association, Construction Law Section
- American Bar Association, Construction Law Section

Representative Matters:

Litigation Experience

- Subcontractor Default Termination. Represented general contractor in default termination of landscaping subcontractor on public works school project. Obtained significant damages award at arbitration.
- HUBZone Project. Represented contractor in lawsuit arising from profit sharing agreement on federal HUBZone project at the Howard Hanson Dam. Obtained complete judgment for the amount sought after a five day trial.
- Tunneling / Differing Site Conditions. Co-counsel to utility district in defense of \$3 million differing site condition claims arising from trenchless construction.
- Bid Protests. Represented owners and contractors in multiple bid protests on a variety of public works projects.
- Statute of Limitations / Statute of Repose. Member of team that represented major league baseball team in construction claims involving significant statute of limitations and statute of repose issues. Washington Supreme Court Decisions at *Wash. State Major League Baseball Stadium PFD v. Huber, Hunt & Nichols-Kiewit Const. Co.*, 165 Wn.2d 679, 202 P.3d 924 (2009) and *Wash. State Major League Baseball Stadium PFD v. Huber, Hunt & Nichols-Kiewit Const. Co.*, 165 WN. 2d 679, 202 P.3d 924 (2013).

Transactional Experience

- Public Procurement. Counsel to numerous public entities in procurement of a variety of construction projects and other goods and services.
- Contract Drafting / Negotiation. Drafted and negotiated numerous design and construction agreements, including under traditional design/bid/build arrangements and newer alternative forms of contract.



Rich Moore, Partner

Rich Moore counsels public and private clients in commercial leasing and real property transactions. His practice includes the representation of landlords and tenants in complex retail, office, industrial, telecommunications, life sciences, and other specialty leases. Rich serves as leasing counsel to some of the top institutional landlords in the country, overseeing a portfolio of over 5,000,000 rentable square feet in the Puget

Sound region. He represents several national, publicly traded corporations in leasing key office, warehouse, distribution, data center, and telecommunications facilities across the country. Rich has experience representing public and private entities in significant ground lease, infrastructure, and other real estate transactions related to developing and operating various commercial and public facilities.

Rich's practice includes representing buyers and sellers in the evaluation, financing, acquisition, development, and sale of real property; handling easements, licenses, consultant contracts, and service agreements; advising landlords and tenants on lease disputes; and representing owners and developers in negotiating the full range of contracts essential to the design and construction process. Rich is a frequent chair and speaker at real property and commercial leasing seminars and classes.

Education:

- Hamilton College, B.A., Psychobiology
- University of Connecticut, J.D., with honors

Honors:

- Selected to *Washington Super Lawyers*, 2004—2014
- Selected to *Washington Rising Stars*, 2001—2003
- Selected for inclusion in *The Best Lawyers in America*, in the field of Real Estate Law (Copyright by Woodward/White, Inc., of Aiken, SC), 2010—2013
- Named in "Leader in Their Field," *Chambers USA*, 2010—2012

Professional Organizations:

- Former board member of WSBA RPPT section
- King County Bar Association

Representative Matters:

- Represents public and private institutional landlords with leasing, managing, and enforcing numerous office, warehouse, retail, industrial, biotechnology, and other spaces in various buildings and projects in Seattle and throughout Puget Sound (spaces ranging from approx. 1,000 sq. ft. to 500,000+ sq. ft.), including sites in Seattle, Kent, Kirkland, Tacoma, Bellevue, SeaTac, Renton, Fife, Auburn, Redmond, and Bothell
- Represents private (non-institutional) landlords on office, industrial, and retail projects and centers throughout Washington, including sites in Port Orchard, Poulsbo, West Seattle, Lacey, and Kirkland
- Represents publicly traded companies in leasing office, data center, warehouse, distribution, and telecommunications facilities in numerous locations across the U.S. (spaces ranging from approx. 1,000 sq. ft. to 1,000,000 sq. ft.); represents the same companies with disputes under such leases
- Represents biotechnology and life science companies (tenants) in leasing and improving office and laboratory space
- Represents public and private entities in negotiating ground leases for retail, medical, recreational, and other projects
- Represents public entities in managing and developing public projects

- Represents private property owners in negotiating access easements and licenses
- Represents commercial landlords and tenants in various disputes, including disputes regarding payment of rent and CAM expenses; mold issues; repair/maintenance issues; relocation of tenant at landlord's request; work-outs; and terminations



Sarah C. Johnson, Partner

Sarah Johnson focuses her practice on trial and appellate litigation, including the areas of constitutional and municipal law, commercial litigation, and litigation related to eminent domain and related issues. Sarah has represented public and private clients in successful appeals before both state and federal courts, including the Washington appellate courts and the Ninth Circuit Court of Appeals. Sarah has also provided general counsel services to various local government clients.

Before joining Pacifica Law Group, Sarah spent approximately eight years with the Appellate, Constitutional and Government practice group at K&L Gates in Seattle. Prior to law school, Sarah worked as a communications specialist and organizer for a community-based anti-violence initiative.

Sarah is admitted to practice in the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court for the Western District of Washington. She is a member of the King County Bar Association, and a former trustee of its Young Lawyers Division. Sarah is also a member of the Federal Bar Association and the William L. Dwyer Inns of Court.

Bar Admissions:

- Washington

Education:

- J.D. Harvard Law School (2003), cum laude (member Harvard Legal Aid Bureau, 2001-2003)
- B.A. Macalester College (1997), cum laude, Communication Studies

Honors:

- Selected to *Washington Super Lawyers*, 2014

Professional Organizations:

- Leadership Tomorrow, Class of 2009



Kymberly Evanson, Associate

Kymberly Evanson represents public, private, and not-for-profit clients in trial and appellate litigation matters, with a focus on constitutional, municipal, elections, and administrative law. She regularly advises clients in litigation matters arising under the National Environmental Policy Act, the Administrative Procedure Act, and the First Amendment, as well as other federal and state statutes. Kymberly also provides general counseling on a

variety of municipal issues and works closely with Pacifica's public finance team in finance-related litigation matters.

Kymberly has successfully represented clients before the United States Supreme Court, the United States Court of Appeals for the Ninth and District of Columbia Circuits, the Washington State Supreme Court and various federal and state trial courts.

Before joining Pacifica Law Group, Kymberly previously spent 2.5 years with the Appellate, Constitutional, and Governmental practice group at K&L Gates. Kymberly also served as a law clerk to the Honorable Emmet G. Sullivan of the United States District Court for the District of Columbia. Kymberly serves on the Board of Lawyers Helping Hungry Children and on the Alumni Board of Governors for Seattle University. She is also a volunteer attorney at the Federal Civil Rights Clinic for the United States District Court for the Western District of Washington.

Bar Admissions:

- Washington
- Western District of Washington
- Eastern District of Washington
- District of Columbia
- 9th Circuit
- D.C. Circuit

Education:

- Seattle University, B.A., French, English, *magna cum laude*, with honors (University Honors Program, Sullivan Leadership Award)
- Georgetown University Law Center, J.D., *magna cum laude* (*Georgetown Journal of Gender and the Law*, Articles and Notes Editor)

Honors:

- Selected to *Washington Super Lawyers*, 2013, 2014
- Selected to *Washington Rising Stars*, 2012
- Harry S. Truman Scholar
- 2011 Amicus Award from the Northwest Immigrants' Rights Project for *pro bono* work

Community Involvement:

- U.S. District Court Federal Civil Rights Clinic, Volunteer Attorney, 2012–Present
- Seattle University Alumni Board of Governors, 2011–Present
- Lawyers Helping Hungry Children, Board Member, 2010–Present

Professional Organizations:

- King County Bar Association, Appellate Section
- Federal Bar Association

Representative Matters:

- Sound Transit: Represent Sound Transit in a variety of matters, including NEPA litigation concerning the East Link light rail route, a First Amendment challenge to Sound Transit's signage policies, and various condemnation and construction related matters
- Washington State: Represent the Department of Natural Resources as a Special Assistant Attorney General in litigation concerning constitutional protection for state trust lands and federal and state court challenges to habitat conservation plans. Prepared an amicus brief on behalf of the State Treasurer related to municipal debt limits
- Washington State Tobacco Settlement Authority: Represent public authority in bankruptcy court claims arising out of the collapse of Lehman Brothers
- Northwest Pipeline: Represent Northwest Pipeline in variety of matters including multi-million federal suit related to natural gas transportation and state law claims related to Northwest's easement rights
- Amazon.com: Defended Amazon.com in federal court First Amendment case arising out of distribution of self-published work
- Port of Seattle: Defended a challenge to the Port's RFP process awarding the Sea-Tac airport taxi concession contract
- Let's Move Forward: Represented city-wide coalition in challenge to tunnel referendum and subsequent ballot title/voters' guide challenges
- Woodland Park Zoo: Defended the Zoo in litigation from trial court through the state Supreme Court related to the Zoo's elephant exhibit

COMMUNITY DEVELOP.

FEB 10 2014

RECEIVED

**GOODSTEIN LAW GROUP PLLC
RESPONSE TO
CITY OF BLACK DIAMOND
REQUEST FOR QUALIFICATIONS
CONTRACTED CITY ATTORNEY SERVICES**

Submitted by:

Carolyn A. Lake
Goodstein Law Group PLLC
501 South G Street
Tacoma WA 98405
(253) 779-4000 office
(253) 229-6727 cell
clake@goodsteinlaw.com

Due Date/Time:

10 February 2014, 4:00 PM

1. FIRM OVERVIEW:

GOODSTEIN LAW GROUP PLLC (GLG) IS EXCITED to submit this proposal for legal services in response to the Black Diamond Request for Qualifications for Contract City Attorney Services. We look forward with great interest and energy to the opportunity to continue to provide legal services in support of the City's goals.

GLG ATTORNEYS AND THEIR ALIGNED FIRM MEMBERS ARE ACTIVE, CURIOUS AND ENERGETIC. Our mission is to provide a robust mix of top notch services over the City's full range of legal matters. As of 2010, GLG is a woman-owned Firm; all attorneys are members of good standing with the Washington Bar.

GOODSTEIN LAW GROUP PLLC IS A FOCUSED FIRM which includes attorneys formerly practicing with several of Washington's oldest and largest firms. Goodstein Law Group PLLC was formed to more effectively provide legal services to Cities, Ports and special purpose governments, private business entities, and individuals.

SUMMARY OF FIRM & QUALIFICATIONS: **GOODSTEIN LAW GROUP PLLC HAS STRONG EXPERIENCE IN AND UNDERSTANDING OF A CODE CITY'S UNIQUE ROLE AS A GENERAL PURPOSE GOVERNMENT ENTITY.** All GLG attorneys have extensive working knowledge of municipal government legal issues, with strong emphasis in land use, public works construction and procurement. Additionally, GLG attorneys have decades of experience in general purchasing issues, Chapter 42.56 Public Records Act compliance and litigation, Risk Management and insurance issues, as well as Comprehensive Plan and zoning matters, environmental law, employment law, the Growth Management Act, the Appearance of Fairness Doctrine, Open Public Meetings Act issues, Transportation issues, public works and contracting, labor negotiations, and all matters related to municipal legal services. GLG is uniquely positioned to offer the City of Black Diamond top quality legal services, and added value to the City's risk management decisions.

GENERAL EXPERIENCE: **GOODSTEIN LAW GROUP PLLC PROVIDES LEGAL REPRESENTATION TO CITIES, PORTS, SPECIAL PURPOSE GOVERNMENTS,** public and private corporations, other forms of business entities, and individuals with interests in the Northwest. The firm is committed to and has a record of the delivering high quality legal services in the areas of municipal and special purposes government law; real estate; land use; zoning; growth management; environmental law; contracts, including the negotiation and preparation of all types of contracts and agreements, including inter-local agreements; employment law and personnel issues; public records and disclosure, products liability; general liability; construction; public works; administrative law; regulatory analysis, compliance, and enforcement; litigation and pro-active litigation prevention law, and as well as other areas involving municipal and special purpose government entities.

FIRM LAWYERS HAVE EXTENSIVE EXPERIENCE advising and assisting both public and private entities in the above areas, and are frequently called upon to assist as general or special counsel in a broad range of special matters. In addition, firm lawyers are frequent speakers on matters

involving real estate, environmental, transactional, and municipal entity governance issues. Our experience as general counsel and special counsel to municipal entities and business entities in these matters makes us uniquely qualified to perform the work outlined in your Request for Qualifications.

MUNICIPAL CLIENT EXPERIENCE: LEAD ATTORNEY MS LAKE, GLG OWNER, HAS SERVED AS LEGAL COUNSEL IN MULTIPLE MUNICIPALITIES, OVER A TERM OF THIRTY YEARS: City Attorney in Federal Way and Assistant City Attorney in the cities of Kent, Centralia, Redmond (Special Prosecutor), King County (Special Prosecutor), Federal Way, and University Place (pro bono upon City's incorporation). Performance of legal services for these public clients has given the Ms. Lake and GLG substantial experience in the law as it applies to special purpose and municipal governments in the State of Washington. In addition, Ms. Lake and firm attorneys have experience in all levels of administrative proceedings, the state court system, and the federal court system for the Western District of Washington and Ninth Circuit Court of Appeals.

REPRESENTATIVE CITY, PORT & CORPORATE CLIENTS –Over the last thirty years, Goodstein Law Group PLLC attorneys are pleased to have included among their clients the Port of Tacoma (as general counsel and litigation counsel), the Port of Olympia (as general counsel and litigation counsel), Port of Friday Harbor (General and special counsel), Port of Port Townsend (General and special counsel), the Port of Camas-Washougal (general counsel), the Port of Everett (as special counsel), the Port of Kalama (as special counsel), the Port of Anacortes (as special counsel), the Port of Longview (as special counsel), the Lockheed Martin Corporation (as special counsel), the Washington Public Ports Association (as general/special litigation counsel), Matsushima Company (Panasonic) (as special land use counsel), and the Lake Steilacoom Improvement Club (as special litigation counsel).

THE GOODSTEIN LAW GROUP'S GENERAL LEGAL COUNSEL RELATIONSHIP with these marquee Port, special purpose districts and municipal clients has provided extensive experience, on a frequent and daily basis, including the following legal tasks:

- Providing on-going high quality and practical legal advice, research, telephone and personal consultations with members of Councils, Commissions, Executives and Staff on a timely basis.
- Reviewing, advising on and/or preparation of staff reports, ordinances, resolutions, agreements, contracts, forms, notices, certificates, and other documents required by our municipal clients;
- Public Governance, Open Public Meetings Act ("OPMA"), Public Records Act ("PRA"), and Ethics compliance, training, and advisement, and response oversight and litigation defense.
- Oversight of municipal contracting, public works issues, works rosters, and bidding process, including contract disputes.
- Attendance at all regularly scheduled and special meetings of elected officials and municipal management and staff.

