

OFFICE OF THE  
ATTORNEY GENERAL



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Rob McKenna  
**ATTORNEY GENERAL OF WASHINGTON**

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

August 12, 2008

Victor Moore, Director  
Office of Financial Management  
P.O. Box 43113  
Olympia, WA 98504-3113

Dear *Victor* Mr. Moore:

Enclosed please find the Attorney General's Office (AGO) 2009-2011 Biennial Budget Request, which addresses critical agency needs while acknowledging the current economic climate. Working within these constraints, we will continue to strive to provide the best possible legal services for our clients and the citizens of the state of Washington.

We have taken every possible step to limit the proposed increases to the AGO budget by eliminating any requests that were not absolutely essential. The remaining critical agency needs include:

- Vital improvements in support for DSHS children's programs;
- Important improvements in AGO records management to address increasing demands for electronic and other documents;
- Building lease increases;
- A facility move in Tacoma; and
- Salary equity for legal assistants.

If you have any questions about this budget request, please contact Mike Bigelow, Chief of Staff, at (360) 664-9081. Thank you for your attention to our request and I look forward to working with you, the Governor, and the Legislature in implementing an operating budget that adequately supports our office.

Sincerely,

*Rob McKenna*

ROB MCKENNA  
Attorney General

Enclosure

cc: Mike Bigelow, Chief of Staff, Attorney General's Office  
Michelle Underwood, Chief, Financial Services Division, Attorney General's Office

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OFFICE OF THE ATTORNEY GENERAL  
2009-11 Biennial Budget  
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SECTION A

OVERVIEW



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# AGO MISSION, VISION AND VALUES

## AGO MISSION

AS AN INDEPENDENT CONSTITUTIONAL OFFICE, AND LEGAL COUNSEL TO STATE GOVERNMENT, WE SERVE THE CITIZENS OF WASHINGTON WITH THE HIGHEST STANDARDS OF EXCELLENCE, ETHICS AND EFFECTIVENESS.

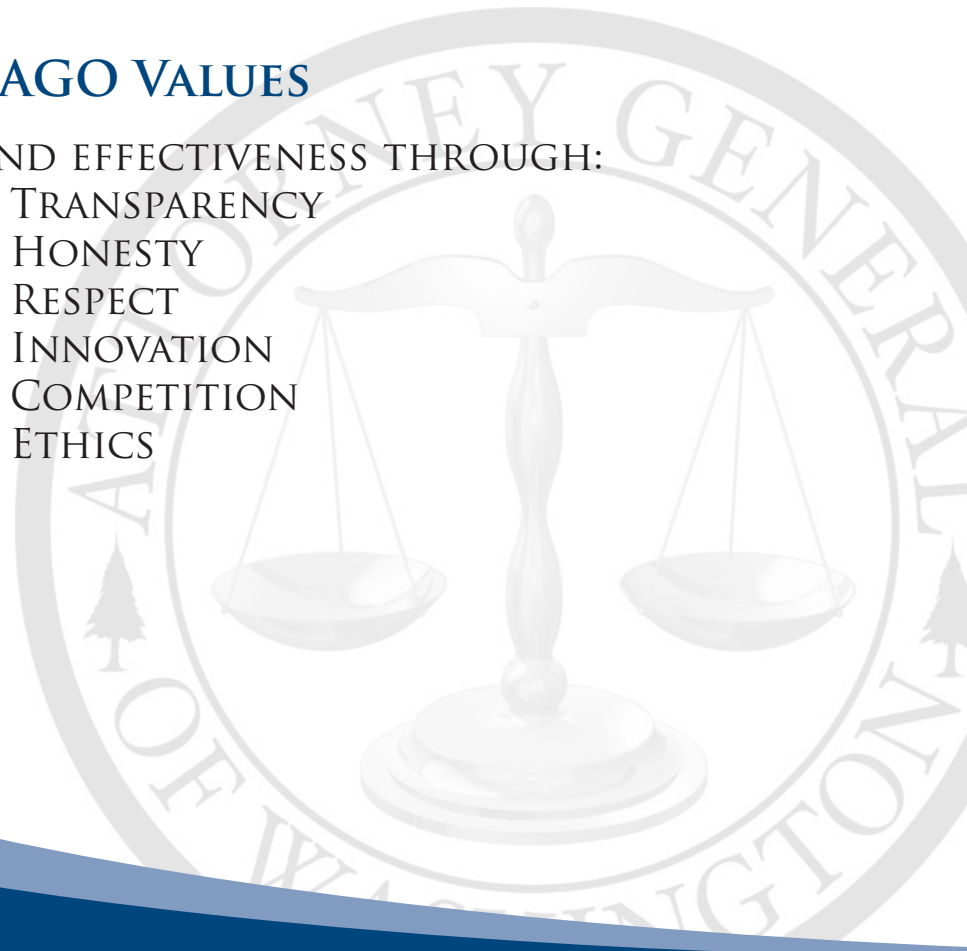
## AGO VISION

FOR THE OFFICE OF THE ATTORNEY GENERAL TO BE RECOGNIZED AS THE BEST PUBLIC LAW OFFICE IN THE UNITED STATES.

## AGO VALUES

EXCELLENCE AND EFFECTIVENESS THROUGH:

- › TRANSPARENCY
- › HONESTY
- › RESPECT
- › INNOVATION
- › COMPETITION
- › ETHICS



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# OFFICE OF THE ATTORNEY GENERAL

**Rob McKenna**  
*Attorney General*

Karen Sushak  
*Executive Scheduler*

Judy Gaul  
*Executive Assistant*

Shelley Rohr  
*Confidential Secretary/Facilities*

**Mike Bigelow**  
*Chief of Staff*

Tammy Teeter  
*Confidential Secretary*

Delores Amber  
*Customer Service Administrator*

**Marnie Hart**  
*Solicitor General*

Rose Sampson  
*Confidential Secretary*

**Brian Moran**  
*Chief Deputy*

Kim Warren  
*Confidential Secretary*

**Governmental & Community Relations**

**Janelle Guthrie**  
*Communications Director*

**Melanie deLeon**  
*Executive Ethics Board Director*

**Administrative Services Team**

**Michelle Underwood**  
*Financial Services*

**Shirley Battan**  
*Deputy*

**Rob Costello**  
*Deputy*

**Jeff Goltz**  
*Deputy*

**Linda Dunn**  
*Deputy*

**Nancy Hovis**  
*Deputy*

**Tim Ford**  
*Government Accountability*

Hunter Goodman  
*Legislative Affairs Director*

Rebecca Podszus  
*Special Assistant to Policy & Government Affairs*

Chris Johnson  
*Policy Director*

**Facilities**  
\* Cami Feek

**Human Resources**  
\* Pam Skinner

**Informations Services**  
\* Andy Hill

**Legal Services**  
\* Melody Younglove

**Public Records**  
\* LaDona Jensen

**Research Center**  
\* Jane Halligan

**Labor & Industries**  
\* Evelyn Lopez

**Labor & Personnel**  
\* Paige Dietrich

**Licensing & Admin Law**  
\* Linda Moran

**SHS-Seattle**  
\* Mary Li

**Recruitment**

**Attorney Training**

**Attorney Transfers**

**Diversity Advisory Committee**

**Poiley Manual**

**Agriculture & Health**  
\* Joyce Roper

**Corrections**  
\* Tim Lang

**Ecology**  
\* Mary Sue Wilson

**Fish Wildlife & Parks**  
\* Joe Shorin

**Government Operations**  
\* Mary Ellen Combo

**Natural Resources**  
\* Paddy O'Brien

**Public Counsel Unit**  
\* Simon fitch

**Tobacco Litigator**  
\* Rusty Fallis

**Transportation & Public Construction**  
\* Bryce Brown

**Tribal Issues Coordinator**

**Education**  
\* Dave Stolier

**Government Compliance & Enforcement**  
\* Linda Dalton

**Revenue/BCU**  
\* Cam Comfort

**SHS-Olympia**  
\* Rochelle Tillet

**University of Washington**  
\* Jack Johnson

**Utilities & Transportation**  
\* Sally Brown

**Washington State University**  
\* Toni Ursich

**ISD Liaison**

**Complex Litigation**  
\* Jon Ferguson

**Criminal Justice**  
\* Lana Weinmann

**Torts**  
\* Howard Fischer

**Seattle Office**  
\* Karen Cowan

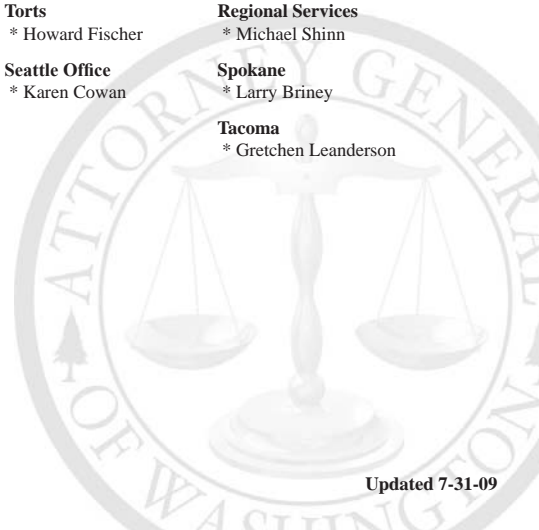
**Antitrust**  
\* Tina Kondo

**Consumer Protection**  
\* Doug Walsh

**Regional Services**  
\* Michael Shinn

**Spokane**  
\* Larry Briney

**Tacoma**  
\* Gretchen Leanderson



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## 100 - Office of Attorney General

### A001 Administrative Activity

The administrative function of the Office of the Attorney General, includes the Attorney General's office, deputies and administrative support, fiscal, human resources, and facilities staff.