- Development of legal strategies through collaboratively engaging leaders across the City to assess and determine acceptable short and long term business risks.
- Offering guidance and leading legal representation in administrative proceedings, including local land use, Environmental Hearings Office matters, zoning, comprehensive plan, Shoreline Management Act, Endangered Species Act issues and Growth Management Act compliance and permitting matters.
- Advice and management on Eminent Domain actions and litigation, including relocation negotiations.
- Advocacy of stakeholder interests in concurrent jurisdiction land use planning exercises.
- Services related to the formation of Local Improvement Districts and the collection of assessments.
- Eminent Domain & Right of Way Acquisition
- Utility related issue
- Maintaining a liaison with other associated special counsel.
- Providing advice on and drafting of real property leasing, purchase and sale agreements and other facilities management issues.
- Providing general legal counsel and risk management and insurance guidance on matters including real estate matters and transactions, procurement compliance, business and governmental dealings and other related legal matters.
- Advising management and staff on trends, changes and emerging legal issues that affect the Port to ensure compliance with applicable regulations and international, federal, state and local laws, including legal compliance and anti-corruption guidelines.
- Providing oversight to other legal support contracts and efforts
- Drafting of Interlocal Agreements.
- Federal and State Court Litigation on a wide range of topics.
- Human Resource advisement and policy drafting.
- Implementation of strenuous legal inquiry turn-around times designed to meet or exceed local customs.
- Police Defense & Security legal support– including law enforcement policies, pre-litigation, inquests, and trial work
- Torts - including nuisance, trespass, property damage, and personal injury

2. EXPERIENCE AND QUALIFICATIONS ~ PROPOSED ATTORNEY TEAM:

RESUMES OF THE GLG TEAM ARE INCLUDED HEREIN, WITH SUPPLEMENTAL RESUME OF ATTORNEYS LAKE AND CARLSON PROVIDED AS ATTACHMENT A, AND ALL ATTEST TO GLG ATTORNEYS' EXCELLENT WRITING AND PUBLIC SPEAKING SKILLS. All work performed for the City would be either performed by or supervised or managed by the lead City Attorney Carolyn Lake.

3. GLG EXPERIENCE IN SPECIFIC AREAS:

- **PUBLIC WORKS CONTRACTING ISSUES.** Ms Lake and the GLG Team have routinely advised municipal and Port clients regarding million dollar plus **public work contracting projects**

and issues, including drafting of public works bid documents, issues related to bonds, retainage, and insurance, public works billing & performance disputes, and advice of, and defense against, bid protests. In July 2013, at Washington Public Port's Association's (WPPA) invitation, Ms Lake presented a "Declaring Low Bidder Non-Responsive" Seminar to state-wide gathering of Port Executive Directors.

Representative **public work contracting** matters include: 2010 Tucci & Sons, Inc. Port of Olympia Regional Airport Taxiway E and C/F Rehabilitation, Contract No. 2010-1022, FAA Project No. AP 1002, successful defense of Bid Protest; AB Dock – Port Of Port Townsend, Successful Defense Of IMCO Bid Protest; Port Of Friday Harbor, 2011 FAA Airport Construction, successful defense of Bid Protest; *David S. Berry, vs. Port of Port Townsend*, Jefferson County Superior Court No. 12-2-00269-9, ongoing litigation over public works contract involving prevailing wage issues, tax issues and public works contracting in general; *Primo Construction, INC, v. Port Townsend*, Jefferson County Superior Court No. 13-2-00064-3, successful defense of Superior Court appeal of Bid Protest.

- GLG attorneys advise their municipal clients on a full range of issues related to **General Purchasing**, including assistance crafting and interpreting delegations of authority, review of small and emerging business policies, prevailing wage issues, intergovernmental purchasing, compliance with audit requirements, and Labor of Industry issues, small works rosters, what constitutes maintenance work, advice on local bid preferences, changes to purchasing laws, public works and non-public works on-call contract issues, insurance, bonding and indemnification recommendations for municipal contracts, professional services contracts, emergency declarations, and property surplus requirements.
- GLG attorneys have extensive experience advising public entities on **Public Records Act** response issues, including coordinating complex record responses, record retention requirements, developing protocols for third party notification, development of PRA compliance client-customer notifications and confidentiality agreements, staff training and negotiations with serial records requestors to successfully minimize scope and production issues (Koenig, West, Sierra Club). Recently, Ms Lake was co-presenter for a Public Records Act Case Law Update Seminar at WPPA's 2010 Winter Conference.

GLG attorneys, principally Ms Lake, Mr Goodstein, and Justice Sanders, have broad PRA litigation experience, successfully defending public entities (Port of Olympia, Port of Tacoma and WPPA) in complex **Public Records Act** and **Open Public Meeting Act** issues and lawsuits, up to and including at the Washington Supreme Court. Representative cases include:

- *Jorgensen, League of Women Voters of Thurston County v. Port of Olympia*, Thurston County Superior Court No. 06-2-00141-6 (consolidated Cause # 06-2-00002-9, Arthur West v. Port of Olympia), Court of Appeals Div II No. 41334-5, Court of Appeals Div. I No. 67293-2, Supreme Court No. 82461-4

- *Arthur West v. Washington Association of Cities et al.*, Thurston County Superior Court No. 07-2-02399-0, Court of Appeals Division II No. 40865-1-II, Supreme Court No. 87832-3, successful dismissal of all PRA claims
- *Arthur West v. Port of Olympia et al.*, Thurston County Superior Court No. 07-2-01198-3, Court of Appeals, No. 43876-3-II, successful dismissal of all PRA claims
- *Arthur West v. Port of Olympia*, Thurston County Superior Court No. 12-2-01629-9, Court of Appeals, Div. II No. 44964-1-II, successful dismissal of all PRA claims
- 2008 West PRA Suit - *Arthur West v. Port of Tacoma*, Pierce County Superior Court No. 08-2-04312-1, Court of Appeals, Div. II No. 43004-5, successful dismissal of all PRA claims related to complex client public project
- 2009 West PRA/Writ Suit, *Arthur West v. Port of Tacoma*, Pierce County Superior Court No. 09-2-14216-1, Court of Appeals, Div. II No. 43704-0, successful dismissal of all PRA claims related to SSLC and obtain terms against West
- 2010 West Maytown Suit-(Threatened but never filed with Court), *West v. Port of Tacoma, Maytown Sand & Gravel LLC, and Pierce County*, Thurston County Superior Court,
- *Arthur West v. Washington Public Ports Association et al.*, Thurston County Superior Court No. 09-2-01357-5, Court of Appeals Div. II No. 41497-0-II, Supreme Court No. 88075-1; successful dismissal of all PRA and Open Public Meeting Act claims
- *Arthur West v. Washington Public Ports Association et al.*, Thurston County Superior Court No. 11-2-00384-9, Court of Appeals Div. II No.42269-7-II, successful dismissal of all PRA claims and achieved a "Bar Order" against Mr. West preventing him from filing additional litigation against WPPA

GLG attorneys have also pursued **PRA remedies** on behalf of clients and against violating public entities, where required. In 2012, GLG clients were awarded \$136,000.00 in penalties and attorney fees paid by Pierce County for PRA violations. *Tom and Kathleen McCoy v. Pierce County*, Pierce County Superior Court No. 09-2-13195-9, Court of Appeals Div II No. 42560-2-II

- GLG Attorneys also have a longstanding and unique grasp of state, regional and local **land use policies and policy-makers**. Ms. Lake served as the Facilitator for an Annual Goal Setting Retreat for the Pierce County Council and Staff. She also served as Moderator at the South Sound Land Use Association's presentation to Pierce County elected officials and Staff. The King-Snohomish County Master Builders endorsed the appeal brief drafted by Ms. Lake in which Snohomish County's transportation concurrency ordinance was at issue. Ms. Lake also served as the General Legal Counsel for the Olympia Thurston County Master Builder for a term of years, has been a member of Tacoma Pierce County Master Builders since 1994, and served on the state Association's Legal Trust Committee for several years. In the early years of the Growth Management Act, in 1995 she teamed with AGC and Realtors to sponsor and present "Pierce County's New Comprehensive Plan".
- GLG attorneys have extensive **experience with and familiarity land-use, zoning and building requirements**. Ms. Lake served as the General Legal Counsel for the Olympia

Thurston County Master Builder for a term of years, and frequently commented on land use, Comp Plan and building code requirements on the Association's behalf. **Ms Lake** also successfully represented numerous clients before the Hearing Examiner throughout the state on shoreline, building, zoning, stormwater and Comprehensive Plan issues. **Tim Harris** is readily familiar with the City and County land use codes, zoning and building requirements. He has worked with countless jurisdictions in land use /permitting applications. **Ralph Klose** has worked on several real property transactions including commercial leases with private and governmental entities, sales to and between other governmental entities, property subdivision, development agreement, road and utility right-of-ways, and easements, which involved analysis and application of land-use, zoning, and building requirements. **Seth Goodstein** has experience reviewing and providing comments on important changes concerning land use within Comprehensive Plan Updates, and Shoreline Master Plan issues.

- To the benefit of municipal and Port clients, GLG attorneys have decades of **Risk Management and Insurance knowledge**, including review of and advice on Accord forms, Company Forms, Broker Forms, Self-Insurance Forms, compliance with contractual insurance requirements, to include Coverages, limits of liability, terms and conditions, and protections related to additional insured issues. GLG attorneys advise on ISO Endorsement Forms, tendering claims for defense and indemnity, assuring adequate coverages for Commercial General Liability, Commercial Automobile Liability, Contractor's Pollution Liability, Builder's Risk, and Professional Liability, occurrence and claim made coverages, and payment and performance Bond retainage. GLG attorney have counseled clients on key factors affecting contractual risk transfer, including control and knowledge of the risk, Legal limitations, custom and practice, bargaining positions, and Insurance, Indemnification, limitation of liability Clauses, and waivers of Title 51 Immunity.

Mr Klose and GLG attorneys routinely negotiate and complete agreements with banks and other financial institutions providing lease security to ensure proper coverage and protection for governmental entities. They have prepared standard Assignment of Certificate of Deposit and Blocked Account agreements for lease security, standard industrial lease agreements, including risk management and insurance provisions such as compliance with all laws, indemnity, insurance, and environmental provisions.

Mr Klose and GLG attorneys have experience in preparing and filing claims against lease bonds, preparing access and hold harmless agreements related to third party temporary use of Port property, and review and comment on insurance provided with respect to such agreements. He has prepared claims against insurers, including agreements regarding environmental and risk management issues.

4. Additional GLG ATTORNEY SPECIFIC SKILLS

Carolyn A. Lake –General Legal Counsel

MS. LAKE'S PRACTICE FOCUSES ON GENERAL MUNICIPAL & PORT LAW, PUBLIC POLICY, LAND USE, PUBLIC RECORDS, PUBLIC WORKS AND PROCUREMENT, TRANSPORTATION, UTILITIES, GOVERNMENTAL LAW, AND

LITIGATION, WITH OVER 30 YEARS OF MUNICIPAL AND SPECIAL PURPOSE GOVERNMENT EXPERIENCE AND 14 YEARS OF SPECIAL PURPOSE PUBLIC LAW EXPERIENCE. She has assisted cities, ports, governmental officials and entities, property owners, and community and trade associations on SEPA compliance, land use, public records, Open Public Meeting Act, public works contracting, insurance, risk management and Comprehensive Plan processes, Shoreline matters, stormwater issues, and plan review and building code topics, transportation and utilities, platting processes, code enforcement, legislative and quasi judicial rezones, comprehensive plan amendments, annexations, GMA Hearings Board processes and appeals, condemnations, and all manner of land use matters. She also has experience on Federal Aviation Administration issues, federal litigation involving FAA NEPA and grant funding issues, and airport zoning matters.

Prior to practice in the private sector, Ms. Lake served eleven years in the public sector, having served as City Attorney in Federal Way (during first four years of the City's incorporation) and Assistant City Attorney in the cities of Kent, Centralia, Redmond (Special Prosecutor) King County (Special Prosecutor), Federal Way, and University Place (pro bono upon City's incorporation).

As Federal Way City Attorney and as assistant city attorney in the various cities, Ms. Lake advised her client-cities on the full scope of municipal issues, including open public meeting act, land use, public records, public contracting and employment issues, bid processes and protests, and appearance of fairness/ethics matters. At Federal Way, she drafted the newly incorporated City's entire Criminal Code and its Ethics Code, and advised the Ethics Board on its procedures. Ms. Lake has been a member of Washington Association of Municipal Attorneys from 1998-2004 and in 2008 -present.

- Ms. Lake is a frequent lecturer on **land use matters**. Topics include Comprehensive Schemes of Harbor Improvements, WPPA May, July 2012, "Zoning Subdivision and Land Use Development Law," 2006; "Land Use Planning for Ports", 2005; "Eminent Domain & Just Compensation", 2004; "Land Use Law in Washington" 2007, 2004, 2003; "Washington Boundary & Survey Law", 2002, 2003, 2004; "Road & Access Law", 2002, 2003; "Shoreline Management & Endangered Species" 2002; "Washington Land Use: Current Issues in Subdivision Annexation & Zoning", 2000; "GMA Transportation Concurrency - A Roadblock to Growth or Highway to Planning Heaven?"; "GMA and Vesting, the Bright Light Dims", and "GMA and Mineral Lands - Dealing with GMA".
- Ms. Lake was selected to be a faculty member of the **National Judicial College**. She was one of three NJC instructors at an intensive two day course on "Trying and Settling Land Use Cases" attended by Washington State Judges and Hearing Examiners. She shared the podium at Pierce County Bar Association Annual Convention with Pierce County Hearing Examiner Steve Causeaux as presenters on "Everything You Need to Know About Land Use Law".
- Serving municipal clients, Ms. Lake also was point person on developing **public agency**

partnerships. She drafted the first of its kind Parks-School District Interagency Agreement whereby her client-City and School District jointly developed, operated and maintained park and recreation facilities. She represented cities in several contract negotiations, including negotiations with King County for police services. Ms. Lake worked cooperatively with other city representatives on third runaway issues, security, and joint land use planning.

- Working on behalf of a private industrial client, Ms. Lake was part of a Team which included EPA, Ecology and the Puyallup Tribe that reached an historic agreement to balance growth with **water quality protection** (Puyallup River Watershed Agreement). More recently, Ms. Lake represented the Port of Tacoma in the extended Pollution Control Hearings Board proceedings dealing with the recent Ecology Municipal Phase I Stormwater Permits, represented the Port of Olympia in the appeals of the Ecology's Industrial General Stormwater Permit, and currently represents the Port of Port Townsend in defense of a pending Citizen Clean Water Act enforcement action.
- In addition to advising on general employment and Human Resources matters, Ms Lake's **Labor & Employment issues experience** includes successfully defending the City of Kent in a class action wage dispute & FLSA litigation brought by city correction officers, successfully defending City of Federal Way from labor council challenges after employees voted not to unionize, successfully defending the city in an appeal brought by an employee union-organizer who was terminated shortly after the collective bargaining vote was defeated, successful appearances on behalf of municipal and Port clients before Human Rights Commission, Labor & Industries and the Board of Industrial Insurance Appeals, and in 2009 the successful defense of multi-million dollar employment discrimination lawsuit against a private corporate client in Federal Court where Ms Lake achieved dismissal of all claims against the employer prior to trial.
- Ms Lake also served five years on the WSBA Disciplinary Board as a Hearings Officer from 1999-2004. During her term, Ms Lake adjudicated **complex, ethical disciplinary proceedings** in which attorney members were charged with violations of rules of professional conduct. The WSBA Disciplinary Board carries out the functions and duties assigned to it by the Rules for Lawyer Discipline established by the Board of Governors and approved by the Washington State Supreme Court. The Disciplinary Board is a 14-member board of 10 lawyers and 4 non-lawyers, appointed by the Board of Governors and the Supreme Court.

Ms. Lake obtained her undergraduate degree from the University of Washington and Juris Doctorate degree from University of Puget Sound School of Law. She is admitted to practice in Washington, the U.S. District Court for the Western District of Washington, and the 9th Circuit Court of Appeals.

Cheryl F. Carlson – Senior Attorney

MS. CARLSON'S PRACTICES FOCUSES ON MUNICIPAL LAW, INSURANCE, POLICE AND SECURITY ISSUES, CONTRACTING AND PROCUREMENT, LAND USE, AND LITIGATION OF GROUNDBREAKING LEGAL ISSUES. Her more than two decades of municipal practice experience includes serving two historic and well-established Washington cities as in-house legal counsel (Tacoma & Puyallup). More

recently, she has been in private practice and has provided legal support to other public clients for the past 3 years, as a member of the Goodstein Law Group team.

Ms. Carlson is exceptionally skilled in writing and considerable depth of experience litigating legislative, land use and constitutional issues, as well as a host of other municipal issues, including Employment, Police Defense – including pre-litigation, inquests, and trial, Civil Rights and Torts - including nuisance, trespass, property damage, and personal injury.

Throughout her tenure with Tacoma and Puyallup's City Attorney departments, Ms Carlson advised various departments on purchasing and public works issues, and continues to do so with GLG. Also throughout that time, she handled public disclosure issues on a daily basis. Ms Carlson participated in litigation associated with the Police Chief David Brame investigation; Pierce County Cause No. 05-2-11203-0. As City Attorney in Puyallup, Ms Carlson served as Risk Manager, was the liaison to WCIA; while with Tacoma, she supported the City's Risk Manager with insurance issues, interacting with City's broker of record and overseeing the RFP process for selecting a broker of record.

Ms. Carlson has been a member of the Washington State Association of Municipal Attorneys from 1989 to the present. She earned her undergraduate degree from the College of St. Benedict, St. Joseph, MN, and her Juris Doctorate from Seattle University (formerly University of Puget Sound) School of Law. She is admitted to practice in Washington and the U.S. District Court for the Western District of Washington. Ms. Carlson also serves as a judge for the Board of Industrial Insurance Appeals.

Ralph U. Klose – Senior Attorney

MR. KLOSE'S PRACTICE FOCUSES ON REAL PROPERTY, INSURANCE, RISK MANAGEMENT BUSINESS, ENVIRONMENTAL, AND COMMERCIAL MATTERS, AND INCLUDES BROAD EXPERIENCE IN A WIDE RANGE OF OTHER LEGAL MATTERS, WITH OVER 14 YEARS OF PUBLIC AGENCY LEGAL EXPERIENCE. Mr. Klose has assisted the firm's founder (now deceased) Mr. Robert Goodstein with his General Counsel functions for the Port of Tacoma since 1999, the Port of Olympia since 2004, and the Port of Friday Harbor, Port of Port Townsend, and Port of Camas-Washougal, and has negotiated and prepared numerous purchase and sale agreements, leases, operating agreements, interlocal agreements, and other agreements involving public agencies.

In addition, Mr. Klose has broad experience in the negotiation and preparation of all types of agreements involving the purchase, sale, lease, operation, or resolution of liabilities, including environmental liabilities, arising out of commercial and residential real property and businesses, as well as the mediation, arbitration, and litigation of issues arising in these areas before administrative agencies, trial courts, and appellate courts. He routinely reviews and prepares title reports and exceptions, deeds, and other documents to assist clients.

Recent representative matters include Mr Klose's work on Port of Tacoma Tucci public works contract – coordinating notices of default, notice of termination of contract, and

resolution of the dispute and Port of Port Townsend Marina public works contract, including drafting notices of default, and initial defense, negotiation, and litigation with contractor, insurer, L&I, and Department of Revenue.

Mr Klose recently reviewed, commented on, and revised standard contract provisions, including bond and insurance provisions. He has reviewed and revised insurance provisions for terminal lease and operating agreements, and industrial property and office lease agreements, as well as reviewed and revised proposed lease bonds to ensure proper coverage and protection for municipal clients.

Mr. Klose obtained his Juris Doctorate degree from the University of Washington School of Law in 1984, and is admitted to practice in Washington State, United States District Court for the Western District of Washington, and the Ninth Circuit Court of Appeals.

Timothy M. Harris – Senior Attorney

MR. HARRIS'S PRACTICE FOCUSES ON LAND USE, ENVIRONMENTAL, AND GOVERNMENT RELATIONS MATTERS, WITH 4 YEARS OF DIRECT PUBLIC ENTITY LEGAL SUPPORT EXPERIENCE AND 16 YEARS OF IN- HOUSE COUNSEL LEGAL SERVICES EXPERIENCE. HE HAS A WIDE RANGE OF EXPERIENCE RELATED TO LAND USE, NEGOTIATION, INSURANCE LITIGATION AND TRANSACTIONAL WORK. Prior to joining GLG PLLC in 2010, Mr. Harris served as the General Counsel of the Building Industry Association of Washington (BIAW) for more than seven years.

Tim Harris currently is handling litigation related to the Point Hudson Marina Contract, where a contractor sued the Port after the Port filed a claim against the bond for performance issues. The case involves prevailing wage issues, tax issues and public works contracting in general. He also advises municipal clients on the bidding process, and handled a challenge to the Port of Tacoma's contracting requirements for the Lincoln Avenue Grade Separation.

Mr Harris is negotiating with several insurance companies for recapture of environmental cost recovery matters. He has frequently provided risk management advice to public clients with respect to property purchase and disposal as well as environmental matters related to the complex constrained property sites. Mr Harris provides extensive legal oversight for the Port of Camas Washougal, and was a valued Team member, leading to that Port's designation as WPPA Port of the Year 2012.

Mr. Harris obtained both a Bachelor's and a Master's degree in Rhetoric from the University of California, Davis. He graduated from the University of the Pacific, McGeorge School of Law where he was a Law Review Editor. Mr. Harris is licensed to practice in all state and federal courts in Washington as well as the United States Supreme Court.

Richard B. Sanders –Justice, Washington Supreme Court, (Retired) – Senior Attorney

After 26 years of private practice defending the rights of others, Richard Sanders was elected to the WA State Supreme Court in 1995 and served for fifteen years. With the GLG

Firm, Richard Sanders' practice focuses on constitutional law, land use, property rights ethics & appellate work.

Justice Sanders published over 600 opinions while on the Court as well as publishing law review articles and writing a chapter for a scholarly text. He also has lectured on constitutional law locally and at national forums and served as an adjunct professor of appellate advocacy at the UW school of law. Justice Sanders' writings and opinions are summarized or set forth verbatim at www.justicesanders.com

Seth S. Goodstein – Attorney

Mr. Goodstein is a recently admitted attorney and prior to joining the Firm interned with Goodstein Law Group for three years. Mr. Goodstein has amassed 4 year of public agency legal services experience, and has appeared in State Supreme, Appellate, Superior, District and Municipal Courts on behalf of Goodstein Law Group Clients, and provided services to the full spectrum of firm clients. Mr. Goodstein is the son of Goodstein Law Group founder Robert Goodstein, and has enjoyed a lifetime of exposure to legal issues.

Seth Goodstein has experience in briefing and defending lawsuits arising under the Public Records Act, including a role in the published case of: *West v. Thurston County, et al.*, 169 Wash. App. 862, 282 P.3d 1150 (2012) review denied, 176 Wash. 2d 1012, 297 P.3d 709 (2013), which resulted in a significant fee award in favor of the municipal client. Additionally, Seth Goodstein supported the lead attorney in the recent bid protest case of *Primo Construction, Inc. v. Port of Port Townsend*, Cause No. 13-2-00064-3 (Jefferson Superior Ct.), which resulted in upholding the municipal client's bid award to a rival bidder. Seth Goodstein has also provided counsel to municipal clients in the areas of disaster preparedness and state constitutional concerns regarding municipal expenditures and gifting. Additionally, Seth Goodstein is admitted to Federal Bankruptcy Court and has experience in identifying and advocating municipal client's creditor rights when their debtors invoke protections under federal bankruptcy laws.

Since gaining admission to the Washington State Bar, Mr. Goodstein has volunteered with Tacoma Pro Bono Volunteer Legal services, the Home Justice Foreclosure Prevention Clinic, and also been elected to the board of directors and as Treasurer of the Tacoma Propeller Club, a non-profit maritime organization supporting youth scholarship and maritime activities. Mr. Goodstein provides contract-based bankruptcy and debtor-creditor legal services to the Northwest Justice Project, a public interest nonprofit law firm. Most recently while in law school, Mr. Goodstein was a Certified Legal Intern in the "Felony A" division of the Miami-Dade County Public Defender office, which provides legal services to indigents facing up to life imprisonment without possibility of parole. Mr. Goodstein also clerked in the Miami-Dade County Circuit Court, participated in bankruptcy clinical practice, and provided legal outreach services to homeless indigents through the Lawyers to the Rescue organization.

Mr. Goodstein attended undergraduate school at Western Washington University, and

graduated from St. Thomas University School of Law (December 2011). Seth Goodstein is admitted to Practice in both Washington and Florida.

5. Pricing Model: GLG's City Attorney Legal Services Pricing Model provides a flexible and competitive Legal Services cost structure, and:

- (1) ensures competitive market rate costs,
 - (2) obtains certainty in costs, with the benefit that staff is not hesitant to consult with legal counsel due to perceived increased costs,
 - (3) increases Staff's accessibility to City Attorney Legal services,
 - (4) fashions a cost effective method for maintaining an integrated, holistic approach to overseeing City Attorney Legal services
- Competitive Market Rate: GLG proposes alternative compensation proposals consisting of either a flat monthly fee of per month for City Attorney services or a per hour fee. To address these expressed areas, GLG offers the fee proposal as shown on **Attachment B**.
 - The GLG flat fee provides the City's utilization of and access to one highly experienced primary City Attorney, along with four other seasoned & experienced senior GLG attorneys, one junior (but very good) attorney and two legal assistants (at GLG's current staffing level)¹.
 - Use of the six attorneys provides the City the legal capacity to respond to multiple legal challenges simultaneously and with the appropriate level of experience and depth.
 - Flat fee provides the City with budgeting certainty per month and annually, so the City has budgeting certainty at a cost-competitive rate.
 - GLG seeks a four year term, with a four year option to renew
 - CPI adjusted annually
 - Increased Accessibility. Based on GLG's experience serving City, Port & governmental entities, we are keenly aware of the necessity of understanding our clients' mission, vision, and organizational culture, as well as understanding the sometimes subtle difference between the City Council's functions as policy makers, and Administration's responsibility for carrying out those policies. We are especially sensitive to the day-to-day requirement that legal counsel be available to all levels of management on a near-immediate basis.
 - GLG offers to provide its services on City premises on establish weekly schedule basis or as frequently as requested during usual city work hours via the primary Contracted City Attorney Lead or assisting attorneys.
 - Ensures attorneys are available via face-to-face, phone and email access
 - Available to participate in Council, Administration and Management team meetings weekly and as needed
 - Computer, phone etc equipment, legal support staff would be provided by GLG at GLG costs (not City systems or staff).

¹ Please see GLG Supplemental Resume attached.

- On premises attorney(s) would not limit the City access to the full range of all six attorneys & two support staff services
- GLG would continue to assign out and match up appropriate skills sets to the City's needs.

6. REFERENCES.

Representative client Letters of Reference are included as Attachment C, which include the general description of the size and complexity of matters handled, in addition to that described above, and past performances in meeting client objectives on schedule and within budget.

Port of Tacoma
P. O. Box 1837
One Sitcum Plaza
Tacoma, WA 98401-1837
(253) 383-5841
Contact: John Wolfe, CEO

Port of Olympia
915 Washington St. NE | Olympia, WA 98501
Contact: Ed Galligan, Executive Director
EdG@PortOlympia.com (360) 528-8001

Port of Port Townsend
103 Hudson St, Port Townsend, WA 98368
(360) 385-0656
Contact: Larry Crockett, Executive Director

Port of Camas-Washougal
24 S A St, Washougal, WA 98671-2199
(360) 835-2196
Contact: David Ripp, Executive Director

Washington Public Ports Association
PO Box 1518, Olympia, WA 98507-1518
(360) 753-6196
Contact: Eric D. Johnson, Executive Director

Port of Edmonds (Nadler Law Group)
336 Admiral Way
Edmonds, WA 98020
(425) 774-0549
Contact: Brad Cattle, Port's General Counsel

Port of Everett (Nadler Law Group)
P.O. Box 538
Everett, WA 98206
800-729-7678
Contact: Executive Director John Mohr
General Counsel: Brad Cattle at Anderson Hunter Firm, (425-252-5161)

Frank Randolph (Nadler Law Group)
Walstead Mertsching
1700 Hudson St Fl 3
PO Box 1549
Longview, WA 98632-7934
Phone 360-423-5220

7. **LITIGATION SERVICES.** GLG attorneys are experienced to carry out the full range of litigation services as described below, when requested and authorized by the City.
- GLG offers that there is value to pre-determining the general scope of litigation work for which GLG shall be pre-assigned, to avoid any perception of a conflict of interest when, from time to time, the need for litigation legal services arise.
 - GLG warrants that its attorneys shall only undertake litigation matters which are within its attorneys' area of competence and experience.
 - It is further expressly understood that GLG attorneys are bound by ethical rules to perform only such work as within the scope of their competence and experience.
 - GLG understands that the City of Black Diamond engages separate legal counsel for services of public defender, prosecution, labor and employment services.
 - GLG-assigned Litigation Services would generally include the following areas of practice, unless GLG and the City determines that due to special circumstances, scope or work load issues prevent such GLG representations, in which case GLG will recommend the City's use of outside counsel:

Administrative Law
General Purchasing
Public Works Contracting
Risk Management/Insurance
General Bankruptcy Law
Business Law
Commercial
Construction Law
Creditor Debtor Rights
Employment Law
General Litigation
Public Works
Public Records Act /Open Public Meeting Act

Antitrust Consumer Protection and Unfair Business Practices
Corporate Counsel
General Environmental Law
Land Use, Zoning Law
Real Property, Probate and Trust
General Taxation

- "Litigation" shall mean the assertion of any position, right, or responsibility by or against the City, which is potential or has been threatened or filed in any court of general or special jurisdiction, be it state or federal, or any quasi-judicial or administrative forum. Activities conducted prior to the filing of litigation shall also be considered litigation if those activities have been authorized by the City Administration or the Council in contemplation of litigation.
 - A separate professional services agreement will be entered into between the City and GLG for each litigation matter.
 - Compensation for litigation services is proposed to be at the GLG billing attorney's standard hourly rate less a 10% discount. The standard hourly rates for attorneys during 2014 shall be per the attached Fee Schedule, **Attachment B**.
8. **NO CONFLICTS OF INTEREST.** Goodstein Law Group, PLLC presently performs and will continue to perform general legal counsel and other legal services for other public entities including Washington port districts as well as other business and individual clients in Washington during the term of this Agreement. Goodstein Law Group, PLLC is not aware of any present conflict of interest with respect to the performance of any of those services. If a conflict of interest arises in the future, then it will be resolved according to applicable rules of professional conduct and other applicable law, and for the protection of the City's interests.
9. **EXPRESSION OF INTEREST & AVAILABILITY.** GLG AND ITS ATTORNEYS ARE PREPARED TO UNDERTAKE THE WORK IMMEDIATELY and to dedicate the necessary personnel and resources to meet the City's needs.
10. **STATEWIDE REACH, LOCAL SERVICE.** Goodstein Law Group PLLC has found that provision of legal services is not impeded by the distance of the service provider and the client, given modern information technology, and some separation actually lessens the potential for conflicts of interest within the local community. Our intent is to provide local service, combined with top, state-wide municipal legal services expertise.
11. **OPTIONAL FEATURE: ADDITIONAL LEGAL RESOURCES.** AN OPTIONAL FEATURE OF THE GLG PROPOSAL INCLUDES ADDING THE PROPOSED ENVIRONMENTAL LEGAL SERVICES AT A PRE-NEGOTIATED, BELOW MARKET AND COMPETITIVE RATE. The Goodstein Law Group has aligned with a premier Environmental Law Firm to provide top notch, cohesive environmental legal services to the City of Black Diamond, coordinated by the City Attorney Legal counsel: the Nadler Law Group PLLC, <http://www.nadlerlawgroup.com>. By teaming with the

Nadler Firm, GLG offers the City a menu of environmental legal services in a coordinated and collaborative manner. Attorneys within the two Firms have longstanding and integrated professional relationships, assuring seamless communication and coordination to ensure that the City receives the benefit of the full range of legal services in a holistic, integrated manner.