	FY 2010	FY 2011	Biennial Total
FTE's	93.0	93.0	93.0
GFS	\$46,941	\$47,859	\$94,800
Other	\$13,520,457	\$10,705,934	\$24,226,391
Total	\$13,567,398	\$10,753,793	\$24,321,191

**Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively**

#### Expected Results

Provide continued high quality leadership and infrastructure support for the agency in an efficient and effective manner.

Percentage of Professional Development Plans (PDP) completed.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	98.7%	98.7%

### A002 Civil Commitment of Sexually Violent Predators

This unit is responsible for investigating, filing, and prosecuting all sexually violent predator cases in 38 of the 39 counties in Washington. The unit was created to enhance public protection by developing and maintaining a group of highly trained and experienced attorneys and support staff who have expertise in those unique legal and mental health issues associated with sexually violent predator cases. The highly specialized Sexually Violent Predator Unit (SVPU) uses its expertise to efficiently and effectively prosecute sexually violent predator cases. The unit handles all aspects of each sexually violent predator case referred to it. This includes pre-filing investigation, consultation with mental health experts, and records review; pre-trial discovery, motions, and evidentiary hearings; trial; appeals; and annual review and less restrictive alternative proceedings. Especially challenging is the need to locate witnesses to victims of sexual assaults that happened several years ago and convince them to testify in the commitment proceedings.

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

	FY 2010	FY 2011	Biennial Total
FTE's	19.7	19.7	19.7
GFS	\$0	\$0	\$0
Other	\$2,866,152	\$2,985,451	\$5,851,603
<b>Total</b>	<b>\$2,866,152</b>	<b>\$2,985,451</b>	<b>\$5,851,603</b>

**Statewide Result Area: Improve the safety of people and property**

**Expected Results**

As a result of the Sexually Violent Predator Unit, the most dangerous and violent sexual predators in the state are detained, evaluated, and treated. They are held until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is better protected from those who are most likely to reoffend.

Percentage of commitments achieved in Sexually Violent Predator (SVP) cases out of cases closed.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	100%	100%
<i>Percentage can exceed 100% as cases can take several years to get a commitment.</i>				

**A003 Criminal Investigation and Prosecution**

The staff of this unit investigates and/or brings charges upon request of the Governor, a prosecuting attorney, or a legislative committee, against those who have violated criminal statutes. Typically, this unit assists local criminal justice agencies when there is a conflict that prevents them from moving forward, or requires the assistance of the experienced investigators and prosecutors that staff this unit. Examples are the investigations of serial killings in Pacific County, the prosecution of a defendant who shot a Washington State trooper in the Tri-Cities area, and a defendant who killed a young mother in Wenatchee. Cases include governmental corruption, white-collar crimes having a multi-county or statewide impact, organized crime, and other cases with special circumstances. Staff also provides training to criminal justice professionals through the Washington State Criminal Justice Training Commission. In addition, staff may respond to several hundred informal requests for assistance.

	FY 2010	FY 2011	Biennial Total
FTE's	4.1	4.1	4.1
GFS	\$566,116	\$512,225	\$1,078,341
Other	\$173,801	\$202,506	\$376,307
<b>Total</b>	<b>\$739,917</b>	<b>\$714,731</b>	<b>\$1,454,648</b>

**Statewide Result Area: Improve the safety of people and property**

**Expected Results**

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

This Criminal Litigation Division assures that where a prosecution can not proceed because of conflict or lack of experience, there is a competent, highly-skilled prosecutor to represent the people. On occasion, the local prosecutor may not be able, or may refuse to act, and if so requested, the existence of the unit guarantees that matters can be prosecuted even if the local prosecutor does not wish them to be. This unit raises the level of prosecution and this results in greater public protection.

Percentage of referred criminal litigation cases resulting in defendant charged with crime.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	28%	28%

**A004 Enforcement of Anti-Trust Laws**

The Antitrust Division of the Office of the Attorney General enforces state and federal antitrust laws against such practices as monopolization, price-fixing, and anticompetitive mergers. Working alone or with other states or federal agencies, the division has litigated against major corporations such as oil companies, drug companies, music compact disc manufacturers, and vitamins manufacturers. Such litigation efforts are time-consuming and expensive. The division also responds to consumer complaints and inquiries, advises state agencies when necessary, and provides educational outreach to local business and consumer groups. The division will continue to investigate and litigate cases involving anticompetitive activity. Although amounts of recoveries are unpredictable, the division always prioritizes cases in which damages to consumers or state agencies were significant, or when egregious behavior must be stopped. Although consumer, educational, and outreach services do not provide any source of funding, and thus require the division to incur a net loss on those programs, the importance to the community demands that they be continued. In the litigation context, the division always requests that defendants reimburse costs and attorneys fees if matters are successfully resolved.

	FY 2010	FY 2011	Biennial Total
FTE's	9.8	9.8	9.8
GFS	\$0	\$0	\$0
Other	\$1,505,396	\$1,521,000	\$3,026,396
Total	\$1,505,396	\$1,521,000	\$3,026,396

**Statewide Result Area: Improve the economic vitality of businesses and individuals**

**Expected Results**

The Anti-Trust Division protects the citizens of Washington State from antitrust activities such as price-fixing, monopolization, and illegal mergers, resulting in a competitive market, and consumers benefit from that competition in the form of lower prices or better services. The division responds to consumer complaints, provides advice to state agencies, and provides community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

Dollars recovered in Anti-Trust per AGO dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	8.18	8.18

**A005 Enforcement of Consumer Protection Laws**

The Attorney General's staff enforces state laws, recommends changes in existing state law, and provides education to protect consumers and legitimate businesses from unfair or deceptive trade practices. In addition to investigations and litigation, the Office provides extensive information to consumers and businesses, and conciliates consumer/business disputes. The Office recovers restitution and civil penalties for the state and for individual consumers by processing complaints and litigation, most frequently involving mail order, motor vehicle purchase and repair, retail operations, home improvement, mobile homes, real estate, and collections. Under Washington State's Lemon Law, the Office processes and provides arbitration of consumers' complaints concerning new automobiles.

	FY 2010	FY 2011	Biennial Total
FTE's	64.1	64.1	64.1
GFS	\$4,757,431	\$4,976,879	\$9,734,310
Other	\$1,003,060	\$990,480	\$1,993,540
Total	\$5,760,491	\$5,967,359	\$11,727,850

**Statewide Result Area: Improve the economic vitality of businesses and individuals**

**Expected Results**

The Consumer Protection Division enforces state and federal laws prohibiting unfair and deceptive business practices in trade or commerce in accordance with the Unfair Business Practices Act and the Consumer Protection Act. The Consumer Protection Division typically recovers more money on behalf of consumers of the state of Washington than the cost of its operations. The current areas of enforcement focus on automobile issues and pharmaceutical companies and continue the division's efforts in the credit and financial industries. The division also takes on nonlitigation matters which benefit consumers, such as fielding customer calls, providing advice to other state agencies, and education and outreach activities. These activities help to eliminate potential problems and provide consumers with the tools to educate themselves and make better decisions.

Consumer dollars recovered per Attorney General's Office dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	8th Qtr	0	2.77	2.77
	4th Qtr	0	3.55	3.55
<i>Consumer dollars recovered through Consumer Protection Program divided by total cost to run Consumer Protection Program.</i>				



**A006 Executive Ethics Board**

The Executive Ethics Board is a regulatory board responsible for addressing violations of the State Ethics in Public Service Act. It also promotes and supports ethical awareness and principled action through knowledge and understanding of this law. The Board fulfills its mission under specific statutory mandates that include: developing educational materials and training; adopting rules and policies; issuing advisory opinions; investigating and resolving allegations of misconduct through an adjudicative process; reviewing certain contracts between state agencies and state officers and employees; and reviewing agency policies. The Board and its staff conducts ongoing training and educational workshops as well as teaching individualized agency training sessions. It responds to complaints through fair and impartial investigation, settlement, and hearing if settlement cannot be reached. While the Board is an independent body, the Office of the Attorney General provides its Board staff and its legal representation through two different divisions, one that provides a legal advisor and another that provides a prosecutor for the Board’s regulatory actions. Currently, the Board staff consists of an executive director, investigator, and a training and information specialist.

	FY 2010	FY 2011	Biennial Total
FTE's	4.7	4.7	4.7
GFS	\$0	\$0	\$0
Other	\$595,487	\$667,235	\$1,262,722
<b>Total</b>	<b>\$595,487</b>	<b>\$667,235</b>	<b>\$1,262,722</b>

**Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively**

**Expected Results**

The Executive Ethics Board handles complaints filed by public employees and citizens. By completing investigations within a reasonable period of time, the public will be better served and public trust and confidence in government will increase.

Average number of days to complete an investigation of an ethics complaint.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	525	525
<i>In the last 4 years (2003 - 2006) the average has been 500+ days.</i>				

**A007 Homicide Investigation Tracking System**

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

The Homicide Investigation Tracking System (HITS) is a program in the Office of the Attorney General that consists of two functions related to public protection. It is the only statewide central repository for information relating to violent crimes against persons and is extensively used by local law enforcement officers to link offenses and offenders across jurisdictions. In a typical calendar year, HITS will respond to almost 800 requests for assistance or information by law enforcement officers. Without HITS, these requests would go unanswered because it is the only system that contains this data and is able to provide this assistance. The investigators who work in HITS also provide expertise to local and national jurisdictions on homicide and rape investigations, This is especially beneficial in smaller jurisdictions where there are fewer violent crimes, thus fewer investigators who have experience in these areas. In 2002, the HITS Unit assisted on such notorious cases as the Robert Yates serial killings, the Washington (D.C.) sniper cases, and the Robert Pickton (aka “Pig Farmer”) serial killings in British Columbia, Canada.