The Goodstein Law Group has previously co-counseled successfully with the Nadler Law Group to litigate significant environmental insurance claims for the Port of Everett, ultimately recovering over \$11 million from the Port's insurance carriers. The City gains from this inclusive partnering by having the assurance that a robust mix of environmental legal expertise is readily on hand to meet the City's needs. The standard hourly rates for environmental attorneys during 2014 shall be per the attached Fee Schedule, **Attachment B**.

Environmental Attorneys

Mark Nadler, Nadler Law Group.

Mr. Nadler is both a licensed registered professional civil engineer and a lawyer with significant experience in both areas of professional practice. Mr. Nadler began his legal career after practicing civil engineering as a design engineer and resident engineer on heavy construction projects. Mr. Nadler's legal career has focused on matters involving technical or engineering related expertise. He has significant experience as lead counsel in large and technically complex cases involving environmental cost recovery, insurance, commercial, contract, construction and engineering matters, as well as non-litigation matters involving environmental remediation and cost recovery for same.

Liberty Waters, Nadler Law Group

Ms. Waters' practice involves insurance coverage, commercial litigation, and environmental and land use law. Ms. Waters began her law practice in California in 1997. She is now admitted to practice in the states of Washington and Oregon as well as the state of California.

John Dolese, Of Counsel to Nadler Law Group

John Dolese has been licensed to practice law in the state of Washington since 1988. He also is admitted to the United States District Court for the Western District of Washington and the Ninth Circuit Court of Appeals. During his 25 years of practice, Mr. Dolese has had extensive experience defending municipal governments in state and federal courts in civil-rights, tort, and employment litigation. Additionally, he has also represented private entities and municipal governments in environmental-contamination and insurance-coverage litigation.

The Nadler Law Group representative cases include:

- *Port of Bellingham v. Andrew Weir, et al.*: Counsel for the Port of Bellingham as a plaintiff in litigation of its environmental insurance claims for sites in and around

Bellingham Bay. The defendants included both domestic and Lloyd's/London Market insurers. The litigation culminated in the recovery of significant insurance policy proceeds to cover the Port's environmental liabilities.

- *Port of Everett v. Hartford Insurance, Interested Underwriters at Lloyd's, et al.*: Counsel for the Port of Everett as a plaintiff in litigation of its environmental insurance claims for environmental liabilities in and around Port Gardner Bay. The defendants included both domestic and Lloyd's London Market insurers. The litigation resulted in the recovery of significant insurance policy proceeds for the Port's environmental liabilities.
- *Safeco Insurance v. Port of Anacortes*: Counsel for the Port of Anacortes in a declaratory judgment action to establish the Port's insurance benefits to cover its environmental liabilities in and around Anacortes, Washington.
- *City of Bellingham v. Granite State Insurance, et al.*: Counsel for the City of Bellingham as a plaintiff in its environmental insurance coverage claim for environmental liabilities in and around the Bellingham area, including historic municipal landfills. The litigation resulted in the recovery of significant insurance policy proceeds for the City's environmental liabilities.
- *In re ASARCO, LLC, et al.*: Counsel for the Port of Everett in pursuit of CERCLA and MTCA environmental contribution claims for historical contamination released at the former ASARCO smelter site located in Everett, Washington. The claim was pursued in ASARCO, LLC's bankruptcy, in the United States Bankruptcy Court for the Southern District of Texas. The Port of Everett and the state of Washington combined their claims and jointly pursued them, together recovering significant funds to be used for cleanup at the former smelter site.
- *Port of Longview v. Arrowood Indemnity et al.*: Counsel for the Port of Longview as a plaintiff in its environmental insurance coverage claim for environmental liabilities in and around Longview, Washington. Tried the claims against the primary insurance policies successfully to a jury in November 2013.
- *Hulbert et al. v. Port of Everett, et al.*: Counsel for the Port of Everett in a MTCA contribution action involving multiple potentially liable parties with respect to a heavily industrialized property on the Everett waterfront. Successfully defended the Port's partial summary judgment on appeal in *Hulbert et al. v. Port of Everett*, 159 Wn. App. 389 (2011), *rev. den.* 171 Wn.2d 1024 (2011).
- *Port of Everett v. Weyerhaeuser Co.*: Counsel for the Port of Everett in a MTCA contribution action with respect to the former site of a sawmill and pulp mills.
- *Nisqually Chevron, et al. v. Joe Hall Construction et al.*: Counsel for defendant Hosemaster, a gasoline product dispensing component manufacturer, in an action for

Black Diamond Legal Services - RFQ 2014- Goodstein Law Group PLLC

contribution under the Model Toxics Control Act and for common law and property damage due to stigmatization.

THANK YOU FOR YOUR TIME AND CONSIDERATION. We look forward to positively contributing high quality legal services to the City of Black Diamond's Governance team and for the benefit of the entire City community.

Submitted by:

Carolyn A. Lake, for
Goodstein Law Group PLLC
clake@goodsteinlaw.com
501 South G Street
Tacoma WA 9405
253-779-4000

**Attachment A - GOODSTEIN LAW GROUP PLLC
SUPPLEMENTAL RESUME- ATTORNEYS LAKE & CARLSON**

GLG Attorney Team

Carolyn A. Lake –Owner / Managing Lead City Attorney

Professional Experience:

2002-Present Goodstein Law Group PLLC (owner 2010)
General Counsel to Ports of Tacoma, Olympia, Port Townsend and
Camas-Washougal
2010-2011 WPPA – General Counsel
1999-2002 Williams, Kastner & Gibbs, Of Counsel
1999 National Judicial College, Faculty
1998-2000 Lakewood Municipal Court Judge
1994-1999 Bogle & Gates PLLC, Of Counsel
1995 King County Special Deputy Prosecutor
1993-1994 City of Redmond, Special Prosecutor
1992-1994 City of Federal Way, City Attorney
1990-1992 City of Federal Way, Acting & Assistant Attorney
1988-1990 City of Kent, Assistant City Attorney
1984-1988 City of Centralia, Assistant City Attorney
1984-1988 Associate, Don Pietig & Associates, P.S. Inc.
1984-1988 City Prosecutor, City of Centralia

Presentations/Publications:

Use of Out-sourced Commercial Plan Centers & the PRA, November 2013
Declaring Low Bidder Non-Responsive, WPPA Executive Directors, June 2013
Comprehensive Schemes of Harbor Improvements, WPPA May, July 2012
Conflict of Interest & Ethics – Port of Tacoma, Port-wide Training, 2010-2011
Public Records Act Case Law Update – WPPA Winter Conference, 2010
Zoning Subdivision and Land Use Development Law, 2006
Oregon's Measure 37 - Bringing Balance Back to Property Rights
Land Use Planning for Ports, 2005
Eminent Domain & Just Compensation, 2004
Land Use Law in Washington, January 2003, 2004
Washington Boundary & Survey Law, June 2002, 2003, 2004
Road & Access Law, 2002, 2003
Washington Land Use: Current Issues in Subdivision Annexation & Zoning, August 2000
Pierce County Council Annual Goal Setting Retreat, facilitator, March 2000
"Pierce County Land Development Forum", Moderator, So Sound Land Use Assoc. 2000
"Trying and Settling Land Use Cases" National Judicial College, August 25-27, 1999
"Everything You Need to Know About Land Use Law," Tacoma Pierce County Bar
Convention, September 1999
"GMA Transportation Concurrency Requirements:
"Roadblock to Growth or Highway to Heaven?" September 1997
"GMA & Vesting – The Bright Line Dims" July 1996

Civic/Charitable:

- Key Bank – Key for Woman Entrepreneur of the Year 2012

Goodstein Law Group PLLC
2013 Firm Resume - 2 -

- KCTS, Public TV Channel 9, Board of Directors, 2005-present
- Propeller Club International –International Board Member 2013, Tacoma President 2012-3
- Olympia Downtown Association
- Thurston County Chamber of Commerce
- Washington Public Port Association, 2000-present, General Counsel 2010-2011
- Olympia / Thurston County Master Builders, Legal Advisor 2000-2005
- Bates Technical College Foundation Board, 1996-present, President, 1997-1999
- Regents Blue Shield Advisory Board, 2003- 2012
- National & Washington State Cutting Horse Associations, 2008- present
- Special Olympics Partner, 2005-present
- Bates Technical College, Trustee – Chair (Gubernatorial Appointment) 1999-2005
- American Cancer Society Relay for Life Team 1996-present
- University of Washington Tyee 1999-present
- U.W. Tacoma Legislative Council, 1998-2010
- Building Industry Association of Washington Legal Trust Committee 2003-2008
- WSBA Disciplinary Board, Hearings Officer, 1999-2004
- Master Builders Association of Pierce County, 1994-present
- Pierce County Affordable Housing Coalition, 2000-2009
- Precinct Committee Officer, 1980-1998, District Leader 2002-2004
- Business Examiner, 2004 Women of Influence, Nominee
- American Cancer Society Statewide Golf Tournament Chair, 2003
- State Political Party Convention, Rules Committee Member, 1996, 2000
- Spanaway/Parkland Post Newspaper, Board of Directors, 1995-2000
- Summit-Frederickson Community Council, Member, 1996-1998

Memberships:

Washington Association of Municipal Attorneys 1998-2004, 2008- present

Institute for Justice 2003-present

Evergreen Freedom Foundation, 2002-present

Washington State Bar Association:

- Disciplinary Hearings Officer
- Land Use Section 1994-present
- Government Lawyers Section 1989-present
- Law Clerk Committee 1998-2005
- Public Relations Committee 1988, 1996
- Rules Committee 1989-1991
- Tacoma-Pierce County Bar Association
- Legislative Committee 1996-2003
- Judicial Qualifications Committee 1996-1997

District & Municipal Court Judges Association 1998-2000

Education:

University of Puget Sound, School of Law, J.D., 1984

University of Washington, B.A., Philosophy and Political Science, 1980

Goodstein Law Group PLLC
2013 Firm Resume - 3 -

Lincoln High School, Tacoma WA, 1976 -Voted "Most Likely to Take Over the World"

Admitted to Bar:

Washington State, 1984, Federal Bar, 1988, 9th Circuit Court 2011

Cheryl F. Carlson –Assisting Senior City Attorney

Ms. Carlson's practices focuses on general municipal law, land use, and litigation of groundbreaking legal issues. Her more than two decades of municipal practice experience includes serving two historic and well-established Washington cities as in-house legal counsel (Tacoma and Puyallup). More recently, for the past 3 years, she has been in private practice and has provided legal support to port districts as a member of the Goodstein Law Group team.

Throughout her tenure with Tacoma and Puyallup's City Attorney departments, Ms Carlson advised various departments on purchasing and public works issues, and continues to do so with GLG. Also throughout that time, she handled public disclosure issues on a daily basis. Ms Carlson participated in litigation associated with the Police Chief David Brame investigation; Pierce County Cause No. 05-2-11203-0. As City Attorney in Puyallup, Ms Carlson served as Risk Manager, was the liaison to WCIA; while with Tacoma, she supported the City's Risk Manager with insurance issues, interacting with City's broker of record and overseeing the RFP process for selecting a broker of record.

As a product of more than two decades of service in the public sector, Ms. Carlson is exceptionally skilled in writing and analyzing legislation on a broad range of issues. In addition, she has considerable depth of experience litigating legislative, land use and constitutional issues, as well as a host of other municipal issues, including Employment, Police Defense – including pre-litigation, inquests, and trial, Civil Rights, Risk Management, Insurance issues and Torts - including nuisance, trespass, property damage, and personal injury. Cases involving statutory construction, constitutional or land use issues in which Ms. Carlson was the lead attorney for her client include:

- Ford Motor Co. v. Tacoma, et. al., 160 Wn. 2d 32, 156 P.3d 185 (2007) (Successfully defended challenge to B & O tax)
- City of Tacoma v. Price, 137 An. App. 187, 152 P.3d 357 (2007) (Successful prosecuted declaratory action regarding interpretation of longevity compensation ordinance)
- City of Tacoma v. Zimmerman, 119 Wn. App. 738, (Div II, 2004); rev. denied. (Successfully defended blighted property condemnation—Old Elks Temple (Beau Arts structure of historical significance in City Hall historic district)
- S&S Market v Liquor Control Board, 65 Wn. App. 517, 828 P.2d 1154 (1992) (Liquor license non-renewal; lead attorney during administrative and Superior Court phases of litigation))
- City of Tacoma v. Luvane, 118 Wn.2d 826, 827 P.2d 1374 (1992) (Successfully defended constitutional challenge to Anti-Drug Loitering Ordinance)
- Rozner v. City of Bellevue, 116 Wn.2d 342, 804 P.2d 24(1991) (Amicus on behalf of Washington Association of Sheriffs and Police Chiefs (WASPC) in challenge to asset forfeiture action)
- Tacoma IV v. Pierce County, et al, CPSGMHB 06-3-0011c, Final Decision and Order (November 27, 2006) (administrative matter challenging an amendment to Pierce County Comprehensive Land Use

Goodstein Law Group PLLC
2013 Firm Resume - 4 -

Plan)

Ms. Carlson possesses a uniquely deep and varied municipal law practice background. That includes litigating in a wide range of subject areas as well as advising client on a full scope of municipal legal issues. By way of example, Ms. Carlson has managed to successful conclusion an environmental (toxic tort) lawsuit involving alleged migration of landfill gas from closed landfill (including the coordination of long-term financing legal process necessary to implement settlement); overseeing and bringing to successful conclusion legacy lawsuits involving utility extension policy; coordination and oversight of existing and (re)negotiated various telecommunications leases of publicly owned property; negotiation of property acquisition for various municipal projects; successfully defending tax audit assessment efforts; litigating to abate urban blight and thereby preserve historic landmarks; analyzing and developing legislation essential to public nuisance enforcement issues and programs; advising throughout an extensive land use planning process relating to operation of a general aviation airport. Ms. Carlson has also provided general advice and litigated questions relating to the open public meeting act, public records, public contracting and employment issues, bid processes and protests, and appearance of fairness/ethics matters, and has been a presenter on a variety of topics.

- ☐ Ethics: Who's the Client: WSAMA Legal Education Conf. Spr. 2011 (member of panel)
- ☐ Ethics in the Trenches: WSAMA Legal Education Conf. Fall 2009 (co-presenter)
- ☐ Public Nuisances and Dangerous Buildings; Setting Up a Program that Works for You, Washington Association of Building Officials (WABO) Annual Conference 2005 and 2006 (co-presenter)
- ☐ Deleting Criminal History Record Information in Washington AKA Expungements, WSAMA Legal Notes No. 503, Spring 1999 Document Date: 4/30/1999
- ☐ Burden of Proof in Drug Forfeiture Cases (Rozner v. Bellevue) and Use of Minimum Housing Standards to Combat Drugs, Washington State Association of Municipal Attorneys (WSAMA) Legal Notes No. 473 (Document Date: 6/21/1991)

Ms. Carlson has been a member of the Washington State Association of Municipal Attorneys from 1989 to the present. She earned her undergraduate degree from the College of St. Benedict, St. Joseph, MN, and her Juris Doctorate from Seattle University (formerly University of Puget Sound) School of Law. She is admitted to practice in Washington and the U.S. District Court for the Western District of Washington. Ms. Carlson also serves as a judge for the Board of Industrial Insurance Appeals.

ATTACHMENT B
PROPOSED FEE SCHEDULE FOR
CITY OF BLACK DIAMOND CONTRACTED CITY ATTORNEY LEGAL SERVICES

Goodstein Law Group PLLC proposes the following fee schedule for legal services to be provided pursuant to this Proposal:

ITEM	BILLING RATE
<u>Professional Services</u>	
Lead Attorney –	
City Attorney Legal Counsel Services Rate	<u>Alternative 1:</u> ¹ \$7800.00 per month retainer during first year, with amount for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year. The retainer amount includes up to 40 hours of services per month. If more than 40 hours re expended on general counsel services in any month, then the additional time from 40 hours through 50 hours will be billed at \$195.00 per hour, and the additional time above 50 hours is subject to the applicable General Counsel standard hourly rates less a 10% discount. The General Counsel standard hourly rates during the first year shall be \$230.00 per hour for general counsel/lead attorney, and \$210.00 per hour for assisting attorneys, subject to increase in subsequent years pursuant to Seattle-Tacoma-Bremerton CPI-U, with a minimum increase of 2% per year and a maximum increase of 5% per year. No credit shall be given against the retainer amount or monthly hour calculation if less than 40 hours are expended on general counsel services in any month.
Lead Attorney –	<u>Alternative 2:</u> \$230.00/hr during first year, with rates

¹ Alternative 1 offers an effective hourly rate of \$195.00 per hour for up to 40 hours per month. Our experience with municipal clients indicates that Alternative 1 represents an effective cost control mechanism and budgeting device for the client while significantly lowering hourly rates. The firm is able to offer the reduced hourly rate because of similar budgeting and cost control considerations. If the City prefers a retainer that contemplates less than 40 hours per month, Goodstein Law Group PLLC is prepared to negotiate a reduction of the retainer amount.

for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year.

Lead City Attorney –
Litigation and Special Matters Services

\$290.00/hr during first year, with rates for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year, less 10% discount.²

Assisting City Attorneys-
General Counsel Services

\$210.00/hr during first year, with rates for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year less a 10% discount.

If Alternative 1 is chosen above, then the time spent by Assisting City Attorneys on general counsel matters is counted towards the 40 hour retainer, and this rate applies only once the 40 hours is reached by the combined time of Lead and Assisting Attorneys.

Assisting City Attorney-Litigation

\$250.00/hr during first year, with rates for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year less a 10% discount.

Paralegal / Legal Assistant

\$50.00/hour during first year, with rates for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year.

Environmental Assisting City Attorney-
Non-litigation

\$210.00- \$295.00/hr (depending on matter and experience) during first year, rates for subsequent years increased pursuant to Seattle-Tacoma-

² If costs of defense are covered by insurance in a litigation matter, the firm may agree to accept the reimbursement rate authorized by the insurer.

Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year.

If Alternative1 is chosen above, then the time spent by Environmental Assisting Attorneys on general counseling matters is not counted towards the 40 hour retainer. This rate reflects a substantial discount for the participating attorneys' qualifications and experience.

Assisting Environmental City Attorney-
Litigation

\$245.00- \$325.00/hr (depending on matter and experience) during first year, with rates for subsequent years increased pursuant to Seattle-Tacoma-Bremerton CPI-U, with minimum increase of 2% per year and maximum increase of 5% per year.

Reimbursable Expenses

Duplicating	\$0.10 per page for duplication in-house; Duplication by third parties billed at cost
Fax	\$0.10 per page
Computer disks	at cost without mark-up
Westlaw, Lexis, and other searches	at cost without mark-up
Materials and supplies	at cost without mark-up
Airline or other travel	at cost without mark-up
Postage / Courier	at cost without mark-up

The City will not be charged for attorney time or mileage between GLG Law offices and the City or for long distance telephone charges.

ENVIRONMENTAL RATES

Attorney	Rate/Hr.	Rate/Hr.
	Non-Litigation	Litigation
Mark Nadler	\$295	\$325
Liberty Waters	\$210	\$245

October 23, 2012

To Whom it May Concern:

It is with great pleasure and enthusiasm that I recommend the Goodstein Law Group, with which we currently contract for Port General Legal Services for the Port of Olympia. In my role as executive director for the Port, I have been in a unique position to observe the professionalism, scholarship, and dedication of each Goodstein Law Group attorney in their capacities as Port attorneys.

The Goodstein Law Group attorneys are consistently prepared and have the ability to speak to every issue that arises during Port Commission and executive session meetings. Our attorneys conscientiously educate themselves on all legal issues which may affect governmental entities, and maintains an awareness and sensitivity to customer and public needs as well. This conscientiousness, in my opinion, is one of the most significant Goodstein Law Group attributes. I am confident on our attorneys not only keep our Port informed of the latest issues confronting the Port, but also with providing solutions to problems arising from those issues.

In advising Commissioners, the Executive Director, Department Directors, Port Staff, and assisting the customers and citizens of the Port of Olympia, Goodstein Law Group attorneys have demonstrated a tremendous grasp and ability to explain a multitude of legal issues to non-lawyers. The GLG attorneys have capably drafted Interlocal Agreements with other municipalities, and contracts with small businesses, and multinational corporations. The Goodstein Law Group attorneys also understand the unique and nuanced role and authority of Ports as Special Purpose District, and how special purpose districts differ from other types of general purpose governments.

Our attorneys have demonstrated particular strength in the areas of litigation and land use matters. They are instrumental in defending this and other Ports in various litigation matters, and successfully litigated the Port's position in both State and Federal Courts. In addition, they have been instrumental in helping the Port through the process of a major tenant development and related appeals, as well as a restructure of the Port's planning guidelines. Our Goodstein Law Group Attorneys have demonstrated themselves to be a valuable resource both to myself and to other Port leaders. They exemplify the highest level of professionalism, commitment, and professional expertise.

I heartily recommend the Goodstein Law Group to your organization with my highest regard. No agency can afford to pass up the opportunity to benefit from the skills the Goodstein Law Group has to offer; as few amongst their field can match their commitment and professionalism.

Sincerely,



E. B. Galligan, Executive Director
Port of Olympia
Office Tel. (360) 528.8001



July 15, 2013

Carolyn Lake
The Goodstein Law Group
501 So. G Street
Tacoma, WA 98405

Dear Carolyn:

Thanks so much for your sponsorship of the recently completed *Executive Director Seminar* at the Courtyard Marriott Hotel in Tacoma. The seminar was very successful and we had a great attendance.

The continued and consistent support and participation of organizations such as yours enables WPPA to provide strong educational programs for Washington ports. Thank you again for your support.

Sincerely,

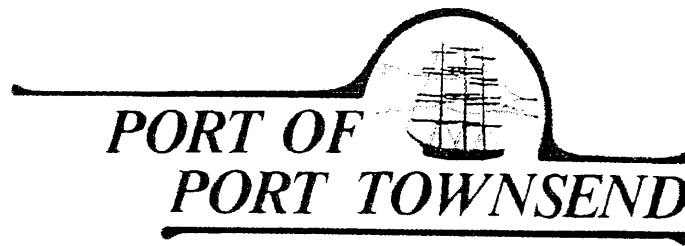
Eric D. Johnson
Executive Director

Great job!

Washington Public Ports Association

A Trade Association Representing the 75 Public Port Districts of Washington State

1501 Capitol Way, Suite 304 • P.O. Box 1518 • Olympia, WA 98507-1518 • 360.943.0760 • 360.753.6176 FAX • www.washingtonports.org



P.O. Box 1180 • Port Townsend, Washington 98368-4624

Administration: (360) 385-0656

Operations: (360) 385-2355

Fax: (360) 385-3988

October 19, 2012

TO WHOM IT MAY CONCERN:

It is with great pleasure and enthusiasm that I recommend the Goodstein Law Group, with which we currently contract for Port General Legal Services for the Port of Port Townsend. In my role as Executive Director for the Port, I have been in a unique position to observe the professionalism, scholarship, and dedication of each Goodstein Law Group attorney in their capacities as Port attorneys.

The Goodstein Law Group attorneys are consistently prepared and have the ability to speak to every issue that arises during Port Commission and executive session meetings. Our attorneys conscientiously educate themselves on all legal issues which may affect governmental entities, and maintains an awareness and sensitivity to customer and public needs as well. This conscientiousness, in my opinion, is one of the most significant Goodstein Law Group attributes. I am confident on our attorneys not only keep our Port informed of the latest issues confronting the Port, but also with providing solutions to problems arising from those issues.

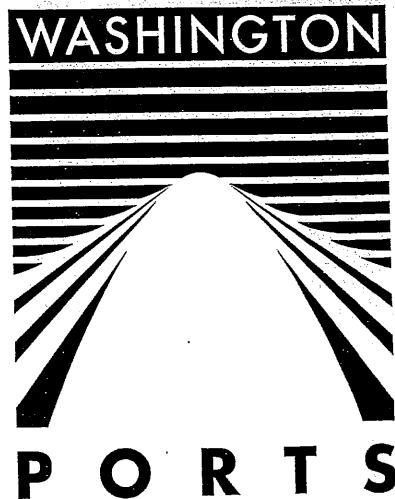
In advising Commissioners, the Executive Director, Department Directors, Port Staff, and assisting the customers and citizens of the Port of Olympia, Goodstein Law Group attorneys have demonstrated a tremendous grasp and ability to explain a multitude of legal issues to non-lawyers. The GLG attorneys have capably drafted Interlocal Agreements with other municipalities, reviewed public works contracts and bid forms, and contracts with small businesses, and multinational corporations. The Goodstein Law Group attorneys also understand the unique and nuanced role and authority of Ports as Special Purpose District, and how special purpose districts differ from other types of general purpose governments.

Our attorneys have demonstrated particular strength in the areas of litigation and land use matters. They are instrumental in defending this and other Ports in various litigation matters, and successfully litigated the Port's position in both State and Federal Courts. In addition, they have been instrumental in helping the Port through the process of a major Comprehensive Plan amendment that was needed for economic development, and strategically assisted the Port in litigation that brought other governmental entities to the table to successfully negotiate long standing disputes. Our Goodstein Law Group Attorneys have demonstrated themselves to be a valuable resource both to myself and to other Port leaders. They exemplify the highest level of professionalism, commitment, and professional expertise.

I heartily recommend the Goodstein Law Group to your organization with my highest regard. No agency can afford to pass up the opportunity to benefit from the skills the Goodstein Law Group has to offer; as few amongst their field can match their commitment and professionalism.

Sincerely,

Larry Crockett
Executive Director



Dear Carolyn,

Thank you so much for
always participating in our legal
programs. We couldn't do it
without you!

Thanks Again!

Brandi

THE NADLER
LAW GROUP
PLLC

MILLENNIUM TOWER
719 SECOND AVENUE, SUITE 704
SEATTLE, WASHINGTON 98104
PHONE: (206) 621-1433
FAX: (206) 264-9126

MARK S. NADLER, P.E.
mnadler@nadlerlawgroup.com

November 5, 2012

To Whom It May Concern:

Re: Letter of recommendation for the Goodstein Law Group

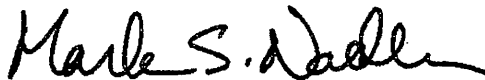
I am writing to provide my recommendation for the Goodstein Law Group, PLLC. I have known the firm's principal Carolyn Lake, since the early 1990s and I knew the firm's founder Robert Goodstein for more than ten years before I established The Nadler Law Group PLLC in 2003. Since that time my firm and the Goodstein Law Group have jointly represented multiple municipal clients in matters involving environmental law and significant environmental insurance claims. We continue to work together today.

The Goodstein Law Group attorneys have been excellent to work with, especially on complex matters. The firm's lawyers are knowledgeable, very capable and cost/value conscious. In particular, Carolyn Lake has extensive experience in land use and many other municipal matters which provide her with a broad and deep substantive expertise which is especially useful in representing local governments. Ms. Lake's experience also makes her an effective lawyer for municipal governments in practical ways because she is sensitive to the structure, operations and environment in which such entities exist. She is articulate, considered, and thoughtful in the handling of sensitive matters.

I can wholeheartedly recommend Ms. Lake and the Goodstein Law Group for any role in providing legal services to governmental entities.

Very truly yours,

THE NADLER LAW GROUP, PLLC



Mark S. Nadler, P.E.

ptleader.com

Daily news, connections for Port Townsend & Jefferson County, Washington

Classifieds Blogs Events Visitors/Travel Links Videos Photos Publications Wedding & Event Planning



Recognized as AAA's
#1 Top Shop in WA
360-385-2070 • Port Hadlock, WA
CLICK HERE to schedule an appointment today!

CIRCLE & SQUARE
AUTO CARE

Advanced Search
search...
search

Port Townsend
52°F
AccuWeather.com
Weather Forecast

home : news : news

Share

March 26, 2013

3/22/2013 4:36:00 PM

Judge Harper rules in favor of Port in bid dispute, appeal still possible

Tristan Hiegler
reporter

"In my view, Primo missed the boat by not providing that information when it was due."

Judge Keith Harper

Jefferson County Superior court

Jefferson County Superior Court Judge Keith Harper has ruled in favor of the Port of Port Townsend's regarding a bidding dispute, though the ruling doesn't go into effect until Monday.

The Port opened bids for its administrative offices building on March 7. Though Clallam County based Primo Construction was the nominal lowest bidder, local contractor Grant Steel Buildings and Concrete Systems appealed awarding Primo the contract, arguing Primo had not included requested information in its bid.

The Port supported the protest filed by Grant Steel President Mark Grant during its March 13 regular meeting, and rejected Primo's appeal during a March 15 special meeting. After that meeting, Primo filed for a temporary restraining order March 19 to keep the Port from awarding the contract to Grant Steel.

Primo had a base bid of \$822,984. Grant Steel's base bid was \$839,989.

Appearing before Harper on March 22, Primo's attorney Adam Lasky argued the Port erred in supporting Grant's protest. He said the major objections against his client, that a project delivery date and five years of experience on similar projects were not included, are false.

Lasky argued Primo's motion for an injunction to keep the Port from signing any contracts with Grant Steel.

Attorney Carolyn Lake, representing the Port, argued Primo failed to provide a verifiable delivery date and didn't provide enough proof of experience with steel buildings. She said between March 13 and March 15, Primo had an opportunity to do that.

"They had the opportunity to fill in any gaps at that time, and they failed to do so," Lake said in court.

Harper ruled the temporary restraining order against the Port remains in effect until noon, March 25, in response to a request from Lasky for more time to file an appeal. Harper also denied a motion for an injunction.

"In my view, Primo missed the boat by not providing that information when it was due," Harper said.

Larry Crockett, Port executive director, said after the hearing he would have liked to have the restraining order quashed Friday instead of Monday.

"I think the judge is right on, but time is such a critical part of this process, it would have been nice to have clearly decided Friday," Crockett said. "It's just one more day our contractor can't get down there and get the building ordered, and every day is of the essence right now."

The Port is going to demolish the Marine Exchange building in the Port Townsend Boat Haven so they can ready a new building and move out of their Point Hudson offices by Sept. 1. The Washington Department of Fish and Wildlife has signed a lease to move into the space starting in September.

E-LEADER
Available online,
anywhere, at
5 a.m. every
Wednesday!
Click for a free demo

PRICE FORD
The best selection
of new & used
vehicles on the
Peninsula!
3311 East Hwy 101
Port Angeles
1 (800) 922-2027

Search.
Anywhere.
Anytime.
get mobile.remax.com

Enter
To Win This
Easter Bunny
and Basket
CLICK HERE!

Rachael's got
31 darling
goat babies!
Spring Mystery
Bay Chevré and
Yogurt are back!
**chimacum
corner
farmstand**

ptleader.com

Daily news, connections for Port Townsend & Jefferson County, Washington

Classifieds | Blogs | Events | Visitors/Travel | Links | Videos | Photos | Publications | Wedding & Event Planning

CLICK TO ENTER
the Leader's
Pet Photo
Contest



E-LEADER
Available online,
anywhere, at
5 a.m. every
Wednesday!
Click for a free demo

Your best source for personal insurance needs.