	FY 2010	FY 2011	Biennial Total
FTE's	9.7	9.7	9.7
GFS	\$48,079	\$60,675	\$108,754
Other	\$904,774	\$905,732	\$1,810,506
Total	\$952,853	\$966,407	\$1,919,260

**Statewide Result Area: Improve the safety of people and property**

**Expected Results**

The HITS system and investigator provide assistance to law enforcement giving them much greater access to information, advice and assistance that supports them greatly in their investigation of violent crimes. As a result, the best suspects are pursued, which leads to saved time and better public

Number of requests for information from the Homicide Investigation Tracking System.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	634	634

**A008 Investigation and Defense of Tort Lawsuits**

The Office of the Attorney General defends tort lawsuits brought against the state, its agencies, and employees. The majority of cases are based upon actions brought under theories of negligence in such things as highway design, release of inmates, accidents on state property, medical malpractice, child care and custody, auto accidents, false arrests, and unreasonable force cases. Staff also handles employment law and personnel cases.

	FY 2010	FY 2011	Biennial Total
FTE's	0.0	0.0	0.0
GFS	\$0	\$0	\$0
Other	\$155,712	\$162,759	\$318,471
Total	\$155,712	\$162,759	\$318,471

**Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively**

**Expected Results**

The Torts Division provide high quality and efficient legal services by measuring the age at which lawsuits resolve and by tracking clearance rates on a quarterly basis. The division maintains a high rate of Tort case appeal litigation success.

Percent of successful Tort appeals.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	85%		
	4th Qtr	85%		
2007-09	8th Qtr	85%		
	4th Qtr	85%		
2005-07	8th Qtr	85%	91%	6%
	4th Qtr	85%	93%	8%

*Number of tort appeal cases (claim against the State in which the State is named as a defendant) closed in State's favor divided by number of tort appeal cases closed.*

Percentage of Tort cases resolved through early resolution.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	37%	37%

**A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse**

The Medicaid Fraud Control Unit is federally mandated and required to investigate and prosecute crimes of fraud and resident abuse committed by Medicaid providers. The Medicaid Fraud Control Unit is the only criminal justice agency that is devoted to safeguarding the state Medicaid budget. The unit works with and serves agencies that include: the Department of Social and Health Services, Department of Health, and Department of Licensing. The unit is 75 percent federally funded and operates on one federal grant. Due to the Medicaid Fraud Control Unit, local law enforcement and social agencies are becoming more aware of the existence and signs of elder abuse. As a result of the “network” established and maintained by the unit, the reporting agency or individuals are more expeditiously put in contact with the appropriate investigative body, thus, leading to greater public protection and solvability of these crimes.

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

	FY 2010	FY 2011	Biennial Total
FTE's	23.0	23.0	23.0
GFS	\$590,104	\$496,123	\$1,086,227
Other	\$2,165,017	\$2,195,677	\$4,360,694
<b>Total</b>	<b>\$2,755,121</b>	<b>\$2,691,800</b>	<b>\$5,446,921</b>

**Statewide Result Area: Improve the health of Washingtonians**

**Expected Results**

Through the Medicaid Fraud Control Unit’s efforts in investigating and prosecuting Medicaid fraud, money that is illegally taken or received is returned to the Medicaid system. Also, because of prosecution, others are deterred from committing similar crimes. This unit also investigates and prosecutes crimes committed against the residents of Medicaid-funded facilities. Often times these are the most vulnerable victims. The unit’s investigation and prosecution of these offences help protect those who cannot protect themselves.

Dollars recovered by Medicare Fraud Control Unit per State dollar spent.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0	11.87	11.87

**A010 Legal Services to State Agencies**

The Office of the Attorney General provides legal advice and representation to over 230 state agencies, boards, and commissions, which collectively have a broad range of program responsibility. In addition to representing agencies in litigation, the office provides legal advice on issues such as personnel, contracts, public records, and specialized program advice. Some program responsibilities supported by the office include state and federal benefit programs administered by state agencies, state licensing and regulatory programs, state agency custodial programs, higher education institutions, natural resources programs, state agency capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities.

	FY 2010	FY 2011	Biennial Total
FTE's	950.3	946.9	948.6
GFS	\$513,237	\$491,689	\$1,004,926
Other	\$104,645,384	\$106,912,503	\$211,557,887
<b>Total</b>	<b>\$105,158,621</b>	<b>\$107,404,192</b>	<b>\$212,562,813</b>

**Statewide Result Area: Strengthen government's ability to achieve results efficiently and effectively**

**Expected Results**

Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget

The Attorney General's Office expects to provide high quality, option-based legal advice that assists agency decision making, reduces the threat of lawsuits, and saves the state the time, and in many cases, the high costs of litigation. If litigation becomes necessary, the office expects to initiate, defend, and resolve its cases effectively and efficiently for the benefit of the state, its agencies, and its citizens.

Agency wide percentage of favorable appellate outcomes.				
Biennium	Period	Target	Actual	Variance
2005-07	4th Qtr	0%	93%	93%

Number of processing days per formal opinion.*				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	127		
	4th Qtr	127		
2007-09	8th Qtr	127		
	4th Qtr	127	131	4
2005-07	8th Qtr	127	121	(6)
	4th Qtr	127	115	(12)

*SW11 - Improve the ability of state government to achieve its results.  
Days to process formal opinion requests divided by number of formal opinions issued.*

Number of processing days per informal opinion.*				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	80		
	4th Qtr	80		
2007-09	8th Qtr	80		
	4th Qtr	80	65	(15)
2005-07	8th Qtr	80	66	(14)
	4th Qtr	80	82	2

*SW11 - Improve the ability of state government to achieve its results.  
Days to process informal opinion requests divided by number of informal opinions issued.*

*Appropriation Period: 2009-11 Activity Version: S1 - 2009-11 Biennial Budget*

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**Grand Total**

	<b>FY 2010</b>	<b>FY 2011</b>	<b>Biennial Total</b>
FTE's	1,178.4	1,175.0	1,176.7
GFS	\$6,521,908	\$6,585,450	\$13,107,358
Other	\$127,535,240	\$127,249,277	\$254,784,517
<b>Total</b>	<b>\$134,057,148</b>	<b>\$133,834,727</b>	<b>\$267,891,875</b>

State of Washington  
**Agency Performance Measure**  
**Incremental Estimates for the Biennial Budget**

**Agency: 100 Office of Attorney General**

**Budget Period: 2009-11**

**Activity: A001 Administrative Activity**

M2 AA Lease Rate Adjustments No measures linked to decision package

**Outcome Measures 4EE0 Percentage of Professional Development Plans (PDP) completed.**

CB	00	Current Biennium Base	<u>FY 2008</u> 0.00%	<u>FY 2009</u> 0.00%
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**Activity: A002 Civil Commitment of Sexually Violent Predators**

M2 AA Lease Rate Adjustments No measures linked to decision package  
 PL AC SVP Unit Expansion No measures linked to decision package

**Efficiency Measures 4HE0 Percentage of commitments achieved in Sexually Violent Predator (SVP) cases out of cases closed.**

CB	00	Current Biennium Base	<u>FY 2008</u> 0.00%	<u>FY 2009</u> 0.00%
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*Percentage can exceed 100% as cases can take several years to get a commitment.*

**Activity: A003 Criminal Investigation and Prosecution**

M2 AA Lease Rate Adjustments No measures linked to decision package

**Efficiency Measures 4LE0 Percentage of referred criminal litigation cases resulting in defendant charged with crime.**

CB	00	Current Biennium Base	<u>FY 2008</u> 0.00%	<u>FY 2009</u> 0.00%
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**Activity: A004 Enforcement of Anti-Trust Laws**

M2 AA Lease Rate Adjustments No measures linked to decision package

**Efficiency Measures 4CE0 Dollars recovered in Anti-Trust per AGO dollar spent.**

CB	00	Current Biennium Base	<u>FY 2008</u> 0.00	<u>FY 2009</u> 0.00
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State of Washington  
**Agency Performance Measure**  
**Incremental Estimates for the Biennial Budget**

**Agency: 100 Office of Attorney General**

**Budget Period: 2009-11**

**Activity: A005 Enforcement of Consumer Protection Laws**

M2 AA Lease Rate Adjustments  
 PL AH Tacoma Office Move

No measures linked to decision package  
 No measures linked to decision package

**Efficiency Measures 4AE0 Consumer dollars recovered per Attorney General's Office dollar spent.**

			<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
CB	00	Current Biennium Base	0.00	0.00

*Consumer dollars recovered through Consumer Protection Program divided by total cost to run Consumer Protection Program.*

**Activity: A006 Executive Ethics Board**

**Efficiency Measures 4FE0 Average number of days to complete an investigation of an ethics complaint.**

			<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
CB	00	Current Biennium Base	0.00	0.00

*In the last 4 years (2003 - 2006) the average has been 500+ days.*

**Activity: A007 Homicide Investigation Tracking System**

M2 AA Lease Rate Adjustments

No measures linked to decision package

**Outcome Measures 4ME0 Number of requests for information from the Homicide Investigation Tracking System.**

			<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
CB	00	Current Biennium Base	0.00	0.00

**Activity: A008 Investigation and Defense of Tort Lawsuits**

PL AH Tacoma Office Move

No measures linked to decision package

**Efficiency Measures 4PE0 Percentage of Tort cases resolved through early resolution.**

			<b><u>FY 2008</u></b>	<b><u>FY 2009</u></b>
CB	00	Current Biennium Base	0.00%	0.00%

**Activity: A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse**

8/12/2008



State of Washington  
**Agency Performance Measure**  
**Incremental Estimates for the Biennial Budget**

**Agency: 100 Office of Attorney General**

**Budget Period: 2009-11**

M2 AA Lease Rate Adjustments No measures linked to decision package

**Efficiency Measures 4NE0 Dollars recovered by Medicare Fraud Control Unit per State dollar spent.**

			<u><b>FY 2008</b></u>	<u><b>FY 2009</b></u>
CB	00	Current Biennium Base	0.00	0.00