KMI
Kristin Manwaring Insurance Agency

HEALTH • LIFE • DISABILITY • LONG-TERM CARE • EMPLOYEE BENEFITS • MEDICARE • ANNUITIES

Advanced Search
search...
search P

home : news : news

Share

March 26, 2013

3/20/2013 6:00:00 AM

UPDATE: Port contractor choice opens 'hornet's nest'

*Primo disputes that Grant Steel is low bidder*Tristan Hiegler
reporter

UPDATED 2:30 p.m., March 20

Port of Port Townsend Executive Director Larry Crockett confirmed March 20 that Primo Construction's attorneys filed in Jefferson County Superior Court March 19 for a temporary restraining order to appeal a port district bid award.

The goal is a hearing on Friday, March 22, Crockett said on Wednesday, still uncertain if that would be possible.

Crockett said the hearing must be scheduled within three days of filing date, though the hearing doesn't have to be held in that same time frame.

The planned demolition of the port-owned Marine Exchange Building has been postponed from Thursday, March 21, to an undetermined date until the issue is resolved.

"We're still kind of limbo until that happens," Crockett said. "I've never been through one of these so I'm not really sure what the process is."

Original story

A consortium of local contractors may benefit from an \$800,000 Port of Port Townsend office building construction project thanks to a bid process technicality — a dispute that may end up before a judge.

Government agencies must accept the low "responsive" bid, regardless if it comes from a "local" contractor. There are not many large contractors to take on some of the city, county or port district projects bid in recent years — but Mark Grant tried to change that by being primary contractor with a bid involving more than 20 other local companies.

"There is a bit of a hornet's nest to be stirred up in this," said Grant, owner of Grant Steel Buildings and Concrete Systems Inc. based in Port Townsend, on March 15. "We keep hearing people say buy local and support local. Sometimes a municipality is bound by law and its hands are tied but a lot of times they have the ability to do it [buy local] but they don't follow through."

Grant was curious why his bid for construction of a new port office building finished second at a March 7 bid opening.

Primo Construction, a company based in Clallam County that has been the general contractor on many government-funded projects here, had a base bid of \$822,984. Grant Steel's base bid was \$839,989.

Grant filed a public records request to learn the bid details, and after a document review, on March 11 filed a protest with the port. He claimed Primo's bid was "unresponsive" to all the questions asked.

After port staff review, the port commission on March 13 upheld Grant's protest, and declared Grant Steel as the low, responsive bidder. Primo appealed the decision, but the decision to go with Grant's bid was confirmed at a special commission meeting on March 15.

Port Executive Director Larry Crockett on March 15 emphasized "the fact that someone is local has no bearing on any decision made by the port."

Local companies on Grant's bid for port project

While Grant Steel Buildings and Concrete Systems Inc. would be the prime contractor for the administrative offices of the Port of Port Townsend, company President Mark Grant supplied this list of local subcontractors and suppliers he intended to use.

Based in Jefferson County or Port Townsend, Grant's picks for everything from drywall to solar panels include Leavitt Trucking and Excavating, Hanson Electric, Bob Brown Plumbing, Port Townsend Shipwrights Inc., Electricians Extraordinaire, Fredrickson Electric, Parcher Construction, Kimball Woodworks, Bruner Drywall Services, J and D Painting Services, Sunshine Propane, Jones Technology Services, Levi's Energy Services, North Wind Welding and Fabrication and Tarboe Ridge Extinguishers.

Grant also lists Lakeside Industries and Rainbow Sweeps, both out of Port Angeles, as subcontractors.

For his suppliers, all from Port Hadlock or Port Townsend, Grant lists Cotton RediMix Concrete, Carl's Building Supply, Hadlock Building Supply, Henery Do It Best Hardware, Straight Flooring, Admiral Ship Supply, A+ Equipment Rentals, Olympic Equipment Rentals and Good Man Sanitation.

AccuWeather.com
Weather Forecast



Life Care Center
of Port Townsend



To be appealed

But the deal is not sealed just yet.

Crockett said Primo Construction had until 4:30 p.m., March 19, to file for a temporary restraining order to keep the port from awarding the contract. Crockett said he had been informed by Primo that a motion for a restraining order against the signed contract would be filed.

"My understanding is the judge does not need to grant that, but if he does both parties need to appear before him within three days," Crockett said March 19.

(Check for story updates this week on ptleader.com)

According to the memo prepared by port district attorney Carolyn Lake, the reason for the bid being awarded to Grant is that Primo did not deliver proof of at least five years of experience with similar steel building projects and did not provide a firm delivery date.

"Under the facts of the bid, and applying applicable Washington law, the port may legitimately find that here the irregularities do affect the binding offer of the bidder, and thus give an advantage to Primo not shared by other bidders," Lake wrote in her memo.

Crockett told the *Leader*, "Primo provided a laundry list of projects they worked on, and they made no attempt to tell us which ones were steel buildings."

In the appeal submitted March 14 by Primo attorneys Jason Wandler and Adam Lasky, the company disputed the claim about lack of a hard delivery date and sufficient steel-building experience.

"Unfortunately, despite the fact that Primo complied with all aspects of the [invitation to bid], the port has taken the drastic measure of rejecting Primo's bid based on a protest [from] another bid without having afforded Primo the opportunity to intervene and participate in the protest," Wandler and Lasky wrote.

In their memo, they contend Primo had a delivery date of June 6, 2013, for a pre-designed building, and "Primo's statement of qualifications easily demonstrate that it does have at least five years of direct experience with similar projects."

Korey Smith, a site superintendent with Primo Construction, said at the March 15 meeting that his company was "obviously disappointed" with the outcome.

Everything you need to furnish your home, right here in Port Townsend.



CLICK HERE to see our selection!

PENINSULA
FLOORS & FURNISHINGS

What's next?

The port needs a new administrative home after it decided to lease its renovated facility at Point Hudson to the Department of Fish and Wildlife. The state agency signed a five-year lease and expects to move into the Point Hudson offices in early September.

"We've agreed by essentially the Wooden Boat Festival we'd be out of here," Crockett noted.

The port wants a new office on its land at Boat Haven, removing an old building that for years has been the Marine Exchange – a business that closed earlier this month.

Demolition of the former Marine Exchange building was part of the bid. Crockett said Primo bid \$10,281 on demolition and Grant Steel bid \$12,512.

If the restraining order is not issued Tuesday, Crockett said the demolition is scheduled for March 21.

"We're ready to go on the demo as soon as the judge determines we can move ahead," Crockett said.

Leader editor Patrick J. Sullivan contributed to this article.

Related Stories:

- Judge Harper rules in favor of Port in bid dispute, appeal still possible



WE'RE BACK!
- CLICK FOR MENU -

BEST TIRE VALUE PROMISE

Wesley Schwan

CLICK HERE FOR MORE INFORMATION

PT's new bagel shop

METRO

M

BAGELS

CLICK HERE FOR Community Information & Properties for Sale



Nancy Stelow
Realtor®, CLHMS
EXECUTIVE
Real Estate, Inc.

Sample Sump'n Wednesdays!


- gifts - food -
- drink - fun -

getables

GOURMET & GIFTS TO GO

Click to learn more!

PRICE FORD



The best selection of new & used vehicles on the Peninsula!

3311 East Hwy 101
Port Angeles
1 (800) 922-2027



UNDER THE HEADING OF,
'MY ATTORNEY CAN BEAT UP YOUR ATTORNEY!'
THANKS FOR YOUR RECENT EFFORTS.
LARRY CROCKETT

Brown's Flowers INC.
AND GIFTS

P
M

TO:
CAROLYN
LAKE
GOODSTEIN LAW GROUP
501 SO G ST
TACOMA WA 98405
PHONE NO.: (253) 779-4000

DELIVER: 03/25/13 MONDAY
MAP INFO: -
INVOICE #: 122632 POOL ID:

Guarantee will be
honored if notified
within 24 hours.

Brown's Flowers INC.
AND GIFTS

4734 SOUTH TACOMA WAY
P.O. BOX 9396
TACOMA, WA 98409
(253) 472-3361
1-800-203-3361
FAX (253) 472-3364
www.brownsflowersandgifts.com

Specializing in customer
service and satisfaction
for over 85 years.

DETACH THIS STUB HERE

19 October 2012

TO WHOM IT MAY CONCERN:

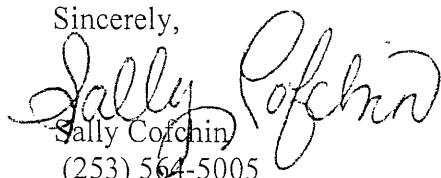
I have known Carolyn Lake of the Goodstein Law Group professionally for the last decade. We served jointly on civic Boards and collaborated in support of Bates Technical College, where I served as Executive Vice President of Student Instruction. After my retirement, when my husband and I were faced with a complex land use issue, I knew exactly who to call: Carolyn! Based on what has been a close working relationship on that legal issue over the last six years, which ended in success, I would offer the following comments.

Carolyn Lake is a bright and talented attorney. Her grasp of governmental, administrative, land use and environmental law is amazing, particular given the changes brought about by the Growth Management Act. She can give me quality legal advice off the top of her head and always follows it up with good thorough research. Rather than just pursue the usual pathways, she will seek out creative and strategic legal options and alternatives. It is exciting to brainstorm problems with Carolyn, and it is almost always a productive experience.

Carolyn is also one of the hardest working people I have ever been associated with. She handles a tremendous volume of business for her Port and private clients, and seems to thrive on it. She practices proactive law by reviewing materials and issues so that we avoid mistakes and can anticipate problems. Carolyn is also very well organized and very persuasive. She provides her legal services with very rapid turn-around. She clearly takes pride in her work and in serving her clients.

I thoroughly enjoy working with Carolyn Lake and the Goodstein Law Group. She and her associates have a great sense of humor which is much appreciated. She is creative and enthusiastic and these qualities help her to energize the entire organization. In short, I believe that Goodstein Law Group would be a valuable addition to your organization. If you have a question or would like additional information, please contact me!

Sincerely,

A handwritten signature in cursive script that reads "Sally Corchin". The signature is written in dark ink and is positioned above the printed name and contact information.

Sally Corchin
(253) 564-5005

633 N Karl Johan Ave,
Tacoma, WA 98406

Steven S. Maxwell
President
South Puget Sound District

KeyBank



KeyBank

Mailcode: WA-31-01-0410
1101 Pacific Avenue, 4th Floor
Tacoma, WA 98402

Tel: 253-305-7585

Fax: 253-305-7910

August 14, 2012

Dear Carolyn,

Congratulations! You've been selected by Key4Women to receive the first annual Achieve Award for the South Puget Sound District.

Key recognizes that women-owned businesses are helping to drive economic growth, and we are pleased to strengthen our support of these entrepreneurs. Our nationwide Achieve Award was developed by Key4Women to celebrate the women business owners we have the privilege of working with every day. It is presented in admiration of their dedication to business and community.

We are hosting a Key4Women Forum at the Hotel Murano on Tuesday, September 11, 2012 from 11:30 a.m. – 1:30 p.m., where we will present you with your award.

We look forward to presenting you with the Achieve Award, and would like you to know how deeply we appreciate your relationship with KeyBank.

Sincerely,

A handwritten signature in black ink that reads "Steve Maxwell". The signature is fluid and cursive.

Steve Maxwell, President
South Puget Sound District

cc: Stephanie Miller

Law Offices Of
STEPHEN T. WHITEHOUSE

P.O. BOX 1273
601 W. RAILROAD AVE., SUITE 300
SHELTON, WASHINGTON 98584

STEPHEN T. WHITEHOUSE
JULIE SUND NICHOLS

TELEPHONE (360) 426-5885
FAX (360) 426-6429

November 5, 2012

To whom it may concern:

I recommend Timothy Harris enthusiastically and without reservation. I have worked with Timothy for more than four years in his capacity as an attorney for the Building Industry Association of Washington.

Timothy is hard working and has excellent legal skills. His work is always on time and exceeds expectations. He frequently stepped up and volunteered for tough assignments, even under a time crunch.

I have had the opportunity to review dozens of Timothy's briefs and legal memoranda, including submissions to various courts and administrative tribunals, and his work is clear, concise, and persuasive. He also has high ethical standards, and is detail-oriented.

Timothy is recognized in his industry -- and is well regarded by his peers -- as an expert in land use and administrative law. I have also worked with him on various matters, including contract negotiation, employment law, and regulatory compliance. He excels at condensing complicated legal matters into easily understood messages for a non-attorney audience. He has an excellent sense of humor and is a pleasure to work with.

Sincerely,



JULIE SUND NICHOLS
Attorney at Law

JSN:sb



BUILDING INDUSTRY
ASSOCIATION OF WASHINGTON
CHAMPIONS OF AFFORDABLE HOUSING

P.O. Box 1909 • Olympia, WA 98507
360.352.7800 • 800.228.4229 • www.BIAW.com

Oct. 19, 2012

To whom it may concern:

I would like to recommend Timothy Harris, whom I have worked with for more than 10 years. I've worked with Tim when he served as in-house counsel to the Building Industry Association of Washington while I was the Executive Vice President of the Home Builders Association of Kitsap County and as an attorney with Goodstein Law Group, who currently represents BIAW on a variety of issues.

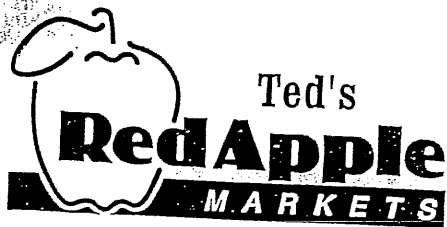
Tim consistently demonstrates an ability to evaluate, and respond effectively to complex legal issues. He is a knowledgeable and trusted advocate of our association. His sense of humor and professionalism also make him a valued member of the BIAW team. We've used Tim's expertise for legal opinions, negotiating contracts, writing amicus briefs, and handling complex litigation. Tim also acts as the parliamentarian for our association, and he expertly advises our association's lobbyists on pending legislation that affects the building industry. Tim is the Chair of the BIAW's legal committee, and directs a team of lawyers who work in the land use arena.

Tim's work is consistently accurate, timely, and responsive to our needs. He's an excellent writer, negotiator and public speaker.

I recommend Tim and his legal knowledge and skills highly.

Sincerely,

Art Castle
Executive Vice President



February 18, 1998

Bogle & Gates P.L.L.C.

Mr. Rich Wallis
Tacoma Financial Center
1145 Broadway Plaza
Suite 1360
Tacoma, Washington 98402-3502

I am writing this letter to let you know how pleased we are with the representation Carolyn A. Lake presented for us in dealing with Thurston County concerning the sound issue we faced during the construction and occupancy of TED'S RED APPLE MARKET in Rochester, Washington. Carolyn was very thorough and professional in her approach. Upon her entry into the subject matter, Thurston County quit playing heavy handed and started to do things within the law and this also changed their approach to our building site and how they felt about doing their job.

I have the highest regard for Carolyn Lake and her abilities and would certainly not hesitate to call upon her for any other needs that may arise.

Sincerely,

A handwritten signature in cursive script that reads "Larry McManus".

Larry McManus
General Manager
Ted's Red Apple, Inc.
WestPort and Rochester, Washington

LM
dvv

cc: Carolyn A. Lake
Marlene Givens

Washington State Senate

Democratic Communications

FOR IMMEDIATE RELEASE — Feb. 12, 1998

Rasmussen bill would protect rights of property owners along Pacific Avenue

OLYMPIA — After months of bitter protesting and struggling to make their voices heard in Olympia, citizens of south Pierce County finally got what they were after: a fair shake.