**Activity: A010 Legal Services to State Agencies**

M2	AA	Lease Rate Adjustments	No measures linked to decision package	
M2	AI	LSRF Client Fund Realignment	No measures linked to decision package	
M2	AJ	CFL Correction	No measures linked to decision package	
PL	AD	Children's Admin HQ Team	No measures linked to decision package	
PL	AE	Continue DSHS Juvenile Caseload	No measures linked to decision package	
PL	AF	Public Counsel Unit Staffing	No measures linked to decision package	
PL	AG	Electronic Records Management	No measures linked to decision package	
PL	AH	Tacoma Office Move	No measures linked to decision package	

**Outcome Measures 1AE0 Number of processing days per formal opinion.\***

			<u><b>FY 2008</b></u>	<u><b>FY 2009</b></u>
CB	00	Current Biennium Base	0.00	0.00

*SW11 - Improve the ability of state government to achieve its results. Days to process formal opinion requests divided by number of formal opinions issued.*

**Efficiency Measures 4BE0 Agency wide percentage of favorable appellate outcomes.**

			<u><b>FY 2008</b></u>	<u><b>FY 2009</b></u>
CB	00	Current Biennium Base	0.00%	0.00%

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## Indirect Cost Allocation to Activity Description

- Non-Applicable -

## Indirect Cost Allocation to Activity Description

- Non-Applicable -



**Office of the Attorney General  
Legal Services Revolving Fund  
Business Plan for the 2009-2011 Biennium**

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## **I. Business Mission**

The business mission of the Office of the Attorney General (AGO) is to provide legal services to state agencies and recover the costs of those services through a system of assessing charges for activities undertaken on behalf of each client. This process is similar to that of a major law firm with many clients, with the notable exception of the profit motive. There are numerous other AGO responsibilities in addition to providing billable legal services that are not included or discussed in the business plan.

## **II. Business Description**

RCW 43.10.030 provides that the Attorney General shall (among other duties) provide and recover the costs of the following legal services to approximately 230 state agencies, boards, and commissions:

- Appear for and represent the state before the Supreme Court or the Court of Appeals and trial courts in all cases that involve the state's interest;
- Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;
- Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;
- Prepare proper drafts of contracts and other instruments relating to subjects in which state agencies are interested; and,
- Provide legal advice and counsel in the organization and administration of client agency activities and operations.

## **III. Marketing Plan**

The AGO provides legal services to state agency clients pursuant to statutory requirement, which eliminates the applicability of a marketing plan. As a public sector law firm representing state government, the legal expertise provided by the AGO is unique and not available from private sector law firms.

## **IV. Operational Plan**

The operational plan of the AGO is focused on the expenditure and cost recovery (billing) side because the AGO has little to no control over the volume of legal services requested/required by state agencies. As discussed previously, responding to requests for legal advice and representing clients in litigation are statutory responsibilities of the office. In addition to the statutory obligation, there is the practical consideration that the interests of the taxpayers are only be served if the AGO provides timely and effective advice and litigation. Good quality legal advice is critical to avoiding and minimizing legal issues in the future, and prompt and high quality response to litigation is necessary to protect the state's interests. In many situations, the client agency (and the AGO) must respond to

unexpected litigation that is brought by outside parties. The consequences of not responding effectively to litigation brought against state agency clients can have major financial and operational repercussions.

For these reasons the AGO must exercise business and financial control over operations on the cost recovery (billing) side rather than on the provision of services side. This requires a budgeting and billing system that is not only fair and accurate, but is very adaptable and flexible to deal with the constant flow of unexpected litigation and requests for advice.

### *Legal Services Revolving Fund (LSRF)*

The funding mechanism employed by the AGO to manage expenditures and cost recoveries (billings) is the LSRF. Funding for all billable activities flow through this fund—both expenditures and revenues. Non-billable activities of the AGO such as Consumer Protection, Tobacco litigation and Medicaid Fraud enforcement are funded from legislative appropriations from other funds. All legal services resources deposited in the LSRF come from billings to client agencies, and all expenditures for legal services are paid from the LSRF. The operating budget of most client agencies includes an assumption for legal services payments to the AGO that is reviewed and established each biennium through the legislative process. The amount of resources in each client agency budget can vary from biennium to biennium based on historical trends and the expectation/completion of major litigation.

The AGO then receives an appropriation in the LSRF that is equal to the sum of all client agency allocations for AGO legal services. Monthly bills are then prepared by the AGO to reflect the cost of work performed in the preceding month, and sent to each client. Clients remit payments that are deposited in the LSRF, and the AGO then has sufficient resources to pay staff and all other costs. This mechanism is intended to allocate the cost of legal services to benefiting clients, and to apportion those costs to the various funding sources that are used by each of the clients.

### *History of the LSRF*

The Legal Services Revolving Fund was established by a 1971 act of the Legislature, RCW 43.10.150, which provides for “..... a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general.” The act was effective July 1, 1974, for costs, billings and charges affecting Fiscal Year 1975 and subsequent biennia.

In 1981 legislation was passed calling for Office of Financial Management (OFM) approval of Attorney General Office (AGO) and Department of General Administration billing rates. In 1981, the AGO was not using a rate-based billing system but billed actual costs after the fact. This resulted in significant delays in billing and negative LSRF fund balances at different points in time. Rate-based billing began in Fiscal Year 1999. RCW 43.88.350 provides “Any rate increases proposed for or any change in the method of calculating charges from the legal services revolving fund or services provided



in accordance with RCW 43.01.090 or 43.19.500 in the general administration services account is subject to approval by the director of financial management prior to implementation.”

In 1999 the AGO together with OFM made significant changes to the way client agencies are billed for legal services and tort defense services. The goals of the changes are a more timely and predictable billing for client agencies as well as improved cash flow to the LSRF. To achieve these ends a new rate-based billing mechanism was implemented for the 1999-2001 biennium and further refined in the 2001-2003 biennium. The payment of tort defense costs was changed significantly with the passage of SHB 2111 (Chapter 163 Laws of 1999). Tort defense funding became part of the risk management self-insurance program administered by the Department of General Administration (in 2002 moved to OFM in HB 2352 (Chapter 332, Laws of 2002)). Tort defense costs are not billed to client agencies by the AGO. The self-insurance premium paid by state agencies includes the cost of tort defense. The exception is the University of Washington which operates its own risk pool.

### *Inter-agency Agreements (IAAs)*

This process of building an assumed legal services budget for each client agency is based on historical experience and any knowledge of workload changes likely to occur in the upcoming biennium. This approach works well until a major unexpected case arises. When this occurs, sufficient funding is not available in the regular client agency allocation to cover what can be very large expenditures. The common short-term response to such a situation is to prepare an inter-agency agreement specifically related to the unexpected major case or legal matter. The longer term response is to seek supplemental funding from the legislature.

Important aspects of an inter-agency agreement are:

- They are usually major case-specific agreements. Each inter-agency agreement is a form of contract that specifies a certain amount of legal services to be provided by the AGO for a specific purpose/case/matter, and FTEs of effort at a specific price.
- Some inter-agency agreements also make provision for acquiring the services of outside counsel with specific expertise and expenditures for expert witnesses, discovery, and other court-related costs.
- The Director of OFM approves every inter-agency agreement.
- They create a mechanism for the AGO to acquire necessary resources (funding and FTEs) that are in addition to the regularly budgeted level of effort for legal services to that client. Funds and FTEs acquired through the use of an inter-agency agreement are considered non-appropriated resources and the FTEs are not subject to FTE limits or controls.
- Inter-agency agreements are usually related to one-time events or cases. Because they are used to finance work that is one-time in nature, it is usually not necessary to build their costs into the ongoing base budget level for the affected client. Once the major case or matter is completed, the inter-agency agreement ends and the ongoing base budget level for regular legal services is unaffected.

- Additional resources may be requested through the budget process if over time a pattern emerges that the work represents an ongoing need.
- It is up to the client to identify the source of additional funding to cover the amount of the inter-agency agreement. The client may provide funds from their operating budget, their capital budget, or supplemental funds requested from the legislature. Often there is a need for the client (and AGO) to seek supplemental funding to pay the costs of inter-agency agreements.
- Inter-agency agreements may span a number of fiscal years and change in scope depending on what occurs in negotiation, trial or appeal. Inter-agency agreements are very flexible and can be completed in a very short time frame to respond to emergent issues.

### *Cash Balances in the LSRF*

The underlying presumption in the creation of the LSRF is that it will be a self-supporting revolving fund that provides a financial mechanism to apportion the costs of AGO legal services to all clients and their respective funding sources. As such, the fund is not expected to run at a deficit, or to create a profit (positive fund balance). Prudent financial management suggests that a reasonable working capital fund balance be maintained to recognize the fact that expenses occur on a daily basis but revenues are received from monthly billings that lag expenditures by three to six weeks. In addition, there will always be questions and issues to resolve regarding agency billings, and not all clients will provide payments in a timely fashion.

During the 2005-2007 biennium the AGO successfully concentrated efforts on:

- Refining a timekeeping/billing system that consistently produces accurate and timely billings.
- Resolving all outstanding billing issues with client agencies regarding unpaid bills from previous biennia. OFM has provided assistance to accomplish this.
- Establishing and adjusting (when necessary) fair and understandable billing rates that balance each AGO division's costs for legal services and the bills sent to clients to recover those costs.

It is the goal of the AGO to continue streamlining the budgetary and financial processes that have led to recent successes, and maintain positive fund balances in the LSRF in the future.