Converging on the state capitol Monday for a meeting of the Senate Transportation Committee, small business owners sounded off about what they said have been "heavy-handed" tactics used by various representatives of the state Department of Transportation (DOT) to pressure businesses along Pacific Avenue to comply with new, restrictive zoning laws that would accompany a highway renovation project.

They came in large part to voice their support for a bill authored by state Sen. Marilyn Rasmussen, D-Eatonville, who has been following this issue from the beginning. Rasmussen wrote the bill (SB 6678) in response to citizens' concerns about how the highway construction project would affect access to their homes and businesses along Pacific Avenue (SR 7).

"It's my job to make sure big state projects like this don't put small businesses out of business," said Rasmussen. "This is a pilot project for the whole state, so it's important that we listen to people and address their concerns. This first plan must be the very best."

With an accident rate that is twice the state average, the stretch of Pacific between SR 512 and the Roy Y has long been a prime candidate for the kind of renovation the DOT calls "access management." However, citizens and business owners along the highway are concerned that the project will limit access to their property by clamping down on the many unregulated driveways that have sprung up along Pacific Avenue over the years.

On hand to testify in support of Rasmussen's bill were several members of a local group, Parkland-Spanaway Access and Safety Association (PSASA), that was formed as a response to the proposed construction project. Mead McDonald, one of the chairmen of the organization, spoke about his contentious first exchange with DOT officials.

- more -

"It was like David and Goliath," said McDonald. "As individual property owners, we had no chance to reason or negotiate with DOT officials. That's why we formed our protest group, as a way of fighting their blatant injustices."

Scott Vanderflute, co-chairman of PSASA, also traveled to Olympia to testify in favor of the bill. Vanderflute told how he was initially in favor of the renovation, but became outraged when he heard about the various highway "improvements" that were part of the second phase of the project.

"Nine-foot-wide drainage ditches and removal of more than 70% of the street lighting?" asked Vanderflute skeptically. "How does all that compute to safer and better? Less light means more crime, and big ditches mean more garbage along the side of the road."

Vanderflute added, "The roads serve the people — not the other way around."

When it became evident to all present at the committee meeting that DOT officials had, as one administrator put it, "gotten off on the wrong foot" with the property owners along Pacific Avenue, Rasmussen took the unprecedented step of retiring to a nearby conference room with all parties in the dispute. Once inside, Rasmussen informed them of their duty.

"Before we leave this room," said Rasmussen, "we need to hammer out a proposal that works for everyone. If we can't do that, this bill will be DOA — dead on arrival."

The discussion focused primarily on two points of contention: 1) the question of whether certain existing driveways could be allowed to remain in the new project; and 2) language in the old law that stated that the property owner's rights were, in fact, "subordinate" to the state's.

For their part, DOT officials contended that it was their job to ensure the free flow of traffic in the state, and that "grandfathering in" all current access points could seriously affect the viability of the transportation system in the area.

"This is not a personal issue," said Clifford Mansfield, Deputy State Design Engineer. "We don't have a vendetta against property owners. It's our job simply to provide the best transportation that we can. If we can do that and solve the individual problems of the business owners along Pacific Avenue, I'm all for it."

In the end, a compromise was provided by attorneys from the law firm Bogle & Gates, hired by PSASA to handle the legal aspects of their protest. Carolyn A. Lake, counsel on the project, said the new law should include the concept of balance.

"We are just trying to level the playing field," said Lake. "Up until now, the language of this law has been very uneven. This new proposal is really the best of both worlds."

The final bill included language stating that a property owner's right should be "fairly considered along with the public's right and interest." In the case of a dispute over a private individual's right of access to the highway, safety and traffic-flow issues will be examined using "accepted traffic engineering criteria." DOT also agreed to restore and enhance the lighting.

In addition, the new bill (PSSB 6678), which passed out of the Senate Transportation Committee with a unanimous vote, includes the following provisions:

- A public appeals process is required on all access management projects; the process must include business and property owner input and a public hearing.
- Unpermitted connections in existence and in use on July 1, 1990, shall not require a permit; and
- Access points before 1991 are maintained unless the connection does not meet minimum acceptable safety and engineering standards, and/or if there have been significant changes in use, flow, or design of highway connection.

When all was said and done, Rasmussen was satisfied with the negotiations.

"This is a win-win plan that will be important for everyone in our state," said Rasmussen. "When it comes to making transportation laws, what's good for Pacific Avenue has to be good for Renton and Spokane and Walla Walla, too."

Rasmussen added, "This shows what can be accomplished when government listens to the people. When we work together, great things can be done."

Note: The bill now goes to the Senate Rules Committee

###

For more information:
For interviews:

John Faulk (360) 786-7721
Sen. Marilyn Rasmussen (360) 847-3276



Olympic Pharmacy
HEALTHCARE SERVICES

RECEIVED

May 19, 2000

Ms. Carolyn A. Lake
Williams, Kastner & Gibbs PLLC
1000 Financial Center
1145 Broadway Plaza
Tacoma, Washington 98402

Carolyn (the **ETERNAL** optimist):

Carolyn

You hopefully are aware of the huge impact you made on our project. Even more important than the success we achieved is the fact that you made it enjoyable. All things equal it is always better to have fun.

I have been fortunate not to spend much time in my life dealing with the legal machine. I was impressed by your personal skills of organization and communication and will continue to benefit from watching the way you applied those skills.

Olympic Medical Group and especially myself thank you for your diligent efforts. The thank you is even greater based on our success.

In gratitude:

Thank you!

Ray D. Bond

Ray



WSBA

James M. Danielson
Chief Hearing Officer
P.O. Box 1688
Wenatchee, WA 98807

Phone: 509-662-3685
Fax: 509-662-2452
E-mail: jimd@jdsalaw.com

January 28, 2005

Ms. Carolyn A. Lake
Goodstein Law Firm
1001 Pacific Avenue, Suite 400
Tacoma, WA 98402-4440

Dear Carolyn:

It has come to my attention that the term of your appointment to the WSBA Hearing Officer Panel has recently concluded. Among the most critical functions of the Bar Association is the authority, delegated to it by the Washington Supreme Court, to administer the lawyer discipline and disability system, to maintain appropriate standards of professional conduct, and to dispose of individual cases of lawyer discipline and disability. To properly discharge this trust, a corps of qualified, fair-minded, and conscientious volunteer hearing officers is crucial. By serving on the panel, you have made a substantial contribution to this endeavor.

As Chief Hearing Officer, and on behalf of the Washington State Bar Association, I wish to acknowledge and thank you for your dedicated service to the WSBA, the legal profession, and the citizens of the State of Washington.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "JMD", written over the typed name and title.

James M. Danielson
Chief Hearing Officer

Working Together to Champion Justice

Washington State Bar Association • 2101 Fourth Avenue – Suite 400 / Seattle, WA 98121-2330 • 206-727-8200 / fax: 206-727-8320



THE NOSE

So, does Ichiro get double-tall skinny mochas for free now?

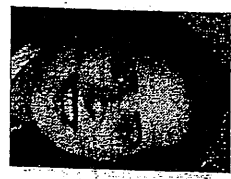
So Ichiro's going to push Starbucks in Japan. Perfect, really. The zippy leadoff man who buzzes around the bases is a match for the caffeine jolt that keeps us (well, this columnist at least) from drowning his laptop keyboard in a puddle of snoozing drool. But enough about us. What other perfect, untapped marketing opportunities might there be for Northwest athletes? ■ John Olerud could sell whatever undoes that coffee buzz. ■ Gary Payton says get yer Isotoner gloves - available everywhere. ■ Jamie Moyer pitches lawn and garden equipment under the name "The Jamie Mower." Available in extra slow speeds. ■ Lou Piniella would've been perfect for your choice of coast-to-coast airline. ■ The Cougars could pitch Jack Daniels ... bottles. ■ Notice how there's no Mike Holmgren commercials anymore? You what? The student life at

accounting, budget, treasury and customer service operations.

Awards/recognition

■ **Thomas J. Sadler** has been elected to serve as the Pacific Regional director of the National Association of State Boards of Accountancy for 2002-2003. Sadler, a former member of and former chairman of the Washington Board of Accountancy, is with the firm Brink & Sadler CPAs in Lakewood. Active in many community organizations, Sadler has served as president of the Lakewood Chamber of Commerce and the Rotary Club of Lakewood.

■ Two area residents have earned the Level II building operator certification from the Northwest Energy Efficiency Council. **Scott Duncan**, maintenance technician for the Steilacoom School District No. 1, and **Wayne Wenzel**, facilities maintenance technician for the City of University Place, received their certification after a year of



Haley



Luis



Smith



Lake

training and project work in building operations.

■ **Art Paquet and Craig Grant**, both of Henderson Bay Construction in Gig Harbor, have earned the designation of certified graduate remodeler (CGR) from the National Association of Home Builders Remodelers Council. Paquet and Grant are among only 2,000 professional remodelers nationwide who have attained or are in the process of earning the CGR certification.

■ **Ron Coen**, Gig Harbor, has been named as Thirvent Financial for Lutherans regional fraternal manager for the Pacific

disciplinary board hearings officer for the Washington State Bar Association. She recently completed a year as chairwoman of the Bates board of trustees.

□ Group Health members were elected to the organization's board of trustees at the annual meeting in October. They are **Ruth Ballweg, Audrey Davis, Dr. Ira Fielding and Pegge Till**.

Ballweg, a physician assistant, is director of the University of Washington's MEDEX Northwest Physician Assistant Program. She has been with Group Health since 1981 and just completed her first term as a trustee.

Davis joined Group Health in 1948 and is a past president and chief executive officer. This will be his 13th term.

Fielding, a Bainbridge Island resident who retired after 30 years of practice as a urologist at Kaiser Permanente of Northern California, has served two terms on the board of directors for the Permanente Medical Group in

Northwest office of Seattle. Coen will serve families in Alaska, Hawaii, western Washington and Oregon.

■ Gov. Gary Locke has reappointed **Carolyn Lake** to the board of trustees for Bates Technical College in Tacoma. Initially appointed to the board in 1999, Lake will now serve until Sept. 30, 2007. Lake, an attorney with the Goodstein Law Group in Tacoma, also serves on the board of directors of the Bates Foundation and is a member of the Master Builders Association of Pierce County, the University of Washington Tacoma of Legislative Council, and serves as

Master Builders Association

of King and Snohomish Counties

2155 - 112th Avenue N.E., Suite 100 • Bellevue, Washington 98004
425-451-7920 • FAX 425-646-5985 • 1-800-522-2209
Website: <http://www.mba-ks.com>

RECEIVED

FEB 27 2001

WILLIAMS KASTNER & GIBBS

Master Builders Association is affiliated with the National Association of Home Builders

February 26, 2001

Mr. Loren Sand, County Engineer
Snohomish County Department of Public Works
2930 Wetmore Ave
Everett, WA 98201

RE: 26B and SEPA APPEALS

Dear Mr. Sand,

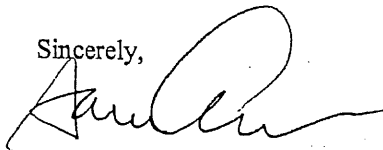
On behalf of the over 2850 members of the Master Builders Association, I am writing to respectfully request that the Department of Public Works (DPW) contact the Prosecuting Attorney's (PA) office and seek a legal opinion regarding the 26B and SEPA appeal issues that have surfaced regarding the reconsideration of Echo Falls Estates, PFN 99-1000800.

The basis for this request is a recent brief filed by Ms. Carolyn Lake of Williams, Kastner, and Gibbs, PLLC. This brief addresses specific legal concerns raised in the Hearing Examiner's decision to deny the project's application based on new traffic impact calculations brought forth in a SEPA appeal. MBA believes the issues raised by Ms. Lake's brief are consistent with several legal concerns we have regarding the impact of the Hearing Examiner's decision on current applications of Title 26B and the proposed Title 26B appeals ordinances.

MBA believes that a past PA's opinion stating that post-concurrency traffic study information does not trigger the re-evaluation of the concurrency determination is grounds for a DPW request for further review of this issue by the PA's office.

We appreciate the County's consideration of this request and look forward to a timely response. Should you have any questions about our concerns, please contact David Toyer, Snohomish County Director, at 425-451-7920.

Sincerely,



Samuel L. Anderson
Executive Officer

CC:
Prosecuting Attorney's Office
Executive Bob Drewel
Snohomish County Council
Ms. Carolyn Lake, Williams, Kastner, and Gibbs, PLLC
MBA Membership

Attachments:

Brief, Ms. Carolyn Lake of Williams, Kastner, and Gibbs, PLLC
June 21, 2000 Memorandum from Angela S. Belbeck, Deputy Prosecuting Attorney



(206) 661-4000
FEDERAL WAY, WA 98003-6210

June 9, 1994

To Whom It May Concern:

Over the past three years, I have had the distinct pleasure of working with Carolyn A. Lake on numerous projects in the City of Federal Way. Carolyn consistently demonstrates an uncanny ability to evaluate and respond to complex issues while adhering to the highest professional standards. Whether drafting ordinances, developing contracts for services, initiating interlocal agreements with other units or local government, negotiating difficult contract language or responding to everyday needs in the city ranging from document review, purchase and sales agreements or analyzing employee-related issues, Ms. Lake does so in a confident and reassuring manner. Carolyn continually wears a cheerful countenance and is a valued resource for a myriad of city issues. Carolyn not only does her homework, she makes working with the Law Department most enjoyable when contrasted with any other law or municipal department I have ever been associated. Her approach to problem-solving instills confidence in the entire city organization and the Law Department she so adeptly manages. One testament to her management capabilities is the fact that the City of Federal Way Law Department routinely exceeds the productivity of municipal departments three to four times the size of Federal Way's. The work of the Law Department is always accurate, timely and most responsive to the needs of the client. The success of the Parks and Recreation Department is directly proportionate to the support of the Law Department. Carolyn Lake is the consummate professional.

Through Carolyn's excellent leadership capabilities, she continually enhances the City's credibility by developing a technically competent and compassionate staff, recommending and instituting changes in the Law Department as appropriate, and staying on the cutting edge of her profession.

I can only hope that I am fortunate enough to work with department heads who display Carolyn A. Lake's superior qualities. It has been my honor to work with the premier City Attorney in the State of Washington.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Erik Joe Stevens'.

Erik Joe Stevens, Director
Parks and Recreation Department
661-4041



(206) 661-4000
FEDERAL WAY, WA 98003-6210

RE: Reference for Carolyn Lake

TO WHOM IT MAY CONCERN:

I am the Planning Manager for the City of Federal Way and in that capacity, I have been working with Carolyn Lake for the past three plus years. Based on what has been a close working relationship, I would offer the following comments.

Carolyn Lake is a is very bright and talented City Attorney. Her grasp of land use and environmental law is amazing, particularly given the changes brought about by the Growth Management Act. She can give me quality legal advise off the top of her head and always follows it up with good thorough research. Rather than just telling me I can't do something, she will describe the downside of an action I am considering and then work with me to find more legally acceptable alternatives. It is exciting to brainstorm problems with Carolyn, and it is almost always a productive experience.

Carolyn is also one of the hardest working people I have ever been associated with. She handles a tremendous volume of business for the City and seems to thrive on it. She practices pro-active law by reviewing materials and issues before they are released so that we avoid mistakes and can anticipate problems. She also provides these services with very rapid turn around. She clearly takes pride in her work and in being a municipal employee.