### *Current Billing Practices*

The current AGO legal services billing system can be summarized as **FTE utilization times billing rate plus direct cost equals the AGO bill.**

- FTE utilization is recorded by the AGO timekeeping system. Time is kept for all attorney, paralegal, and investigator staff. The AGO implemented a new and much improved timekeeping system for the 2001 -2003 biennium. All billable staff enter time in fractions of hours and this is converted to FTE percentages and allocated to the benefiting client.

- A billing rate for attorneys, paralegals, and investigators is developed for each AGO division/location.
- In addition to staff work effort, there are other direct costs such as outside counsel, expert witnesses, document reproduction, court reporters, etc. These direct costs are tracked by client agency and (in some instances) by case. Direct costs are also allocated to the benefiting client agency.

Billing rates are set by the AGO at the beginning of each biennium and continually reviewed and modified when necessary.

- Factors used in calculating the billing rate include AGO division budget levels, changes in forecasted client workload, and historical data.
- Billing rates include all costs except direct litigation costs.
- The rate for each attorney is established to cover three types of expenses:
  1. The cost of all attorney salaries and benefits for that division,
  2. A proportionate share of divisional support costs (rent, support staff costs, supplies, etc.), and,
  3. A proportionate share of agency administrative overhead (accounting, payroll, human services, budget, senior management).
- Billing rates for paralegals and investigators are set on an AGO-wide basis to only recover the approximate costs of salaries, benefits and other expenses for paralegal and investigator staff.
- Like other agencies the AGO has a total expenditure limit for the LSRF set by legislative appropriation.

### *The Billing Process*

- On or around the third week of each month, client agencies are sent an invoice for billable time for the prior month. For example, around August 17, 2008, the agencies will receive an invoice for July 2008 billable time.
- In addition, each bill will include the direct costs incurred through the just-passed fiscal month. For example, the bill that will go out around August 17, 2008, will include direct costs for July 2008.
- Payments are recorded primarily through the OFM Inter-Agency Payment mechanism, which replaced the use of journal vouchers or warrants.
- The AGO provides all client agencies with fiscal year-end and biennium-end billing statements showing all charges and payments for the preceding fiscal period using excel spreadsheets.
- Each monthly bill shows the total of the client agency allocation. Approved interagency agreements are billed separately from the client agency allocation.
- Included in each client bill is utilization information on the amount of attorney, paralegal, and investigator FTEs charged and direct costs incurred.
- FTE utilization is reported based on client-established reporting categories. Client agencies can modify these categories by contacting the respective AGO division chief.

- Direct costs (litigation-related costs) are billed as a lump sum to each client. The AGO is developing a method to allocate direct costs by reporting category or case.

### *Tort Defense Services Billing*

Tort defense costs are handled differently than legal services costs that are billed to client agencies. All tort defense costs are paid through a single inter-agency agreement with OFM, and therefore not billed to the involved client agency. For this reason, the AGO maintains tort defense cost information by case and not by client agency. OFM maintains defense cost information by case (claim number) and by agency. The same rate-based billing approach used for general legal services is used for tort defense costs. The difference being that only one bill is created and sent to OFM to pay each month. OFM then uses legal defense cost experience and claims experience to allocate tort costs to client agencies in future budgets. Client agencies seeking information on tort defense expenditures will need to reference a case (docket) number when requesting data from the AGO or seek information from the OFM Office of Risk Management.

### *Billing Rates*

For the purpose of clarification, the following billing rate discussion will focus on attorney rates, but the concepts and practices described are similarly applied to AGO investigators and paralegal staff. As described in the last section, the amount billed in each month is calculated by taking FTE utilization times billing rate plus direct cost. All AGO attorneys, investigators, and paralegals track their time through the agency timekeeping system. Client utilization of AGO staff resources is tracked based on FTEs, so the AGO timekeeping system converts hours worked to a percentage of an FTE. This conversion is done to avoid the complications that would ensue if attorneys were charged on an hourly basis since most attorneys work more than 173 hours per month (standard full-time employment at 40 hours per week). Since the billing rates are also calculated on an FTE basis, using FTEs as the basis for timekeeping maintains a balance between operating budget costs incurred by the AGO and total billings to clients. The current AGO billing system allows for 30 separate billing rates for attorneys based on the AGO service division and location.

The AGO functions essentially as a major law office. As such, the attorney billing rate must cover all the costs of a legal firm including attorney salaries and benefits, “division support” and “agency overhead”. “Division support” includes legal secretary and other support staff, office rent, utilities, supplies, telephones, travel, and all other support expenses that are incurred in the operation of that AGO division. “Agency overhead” includes agency-wide support functions including executive management, information services, human resources, legal library and research, budget, accounting, payroll, purchasing, etc.

Rates established for AGO investigators and paralegals are different in this aspect than rates set for attorneys. Rates for investigators and paralegals only cover the salaries and benefits and associated costs of those employees. All division support and agency overhead expenses are included only in the rates set for attorneys.

The billing rate does not include separately-billed direct costs such as outside counsel, expert witness fees, court reporter costs, document reproduction, filing fees, etc.

### *Rate Setting – Rate Adjustment Process*

Billing rates are the calculated result of the legislature action to adopt a budget for the AGO and the clients. Rates are reviewed continually and adjusted as necessary. Billing rates will generally increase over time as the cost of salaries and support costs increase. These increases are controlled by the total amount of funds appropriated to the AGO by the legislature.

Alternatively, rates may also decrease if the amount of AGO division expenditures is below the level estimated in the budget. The goal of the rate adjustments is to keep revenue and expenditures in balance. Downward adjustments can be accomplished through two separate mechanisms:

1. The billing rate can be lowered which will reduce billings in the future, or,
2. A credit can be used to adjust past bills when a one-time adjustment is needed.

### *Fiscal Year End Process*

The Comprehensive Annual Financial Reporting (CAFR) process requirement is a challenge to the AGO billing in terms of timing, just as it is for all agencies that bill their costs to other agencies. To meet the OFM requirement of having a bill sent out to agencies by July 15 after each fiscal year, the AGO completes an “estimated” bill for each client by July 14. Then, on approximately October 1, the final bill for the preceding fiscal year showing all billings and payments is sent to client agencies. While there may be adjustments either up or down to the estimated bill that was sent by July 14, in the vast majority of cases the final bill equals the estimate. The fiscal year end deadlines and resulting requirement for an estimated bill in each July are outside the control of the AGO and are unlikely to change.

### *Billing Issue – Clients want to be billed at their Budget Level*

Most AGO clients are very concerned that billings remain within the budgeted level that the clients receive from the legislature. While the AGO shares this goal, it is not always possible since the AGO is required by statute to charge clients actual costs and the amount of legal services required in any fiscal period may be affected by forces beyond the control of either the AGO or the client. When the estimated (and budgeted) level of legal services proves insufficient to meet client needs for any combination of reasons, the AGO is expected to provide additional legal services—and the result is billings in excess of the budgeted level. Clients find themselves in the difficult situation of needing additional legal services but without sufficient funding to pay for it. And, since the AGO has no source of funds to pay for unexpected or unanticipated legal services for any client, there is a problem. Sometimes a supplemental appropriation from the legislature is requested, but this takes time and is not always successful.

The reverse situation also causes problems. If a client does not need the level of legal services that were estimated in the budget, then attorney time is not billed to that client.

When attorney time is billed below the estimated level the amount of revenue received by the AGO is reduced. Insufficient revenue can leave the AGO with an insufficient cash balance in the LSRF to pay for AGO staff because the attorney bills are not only recovering the costs of those attorneys—they are also recovering the cost of division support and agency overhead. This situation is generally addressed by transferring attorneys and other AGO staff among divisions to balance workload and budgets. At times, this balancing can be a challenge depending on the skill sets of the attorneys and staff involved. Balancing workload, staff skill sets, the AGO budget, and client budgets is an ongoing challenge for the AGO to manage.

### *Funding for Agency Indirect Costs*

The AGO received a State Auditor management letter indicating concern that indirect costs are not allocated across all AGO funds and programs. However, Section 927 of the 2005-2007 operating budget bill requires that these costs be allocated to divisions funded from the LSRF. The requirement is the product of a number of fund shifts over time where various activities have been moved from General Fund State and other funds to the LSRF. The most recent of these fund shifts was to eliminate General Fund State support for the Executive Ethics Board and move its funding to the LSRF in the 2003-2005 budget. The Auditor's letter directs the AGO to seek legislation to grant permanent authority to continue the practice prescribed in Section 927 of the budget.

## **V. Performance and Strategic Assessment**

Assessing the performance of the AGO and discussing strategic issues in the context of a business plan requires a different approach be taken. The workload and changes in types of services required by the AGO are not subject to the control of either the AGO or its client agencies. Legal services work comes to the AGO in the form of requests for advice and the need to respond to litigation. While some of this workload is predictable, there are major elements that are not—especially in the area of responding to litigation. As previously discussed, the repercussions of the AGO not responding quickly and effectively to litigation (or to provide advice to avoid/limit legal issues) are not acceptable from either the financial or government management perspectives. So, for the AGO to meet its core responsibility in the area of providing legal services to clients the AGO is required to maintain a professional and effective legal workforce at all times. The business aspect of this challenge is to provide the appropriate level of resources to support this workforce, make changes to the resource levels quickly to respond to emergent issues, and apportion the costs of these activities on a fair and equitable basis to all clients. This places the focus of strategic business planning on maintaining and improving the financial and billing activities of the office.