Carolyn is also very well organized and very persuasive. I will always remember a presentation she made to our Land Use Hearing Examiner on a SEPA appeal associated with the City's proposed assumption of the local water and sewer district. The opponents were trying the case in the newspapers on political grounds and the legal issues were rather vague and poorly understood by the general public. Carolyn's presentation was extremely well organized, very logical and easy for the lay person to understand. She used humor in appropriate places and employed the right amount of subtlety in outlining the opponent's errors in the facts of the case. The presentation and rebuttal was clear, concise, and compelling.

I have enjoyed working with Carolyn Lake. She has a great sense of humor which is much appreciated. She is creative and enthusiastic and these qualities help to energize the entire organization. In short, I believe that Carolyn Lake would be a valuable addition to your organization. If you have questions or would like additional information, please give me a call at 661- 4102.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Springer'.

Larry Springer
Director of Community Outreach
and Policy Planning



(206) 661-4000
FEDERAL WAY, WA 98003-6210

June 21, 1994

Re: Letter of Recommendation for Carolyn A. Lake

TO WHOM IT MAY CONCERN:

It is with great pleasure and enthusiasm that I recommend Carolyn A. Lake, currently the City Attorney for the City of Federal Way. In my role as Councilmember for the City of Federal Way, the sixth largest city in Washington, I have been in a unique position to observe the professionalism, scholarship, and dedication of Carolyn Lake in her capacity as City Attorney.

Carolyn Lake continues to amaze me with her ability to speak to every issue that arises during City Council and Committee meetings. Carolyn conscientiously educates herself on all legal issues which may affect the City, and maintains an awareness of and sensitivity to citizens' needs as well. This conscientiousness, in my opinion, is one of her most significant attributes. I consistently feel that I can rely on Carolyn to not only keep me informed of the latest issues confronting the City, but also with providing solutions to problems arising from those issues.

Federal Way is a new city, approximately 4 years old, and Carolyn has been responsible for the development of the Law Department over the course of its growth. Initially as Assistant City Attorney, and then as City Attorney, she has been instrumental in developing, establishing, and maintaining the professional character of the Law Department. She manages both the civil and prosecutorial divisions of the Law Department, and is held in the highest regard by her staff. Her expertise and ability to develop the City's legal department has laid a solid foundation for the City for years to come.

In advising Councilmembers, the City Manager, Department Directors, City Staff, and assisting the citizens of Federal Way, Carolyn has demonstrated a tremendous grasp and ability to explain a multitude of legal issues to non-lawyers. In addition, Carolyn has demonstrated a professional and tremendous legal ability in coping with the growing pains of a new city. As City Attorney she has drafted ordinances establishing City policy, authored the City's entire traffic and criminal codes, administered the complete codification of the City's ordinances, drafted contracts, and negotiated numerous contracts and interlocal agreements.

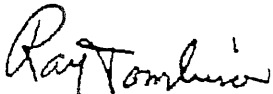
Re: Letter of Recommendation
for Carolyn A. Lake
June 21, 1994
Page 2

Carolyn has demonstrated particular strength in the areas of litigation and land use matters. She is instrumental in defending the City in various litigation matters. She has successfully litigated the City's position in both State and Federal Courts. In addition, she has been instrumental in helping the City through the process of a major annexation of the Weyerhaeuser corporate headquarters to the City, by both drafting the City's annexation ordinance and negotiating with Weyerhaeuser. Carolyn has demonstrated herself to be a valuable resource both to myself and to other City Councilmembers. She exemplifies the highest level of professionalism, commitment, and professional expertise.

Carolyn has never been satisfied with status quo and performs each project with a level of commitment that assures all expectations are exceeded. The City of Federal Way is extremely fortunate to have received the services and dedication of Carolyn Lake.

I value Carolyn's opinion and advice, and take delight in her good humor. I heartily recommend Carolyn Lake to you with my highest regard. No agency can afford to pass up the opportunity to benefit from the skills Carolyn Lake has to offer; as few amongst her field can match her commitment and professionalism. Federal Way's loss will be your organization's extraordinary gain as Carolyn will be an exceptionally positive force in any organization.

Sincerely,

A handwritten signature in cursive script, reading "Ray Tomlinson".

Ray Tomlinson
City Councilmember

Oak Harbor City Attorney's Office

865 SE Barrington Dr
Oak Harbor, WA 98277
(360)679-6306
Fax: (360)675-1914

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 253-922-2711

To: Carolyn A. Lake
Of: Bogle & Gates, P.L.L.C.
From: Phil Bleyhl, City Attorney
Client/Matter: Mount Vernon Abstract v Taco Bell et al #98-2-00270-5 (LUPA)
Date: June 8, 1998

DOCUMENTS	NUMBER OF PAGES
Certification of Stephen A. Dernbach	2
Certification of Peggy Christensen	2
Certification of Rosemary Morrison	1
Certification of Roberta J. Shelton	8

COMMENTS:

I think your brief is excellent and we will follow whatever procedure is best for your client.

The information contained in this facsimile message is information protected by attorney-client and/or the attorney/work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via U.S. Postal Service.

* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (360)679-6306.

Carolyn A. Lake
Attorney at Law
(253) 552-4085
clake@wkg.com

1000 Financial Center
1145 Broadway Plaza
Tacoma, Washington 98402-3502
Telephone (253) 593-5620 Tacoma
(206) 628-2420 Seattle
FAX (253) 593-5625

November 30, 2000

11961.100

Eileen F. Lewis
Fire Chief
City of Tacoma
901 Fawcett Avenue
Tacoma WA 98402-5699

Re: Shorelines Hearings Board Success!

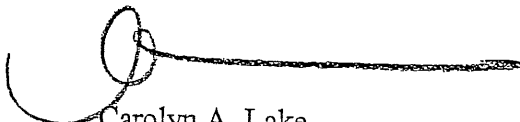
Dear Chief Lewis:

Enclosed please find a copy of the November 28, 2000 letter from the Environmental Hearings Office and the Order Denying Reconsideration. Approval of the Memorial Project was once again upheld! We truly hope that, with this fifth defeat by a reviewing entity, Ms. Miller will cease her assault on this worthwhile project.

Please call me if you have any questions at 552-4085 or 229-6727. Thank you.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC



Carolyn A. Lake

CAL:mdc
enclosures

cc: Tom Trunk, Fallen Firefighter's Association



City of Tacoma
Fire Department

RECEIVED
NOV 27 2000
WILLIAMS KASTNER & GIBBS

November 20, 2000

Carolyn A. Lake
Attorney at Law
Williams, Kastner & Gibbs PLLC
1000 Financial Center Plaza
1145 Broadway Plaza
Tacoma, WA 98402-3502

Dear Ms. Lake:

Re: Shorelines Hearing Board Success!

I received your letter of November 10, 2000, and I wanted to let you know I appreciated receiving your update on the Firefighter Memorial Project.

The tremendous pride I've seen demonstrated and the positive comments I've heard from both active and retired firefighters and their families when the memorial is mentioned lets us know the memorial will be a pivotal point of pride for the Department. The support from our citizens has been overwhelming. We can hardly wait until the memorial is a reality.

Again, thank you for your involvement and support of this worthwhile project.

Sincerely,

EILEEN F. LEWIS
Fire Chief

EFL:mw

RECEIVED

NOV 06 2000

Panasonic

WILLIAMS KASTNER & GIBBS

Matsushita Semiconductor Corporation of America

1111 - 39th Ave. S.E.
Puyallup, WA 98374

Tel 253-841-6000
Fax 253-841-6516

November 1, 2000

Ms. Carolyn A. Lake
Williams, Kastner & Gibbs
1000 Financial Center
1145 Broadway Plaza
Tacoma, WA 98402-3502

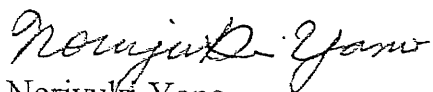
Dear Ms. Lake:

As you may have heard, on July 26, 2000, Matsushita Semiconductor Corporation of America (MASCA) sold its semiconductor manufacturing facility in Puyallup, Washington to Microchip Technology of Chandler, Arizona. Therefore, this is to inform you that effective October 31, 2000, MASCA will be legally dissolved and no longer doing business. On behalf of MASCA, I want to take this opportunity to express my sincere appreciation for the excellent business relationship we have enjoyed with you during our tenure in Washington.

On a personal note, I will soon be leaving for Japan to spend the holidays with friends and family. However, after the first of the new year, I will be returning to the Pacific Northwest to join Matsushita Kotobuki Electronics Industries of America in Vancouver, Washington.

Again, thank you for everything and best of luck in the future.

Sincerely,



Noriyuki Yano
Treasurer and Member of the Board

IG SOUTH SOUND

REAL ESTATE & CONSTRUCTION

Sponsored by


PACIFIC NORTHWEST TITLE
Company of Washington, Inc.

ne neighborhood to be 200 million makeover



Salishan will be a mix of home owners and renters as well as have a retail center

Pearl Harbor in 1941, the neighborhood expanded to a total of more than 2,000 homes. Located off Portland Avenue and East 44th Street, Salishan is the earliest remaining large-scale federal housing project on Puget Sound.

During post-war years, Salishan housed veterans before the federal government handed it over to Pierce County. All but 833

units of single-family to six-plex houses were sold, moved or razed in the 1960s. Except for upkeep and maintenance, the remaining are pretty much unchanged since they were built 62 years ago, Ansara says.

The development has served as a gateway for immigrants and refugees new to

See HUD, Page 18

looking for good home



MILESTONES

Lake named to industry's review panel

Carolyn A. Lake has been appointed to Building Industry Association of Washington's Legal Trust Committee, a group of land-use attorneys, development specialists and



Lake

builders charged with examining legal cases throughout the state.

Lake, an attorney with The Goodstein Law Group PLLC in Tacoma, also serves as legal counsel to Olympia Master Builders, is a member of Master Builders Association of Pierce County, and serves as disciplinary board hearings officer for Washington State Bar Association. She is a trustee for Bates Technical College, a director of the Bates Foundation and serves on the University of Washington Tacoma Legislative Council.

Harold Allen broker is named to MLS board

Mike Larson of Harold A. Allen Co. has been elected to represent Pierce County on the board of directors of Northwest Multiple Listing Service. Larson, the designated broker at the Lakewood real estate firm, will serve a three-year term.

Windermere adds to its sales associate staff

Carole Holder has joined Windermere Real Estate's Tacoma-Professional Partners office. The new sales associate previously was in marketing

PARKLAND



11122 PACIFIC AVENUE

TACOMA, WA 98444

531-6501

October 2nd, 2000

Carolyn,

Over the past several years I have had the pleasure of working with you on the SRT project. I wish to extend a huge thank you to for all you have done for this cause. Indeed, we could not have accomplished so much without you.

In a world where too much seems compromised you stand tall as a credit to your profession. Your incredible knowledge of our legislative and legal systems are a powerful combination with your persistence and positive attitude. You made us look good even when we really didn't know what to do next.

The fact that our organization could not muster the courage to keep this fight alive is, I think, unfortunate. Surely this struggle isn't over and

I know that you have put great effort into the SEPA appeal at no charge to our association. Amazingly, you have the conviction to go on at your own expense when the dozens you serve choose not to.

Carolyn, you epitomize what has made America great. You are both resourceful and relentless in the pursuit of your goals whether they be for your clients or your personal interests. And, your great knowledge and sense of fairness guide your energies soundly.

Thank you again for all you have helped guide us through. Your leadership has brought many people a better understanding of government along with relief from that government's heavy hand. You made sense of the unsensible and gave a strong voice to those who had not been heard.

Sincerely,

Scott Jandritz

REC'D BY MAIL

JUN - 2 1998

BOGLE & GATES
TACOMA

Daniel T. Fox
1514 S. 153rd Street
Spanaway, WA 98387
(253) 531-9138
foxbox@whyweb.com

Carolyn A. Lake
Bogle @ Gates P.L.L.C.
Tacoma Financial Center
1145 Broadway Plaza, Suite 1360
Tacoma, WA 98402-3502

June 1, 1998

Dear Ms. Lake

Let me start by saying how proud and pleased I am for the manner in which you have conducted this case in opposition to Ceccanti's NP4-95 nonconforming use appeal. I know I speak for everyone who lives in our Spanaway residential area when I congratulate you following the May 27th Superior Court Hearing before Judge Hayes.

I realize Pierce County must now apply pressure and seek enforcement action to stop this unlawful contractor yard in our Spanaway neighborhood and remove all construction equipment and contractor yard activities to commercially zoned property. We don't know if Ceccanti will appeal Judge Hayes decision to the Washington State Court of Appeals or try to "*cut a deal*" with Pierce County to allow him to continue his illegal contractor yard operation "*at the same level and intensity*" that exists today.

When you discuss the Ceccanti Contractor yard nonconforming use case with Jill Guernsey please remind her the Spanaway residents do not want to "*cut a deal*" and demand Ceccanti's contractor yard operation moved as "*expeditiously*" as possible. Ceccanti's unlawful industrial contractor yard operation in this residential MSF zone is appalling! I believe Pierce County has the authority to levy a monetary fine at some point to "*convince*" the parties involved if needed.

Once again, I want to congratulate you, Ms. Lake, on the magnificent job you have done representing the interests of Pierce County as well as the property rights of our Spanaway residential neighborhood.

Enclosures

Warmest personal regards,

Dan Fox

Dan Fox
Representing Spanaway MSF residents


Certificate of Appreciation


This certificate is awarded with sincere appreciation to


Caroline Lake

for the time, energy and creativity you contributed to reaching an agreement on the allocation of the Puyallup River Total Maximum Daily Load (TMDL) reserve capacity for BOD5 and ammonia.

Presented this 24th day of June 1998


Tom Fitzsimmons, Director
Washington State
Department of Ecology


Bill Sullivan, Director
Puyallup Indian Tribe
Environmental Programs


Philip G. Millam, Director
EPA Region 10
Office of Water

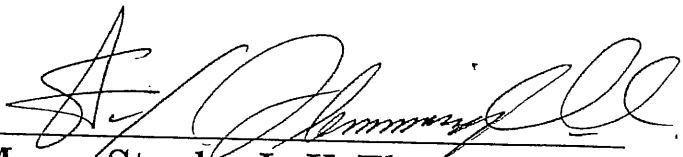
***CITY OF UNIVERSITY PLACE
PROCLAMATION***

WHEREAS, the City of University Place wishes to thank and publicly recognize Ms. Carolyn Lake for her professional legal services provided to the City during the initial start-up period, and

WHEREAS, the City acknowledges the contribution made by Ms. Lake to the University Place Community providing valued legal advice and counsel;
NOW THEREFORE,

The staff and council of the City of University Place hereby proclaim their sincere gratitude to Ms. Lake for her generous contribution to the University Place community.

PROCLAIMED BY THE CITY COUNCIL OF THE
CITY OF UNIVERSITY PLACE, ON JULY 10, 1995.



Mayor Stanley L. K. Flemming

Attest:

Susan Matthew, Interim City Clerk

LARSON & DYNAN

Attorneys at Law
500 South 336th Street, Suite 102
Federal Way, Washington 98003

David A. Larson
Mark J. Dynan
Robert E. McCluskey
David H. Middleton

Seattle: (206) 874-5349
Tacoma: (206) 952-1208
Facsimile: (206) 874-6514

Of Counsel
Susan H. Tilton

May 27, 1994

Kenneth LeMaster
General Counsel
Safeco Insurance Companies
4333 Brooklyn Avenue Northeast
Seattle, WA 98185

Re: Carolyn Lake

Dear Ken:

I enclose the resume of the person I told you about. I believe Ms. Lake would be an excellent candidate for a Settlement Now Mediator. Please let me know if you have any questions. I believe the resume speaks for itself as to Ms. Lake's ability to serve as a mediator but I must add my high recommendation.

Very truly yours,



David A. Larson

DAL:d
Enc.

cc: Carolyn Lake