*Workload Issues Affecting the Business Plan*

The AGO receives almost 2,071 new cases/filings/matters each month. The vast majority of these are dealt with quickly, but not all. As a result, the number of open cases has grown in recent years:

<u>Fiscal Year</u>	<u>Open at FY End</u>
2002	27,292
2003	27,707
2004	27,836
2005	29,115
2006	30,520
2007	31,126
2008	31,808

This growth in the number of open cases is a clear demonstration of the need for the AGO to implement a wide-ranging and innovative series of actions to improve both the efficiency and effectiveness of the legal staff, including:

- Recruitment and retention of the best legal talent available (including appropriate salary levels)
- Training and professional development of existing staff
- Development and implementation of an attorney succession plan
- Upgrading the skills (and salaries) of non-attorney members of the legal team (paralegals, legal assistants)
- Use of “best practices” developed in the public and private legal communities
- Integration of technology in the provision of legal services
- Development of legal teams with specific skills and experience

Most of these actions affect budget levels in some way, and specific proposals will be included in the 2009-2011 AGO operating budget.

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# STRATEGIC PLAN FOR 2009-2013

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## OFFICE OF THE ATTORNEY GENERAL 2009-2013

### *Mission*

As an independent constitutional office and legal counsel to state government, we serve the citizens of Washington with the highest standards of *excellence, ethics and effectiveness*.

### *Vision*

The Office of the Attorney General will be the best public law office in the United States, proudly contributing to the greatness of Washington.

### *Values*

All staff in the Office of the Attorney General are guided by the following core values:

TRANSPARENCY  
HONESTY  
RESPECT  
INNOVATION  
COMPETITION  
ETHICS  
“THRICE”

### *Goals and Objectives*

**Goal 1: PROVIDE EFFICIENT AND EFFECTIVE REPRESENTATION TO OUR CLIENT AGENCIES.**

**1-1 Review Office Structure and Practices for Possible Areas of Improvement and Efficiency, and Identify Priority Areas for Improvement.**

1-1-1 *Agency Efficiencies*. Identify and implement operational savings to free up resources for higher priority activities. (Moran, Bigelow, Operations Committee, Core Leadership Team, and Division Chiefs) (June 2009)

## STRATEGIC PLAN FOR 2009-2013

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- 1-1-2 *Complex Litigation Division.* Develop and implement a plan to maximize the effectiveness of the Complex Litigation Division, through better coordination, marketing, and funding. (Dunn, Ferguson) (Develop and implement plan, July 2009)
- 1-1-3 *Review Staffing Models/Structures.* With assistance from the National Association of Attorneys General (NAAG), review appropriate staffing of Attorney General's Office (AGO) services to ensure that resources are and will be efficiently deployed to support client legal services. (Moran, Bigelow, Deputies, Skinner) (Initial review, December 2008; follow up, June 2010)
- 1-1-4 *Development of Litigation Support Group.* Develop and implement a plan to restructure how the AGO handles litigation and electronic discovery support in complex, document-intensive cases, including development of an office-wide Litigation Support Group, with a coordinator, specialists and reallocated paralegals with required certified training in litigation and electronic document processing. (Dunn, Ferguson) (December 2008)
- 1-1-5 *Public Records Act Compliance Process.* Through new technology, improve efficiency in the AGO public records process by centralizing searching mechanisms and creating a model system that may be used by other agencies. (Bigelow, Goltz, Hill, Jensen, Dalton) (March 2009)

### **1-2 Make Recommendations for Improvement and Efficiencies in Office Litigation Practices.**

- 1-2-1 *Litigation Skills and Information Support.* Establish an ad hoc working group to develop and implement plans that: (1) Better publicize and disseminate within the AGO, the litigation deskbook and forms manual developed in the Torts Division; (2) Identify and utilize a mechanism to effectively communicate changes in court rules, procedures and practices to all divisions within the AGO; and (3) Develop and institute an informal mentoring and information sharing opportunity whereby experienced litigators will visit divisions or units and be available to answer questions and provide guidance. (Dunn) (Assign Torts or Complex Lit AAG to coordinate; establish work group, December 2008; complete work, January 2010)
- 1-2-2 *Coordination of Commercial Regulation and Civil Enforcement Functions.* Develop, plan and hold bi-annual meetings of assistant attorneys general who provide advice and representation to commercial regulators (e.g., Department of Financial Institutions, Department of Licensing, Department of Labor and Industries, and Office of the Insurance Commissioner) and who engage in civil

## STRATEGIC PLAN FOR 2009-2013

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enforcement (e.g., Consumer Protection, Antitrust) to institutionalize networking and coordinating opportunities and to determine if attendance at regular meetings should expand to employees with client agencies or with other agencies, such as the Federal Trade Commission. (Hovis, Walsh, Kondo) (First meeting, June 2009)

1-2-3 *Future Trends and Practice.* In conjunction with 1-1-3, review summary of future issues facing the AGO, as discussed at the Fall 2007 Leadership Team Meeting, to determine future trends in legal practice and to project staffing and resource needs. Impacted divisions and entities are to incorporate projections in FY 2010 strategic plans. (Costello, Briney, Division Chiefs, Administrative Managers) (June 2009)

1-2-4 *Evaluate Use of Research Center and Make Recommendations for Efficiencies.* Consider increased use of electronic library materials and less reliance on paper materials. (Bigelow, Halligan, Operations Committee) (Submit proposal to Operations Committee, June 2009)

### **1-3 Revise System of Performance Management to Assess Success and to Develop Efficiencies.**

1-3-1 *Quality Initiative.* Through the use of assessments and evaluations through the Washington State Quality Award program, evaluate and implement improvements to agency operations and systems. (Bigelow, Dalton, Operations Committee) (Self-assessments annually; determine whether to undertake “lite” or “full” assessment, December 2008)

1-3-2 *Client Survey.* Complete third electronic client satisfaction survey and compare data with results of 2005 and 2008 surveys. (Goltz, Leadership Team) (April 2010)

1-3-3 *AGMAP.* Every two years, in conjunction with the budget process, review and analyze current AGMAP measures to ensure that they are providing a meaningful measure of the success of the AGO in serving our client agencies and the citizens of the State of Washington and to assist in internal AGO management. (Dunn, AGMAP Committee) (First review, September 2008)

### **1-4 Proactively Engage in Risk Management Efforts.**

1-4-1 *Electronic Discovery Coordination.* Assist Office of Financial Management (OFM) and other clients in the development of internal procedures for handling electronic documents and disclosures. Progress in the development of such procedures will be tracked on the ACE site with Division Chiefs that have client agencies reporting to

## STRATEGIC PLAN FOR 2009-2013

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Core Leadership Team at the December 2008 Leadership Team Meeting, and quarterly thereafter. Progress will also be tracked by the Electronic Discovery and Disclosure (EDD) Committee and model procedures posted on the EDD worksite. (Dunn, Shorin, E-Discovery Workgroup) (Report to Core Leadership Team, December 2008; Final Report to Leadership Team, June 2009)

### **1-5 Utilize Appropriate Technologies to Improve Client Service.**

- 1-5-1 *Records Retention.* By effectively utilizing the revised Desktop Guide on Records Retention and email archiving system, support employees as they adopt “best practices” in their maintenance and management of Outlook mail folders. (Goltz, Even, Records Retention Committee) (January 2009)
- 1-5-2 *Technology Utilization.* Support divisions in the most effective use and application of available technology in their work. Assist staff in maximizing benefits from existing technology and system upgrades, such as ACE, Vista and timekeeping and billing charges, and technology advancements, such as the Mobile Computing Project. (Goltz, Hill, Technology Committee) (July 2009)
- 1-5-3 *Comprehensive Technology Training.* Develop a training model for use by all divisions to assist staff in utilizing technology. (Bigelow, Hill, Technology Committee) (Submit plan to Operations Committee, June 2009)

### **1-6 Make Improvements and Efficiencies in Utilization of Special Assistant Attorneys General.**

- 1-6-1 *Management and Assessment of Special Assistant Attorneys General (SAAG) Contracts and Costs.* Modify SAAG contracting and tracking procedures to centralize information; revise typical contracts to require, as appropriate, that: (1) All invoices submitted by a contract attorney reflect the total amount of the contract, the amount remaining at the beginning of the billing period and the amount remaining after payment of the subject invoice; and (2) That contract attorney provides advance written notice when the work anticipated in the next billing cycle will exceed the remaining balance under the contract. (Costello, Brown) (December 2008)
- 1-6-2 *Assessment of SAAG Work.* Track trends in SAAG contracts and costs and systematically determine what work, if any, can be brought in-house. Report using AGMAP measure tracking total costs in a fiscal year. (Moran, Battan, Costello, Goltz, Underwood, Division Chiefs selected by Chief Deputy) (Create workgroup and perform

## STRATEGIC PLAN FOR 2009-2013

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initial assessment of issues, June 2009; develop best practices for clients and AGO divisions, June 2010)

**Goal 2: SUPPORT STAFF IN AN EFFICIENT, EFFECTIVE AND DIVERSE WORK ENVIRONMENT.**

**2-1 Seek and Obtain Appropriate Compensation and Recognition for All Staff.**

2-1-1 *Attorneys – Salary Schedule.* Present proposed salary schedule and report to Legislature as required by 07-09 appropriations act; assess salary schedule implementation needs, and consider funding options as appropriate. (Moran, Bigelow, Battan, Deputies, Shinn) (October 2008)

2-1-2 *Professional Staff.* Review salary-setting process for all major professional staff classifications to determine compression, inversion, and other alignment issues. (Bigelow, Moran, Skinner, Underwood, Operations Committee) (January 2009)

2-1-3 *Performance Management System for All Staff.* Annually review and refine performance management system to address systemic issues identified by leadership and staff. (Performance Management Committee) (Ongoing Reports to Operations Committee or Core Leadership Team)

**2-2 Implement Improvements to Critical Administrative Support Systems.**

2-2-1 *Mandatory Training.* Develop standards for frequency of mandatory trainings and mandatory training updates, as well as process for evaluating effectiveness of such trainings on agency risk management. (Battan, Skinner, Underwood) (July 2009)

2-2-2 *Timekeeping and Billing Systems.* Update and revise existing timekeeping and billing systems to enhance capability of providing financial information to clients; consider timekeeping requirements for more staff. (AGO Technology and Operations Committees, Bigelow, Hill) (Report to Operations Committee, March 2009; complete current project, July 2009)

2-2-3 *Organization and Billing Process.* Review billing process and consider revisions to establish fewer rates to maximize staff flexibility and efficiencies. (Bigelow, Goltz, Moran, Underwood) (Committee formed, August 2009; report to Operations Committee, March 2010; final report, July 2010)

## STRATEGIC PLAN FOR 2009-2013

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- 2-2-4 *Leverage DIS Services.* Develop a plan to relocate all production servers to the DIS Wheeler Building Ala Carte environment. (Bigelow, Hill) (2010 to 2013)
- 2-2-5 *Enterprise Records Management.* Explore available options of an Enterprise Records Management system that provides an office-wide solution for managing documents from creation to archival or destruction. Make substantive and budget recommendations, including timelines, on the implementation of possible systems. (Bigelow, Hill, Public Records AAG, Jensen, Technology Committee) (Make recommendations to Operations Committee, December 2008)
- 2-2-6 *Mobility.* Review and implement findings of Mobility Pilot Project for improving staff remote access to the AGO network, while maintaining security of information. (Goltz, Hill, Technology Committee) (Report to Operations Committee, July 2009)
- 2-2-7 *Network Conferencing.* Expand and utilize network meeting and training capacity to improve coordination of legal and administrative services in offices around the state. (Hill, Technology Committee, Shinn) (Interim report to Operations Committee, July 2009)
- 2-3 Increase Efforts to Recruit and Retain an Effective and Diverse Workforce.**
- 2-3-1 *Minority Job Fairs.* Seeking to expand pool of qualified applicants, continue to maintain diversity recruiting and other diversity outreach as an office priority carried out at the highest levels of the organization. (Battan, Skinner, Mannix, Nakamura) (Report to Operations Committee annually)
- 2-3-2 *Professional Staff Recruitment.* Conduct analysis to evaluate professional staff hires, retention rates, turnover, reasons for departures, and conduct interviews to address retention and turnover. (Bigelow, Skinner, Siebs, Zirkle) (May 2009)
- 2-4 Develop and Update Succession Plan.**
- 2-4-1 *Update Division Succession Plans.* (Battan, Skinner, Division Chiefs, Admin Managers) (Report to Operations Committee, Winter 2009)
- 2-5 Enhance the Workplace for Employees.**
- 2-5-1 *Sponsor Wellness Activities.* Encourage staff participation in Healthy Worksite Initiative Program, as well as other healthy workplace activities. (Bigelow, Wellness Committee) (Report quarterly to

## STRATEGIC PLAN FOR 2009-2013

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Operations Committee on project and level of staff in participation of health screening which the Health Care Authority targets at 40 percent)

### **2-6 Ensure Adequate Facilities for the AGO.**

2-6-1 *Lease Renewals and Space Planning.* Manage agency lease renewals and space planning decisions according to adopted agency six year plan and in alignment with statewide agency facilities goals and objectives to: (1) Meet agency strategic and program goals; (2) Foster a safe, healthy, productive work environment; (3) Maximize the efficient and economical use of space; (4) Meet sustainability goals; (5) Leverage technology; and (6) Improve operational efficiencies through co-location. (Bigelow, Feek) (Ongoing as leases come up for renewal; report to Operations Committee quarterly)

2-6-2 *Facilities Plan.* Obtain OFM approval for adopted six year facilities plan consistent with agency space needs and facilities goals and objectives (enacted plans adopted by Legislature during 2009 session). (Bigelow, Feek) (September 2009)

### **2-7 Professional Growth Opportunities.**

2-7-1 *Agency-Wide and Inter-Divisional Projects and Opportunities.* Develop and implement a system to publicize opportunities for staff to enhance their professional growth, including agency-wide and inter-divisional projects and opportunities. (Guthrie, Hill, Dalton, Skinner) (Proposal to Operations Committee, December 2008)

### **2-8 Minimize the Impact of AGO Operations on the Natural Environment.**

2-8-1 *AGO “Carbon Footprint.”* Estimate, if feasible, the “carbon footprint” for the Attorney General’s Office to serve as a baseline for assessing the sustainability of future AGO operations. (Bigelow, Sustainability Committee) (Report to Operations Committee on feasibility, June 2009)

2-8-2 *Recycling Efforts.* Evaluate existing recycling efforts in all AGO facilities and recommend methods for improvement. (Bigelow, Sustainability Committee) (Report to Operations Committee, June 2009)

2-8-3 *Bottled Water Usage.* Develop plan for reduction of usage of bottled water in AGO facilities. (Bigelow, Sustainability Committee) (Report to Operations Committee, June 2009)



## STRATEGIC PLAN FOR 2009-2013

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- 2-8-4 *Other Sustainability Committee Recommendations.* Consider ongoing recommendations of the Sustainability Committee to revise and enhance AGO Sustainability Plan. (Bigelow, Sustainability Committee) (Report semi-annually to Operations Committee, September and March)

**Goal 3: PREPARE THE AGO, AND ASSIST IN PREPARING OUR CLIENTS, FOR OPERATIONS IN EMERGENCY SITUATIONS.**

**3-1 Revise Relevant AGO Safety and Security Plan and Division Continuity of Operations Plans.**

- 3-1-1 *AGO Safety and Security and Continuity of Operations Plans.* Review and update AGO, Building and Division Safety and Security and Continuity of Operations Plans as needed. (Bigelow, AGO Safety Committee) (September 2009 and annually thereafter)
- 3-1-2 *Safety and Security Drills.* Establish routine of performing one or two emergency preparedness drills per year, in addition to normal fire and earthquake drills. (Bigelow, Safety & Security Committee) (Annually)
- 3-1-3 *Emergency Management Training.* Ensure the mandatory training for all staff for emergency preparedness has been provided and taken. (Bigelow, Safety and Security Committee) (September 2009)

**3-2 Complete and Maintain Resources for Operation of Government in Emergency Situations.**

- 3-2-1 *Resources for Operation of Government in Emergencies.* Update, organize and distribute AGO resources for operation of government in time of emergency, including essential legal research, sample court pleadings and sample executive orders. (Goltz, Panesko, Operations Committee) (Completion, September 2009; updates, September 2011 and September 2013)

**Goal 4: MAINTAIN AND FOSTER, FOR THE PUBLIC'S BENEFIT, THE CONSTITUTIONAL AND STATUTORY INDEPENDENCE OF THE ATTORNEY GENERAL.**

**4-1 Preserve and Enhance Independent Statutory Roles of the Attorney General.**

- 4-1-1 *Protocols for Communicating with the Legislature.* Review and update existing protocols for reviewing and communicating opinions on constitutionality of proposed legislation. (Bigelow, Hart, Goodman) (November 2008, review annually thereafter)



## STRATEGIC PLAN FOR 2009-2013

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### **4-2 Enhance Communication of AGO Role and Activities to Public.**

4-2-1 *AGO Outreach Program.* Develop proposal for targeted AGO outreach efforts to educate external stakeholders on selected AGO programs. (Guthrie) (Proposal to Operations Committee, July 2009)

4-2-2 *Review AGO Website to Facilitate Providing Information to Public.* Review AGO website with a view to facilitating access to information in order to maximize expeditious service to constituents. (Guthrie, Dalton, Erwin, Jensen) (Proposal to Operations Committee, July 2009)

### **Goal 5: PROMOTE PUBLIC POLICY THAT IS IN THE BEST INTEREST OF THE CITIZENS WE SERVE.**

#### **5-1 Encourage a Culture of Openness in State and Local Governments With Public Records, While Protecting the Essential Operations of Government.**

5-1-1 *Improve Open Public Meetings Act and Public Records Act legislation to increase compliance and reduce expenses.* Evaluate and determine support for recommendations of the Sunshine Committee. Develop and pass omnibus Open Public Meetings Act reform. Reform the Public Records Act to address inmate abuses. (Goodman, Hart, Ford) (Ongoing)

#### **5-2 Develop Strategies to Control the Manufacture, Sale and Trafficking of Methamphetamine and Other Harmful Substances.**

5-2-1 *Law Enforcement Collaboration.*

- Seek and maintain collaborative relationships locally and nationally to maximize law enforcement's ability to reduce drug trafficking and manufacturing. Continue to participate in the Northwest Precursor Chemical Committee. (Johnson) (Ongoing)
- Participate in multi-jurisdictional working groups (e.g., Conference of Western Attorneys General (CWAG)) to enhance border security and prevent illegal drugs, weapons, and money laundering substances from being trafficked in Washington State. (Johnson, Weinmann) (Ongoing)

5-2-2 *Education.*

- Reduce addiction to methamphetamine and other harmful substances through public education. Work with the Division of Alcohol and Substance Abuse (DASA), to hold a prevention forum for youth as part of the annual DASA Prevention Summit. (Bigelow, Guthrie)

## STRATEGIC PLAN FOR 2009-2013

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- Continue to make substance abuse prevention presentations to school aged audiences statewide. (Guthrie, Johnson)
- Work with prevention and broadcast partners to place public service announcements, as made available by Partnership for a Drug Free America, or as funded with proceeds from Consumer Protection settlements. (Guthrie, Gould) (Ongoing)
- Continue participation in state coalition to reduce underage drinking. (Guthrie) (Ongoing)

5-2-3 *Community Collaboration.* Reduce number of children impacted by meth addiction in Washington by supporting state and community efforts. Increase AGO participation in Drug-Endangered Children (DEC) training each year, caseloads permitting. Encourage attorneys to liaison with local meth action teams. Offer assistance in drafting and implementing DEC guidelines at the local level. Co-sponsor DEC National Convention proposed for 2009 in Spokane. (Johnson, Hassett, Lydon) (Ongoing)

5-2-4 *Prescription Monitoring and Pseudoephedrine Controls.* Lead efforts to implement a prescription monitoring program and an electronic log to record the sale of pseudoephedrine in pharmacies and retail outlets. Align Washington law regarding pseudoephedrine controls with provisions of the federal Combat Meth Act. Expedite implementation of a Prescription Monitoring Program. (Johnson, Bigelow) (2012)

### **5-3 Develop a Statewide Strategy to Protect Vulnerable Adults and Children and Reduce Domestic Violence.**

5-3-1 *Vulnerable Adults.*

- Develop legislation to help deter vulnerable adult abuse, pursuant to the recommendations of the Vulnerable Adult Summit Work Groups. (Goodman, Moran, Johnson, Hart) (July 2008)
- Improve public awareness and education to prevent vulnerable adult abuse and neglect. (Guthrie) (2010)

5-3-2 *Human Trafficking.* Develop proposed changes in Human Trafficking statute based on discussions of work group. (Johnson, Goodman, Hart) (November 2008)

5-3-3 *Domestic Violence and Sexual Assault Legislation.* Develop proposals for domestic violence legislation and sentencing reform based on recommendations of Domestic Violence Workgroup and prosecutors. Develop a proposal for a multi-year study of contributing factors to domestic violence recidivism for funding in the 2009-2011 biennium. (Johnson) (November 2008)

### **5-4 Develop New Efforts to Protect Washington Consumers.**

## STRATEGIC PLAN FOR 2009-2013

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- 5-4-1 *Public Education.* Continue statewide identity theft tour (GUARD IT!) to educate businesses, media and the general public on the threat of identity theft and how to prevent it. Continue AARP/KOMO, FTC and BECU/KMTT public education partnerships. (Guthrie, Erwin, Gould, Alexander) (Ongoing)
- 5-4-2 *Public Policy.* Develop and implement strategies to address consumer complaints in high-volume areas like collection agencies, unsolicited goods, manufactured housing, promotional advertising of prizes, lemon law, and mortgage fraud. (Goodman, Walsh, Erwin) (June 2013)
- 5-4-3 *Minority Outreach.* Develop culturally relevant strategies to reach Latinos and other minority groups. Maintain adequate multi-language resources to address increased complaints and phone calls to our Consumer Resource Centers. (Erwin, Sytman, Guthrie, Gould, Smith, Lobdell) (July 2009)
- 5-4-4 *Prescription Drug Pricing Data.* Promote Washington State's drug discount card on the AGO's atg.wa.gov. web site. Collaborate with Health Care Authority to help consumers without health insurance find pharmacies honoring lower prescription drug pricing and state prescription discount cards. (Bigelow, Walsh, Guthrie, Johnson, Gould, Beary) (October 2008)
- 5-4-5 *Collaborative Partnerships.* Assist the Law Enforcement Group against Identity Theft (LEGIT) in developing and passing legislation to protect citizens against identity theft. Participate in legislatively mandated task forces operated by the Department of Community, Trade and Economic Development. (Goodman, Guthrie, Walsh, Weinmann, Marlow) (July 2008 – June 2013)

### **5-5 Fraud Prevention.**

- 5-5-1 *Legislation.* Develop and obtain passage of legislation that would:
- Expand the statute of limitations from three to five years for tax fraud cases that recognizes the realities of these cases.
  - Improve Department of Revenue and Department of Financial Institutions efforts to minimize tax fraud by mirroring general theft statutes; and
  - Define and criminalize misconduct that occurs in fraudulent residential mortgage transactions (similar to Georgia statute).
- (Walsh, Goodman, Dalton, Comfort, Weinmann, Hart) (2010)

### **5-6 Protect Against Internet Predators.**

## STRATEGIC PLAN FOR 2009-2013

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5-6-1 *Leverage Partnerships with Law Enforcement, Education and Industry to Reduce Internet Predation.*

- Complete report that incorporates findings of Task Force, and implement proposals. (Goodman, Weinmann) (Report by no later than December 2008)
- Participate in and support national organizations on public education campaigns. (McGruff, iKeepSafe, Comcast, Qwest, Microsoft) (Guthrie) (Ongoing with emphasis in June and October)

5-6-2 *Pass Legislation to Protect Against Internet Predators and Assist Law Enforcement.* Obtain funding for and develop computer forensics lab and increase penalties for viewing child pornography. (Goodman) (2010)

### **5-7 Protect Public from Sexually Violent Predators.**

5-7-1 *Sexually Violent Predator (SVP) Staffing Model.* Implement SVP staffing model required in budget proviso and recommended by consultant's report. (Weinmann, Hovis, Moran, Bigelow, Underwood) (October 2008)

5-7-2 *Legislation.* Develop and amend legislation for the purpose of strengthening civil commitment statute. (Goodman, Bowers, Hart) (Draft legislation, June 2008; pass, May 2009)

### **5-8 Strengthen Relations with State Tribes.**

5-8-1 *Continue Visits to Tribes.* (Costello, Bigelow) (2009-2013)

5-8-2 *Work Government-to-Government with Tribal Leaders to Develop Joint Solutions to Overarching Criminal and Social Problems.* Encourage tribal participation in Youth Prevention Summit, Domestic Violence Task Force, Operation: Allied Against Meth school visits, community safety summit and other office initiatives. (Bigelow, Costello, Weinmann, Guthrie, Goodman, Johnson) (Ongoing)

### **5-9 Make Improvements to Eminent Domain Statutes and Processes.**

5-9-1 *Eminent Domain Task Force.* Consider legislation to implement recommendations of Eminent Domain Task Force. (Goodman, Moran, Ford, Hart) (Upon completion of Task Force report)

### **5-10 Reduce Gang Activity in Washington State.**

5-10-1 *Gang Prevention and Intervention.* Develop and maintain partnerships with state and national law enforcement, legislators and

## STRATEGIC PLAN FOR 2009-2013

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policy groups to address the gang problem in Washington. Form a partnership with the Governor's Juvenile Justice Advisory Committee to develop a template for youth gang prevention and intervention statewide. As appropriate, act as co-applicant for youth gang prevention grant applications to federal Office of Juvenile Justice Programs, and as a co-convenor of workshops designed to conduct community assessments of gang problems. Work with National Association of District Attorneys to bring gang prosecution best practices training to the State of Washington. In consultation with Washington Association of Prosecuting Attorneys (WAPA) and Washington Association of Sheriffs and Police Chiefs (WASPC), explore introduction of legislation to create sanctions for gang-related violent felony offenses. (Johnson, Weinmann) (Ongoing)

5-10-2 *WASPC Anti-Gang Law Enforcement Initiatives.* Formalize partnership with WASPC to ensure success of gang suppression and graffiti eradication initiatives as contained in HB 2712 and funded by state Legislature in the supplemental budget, and implementation of a statewide gang criminal intelligence database. (Johnson, Skeen) (Ongoing)

5-10-3 *Additional Anti-Gang Legislation.* Continue to work with partner groups such as WAPA, WASPC, Northwest Gang Investigators Association, the Street Gang Tracking Group and key legislators regarding the possible development of additional legislation to establish the power of anti-gang civil injunction under state law and additional sanctions for gang-related criminal activity. (Johnson, Weinmann, Goodman) (Ongoing)

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SECTION B

RECOMMENDATION  
SUMMARY



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**State of Washington  
Recommendation Summary**

**Agency: 100 Office of Attorney General**

12:09:52PM  
8/12/2008

Dollars in Thousands	Annual Average FTEs	General		
		Fund State	Other Funds	Total Funds
<b>2007-09 Current Biennium Total</b>	<b>1,176.4</b>	<b>12,965</b>	<b>241,482</b>	<b>254,447</b>
CL 01 Carry Forward Level Adjustments	(5.7)	(232)	4,467	4,235
<b>Total Carry Forward Level</b>	<b>1,170.7</b>	<b>12,733</b>	<b>245,949</b>	<b>258,682</b>
Percent Change from Current Biennium	(.5)%	(1.8)%	1.8%	1.7%
M1 90 Maintenance Level Revenue				
<b>Carry Forward plus Workload Changes</b>	<b>1,170.7</b>	<b>12,733</b>	<b>245,949</b>	<b>258,682</b>
Percent Change from Current Biennium	(.5)%	(1.8)%	1.8%	1.7%
M2 AA Lease Rate Adjustments		230	2,645	2,875
M2 AI LSRF Client Fund Realignment				
M2 AJ CFL Correction				
<b>Total Maintenance Level</b>	<b>1,170.7</b>	<b>12,963</b>	<b>248,594</b>	<b>261,557</b>
Percent Change from Current Biennium	(.5)%	.0%	2.9%	2.8%
PL AB Legal Assistant Job Class Series		144	4,393	4,537
PL AC SVP Unit Expansion				
PL AD Children's Admin HQ Team	1.5		490	490
PL AE Continue DSHS Juvenile Caseload	2.5		706	706
PL AF Public Counsel Unit Staffing	1.0		360	360
PL AG Electronic Records Management	1.0		242	242
PL AH Tacoma Office Move				
<b>Subtotal - Performance Level Changes</b>	<b>6.0</b>	<b>144</b>	<b>6,191</b>	<b>6,335</b>
<b>2009-11 Total Proposed Budget</b>	<b>1,176.7</b>	<b>13,107</b>	<b>254,785</b>	<b>267,892</b>
Percent Change from Current Biennium	.0%	1.1%	5.5%	5.3%

**M2 AA Lease Rate Adjustments**

The Office of the Attorney General (AGO) requests \$2,874,547 to fund lease rate increases for existing spaces in the upcoming 2009-11 biennium.

**M2 AI LSRF Client Fund Realignment**

The Office of the Attorney General (AGO) requests realignment of the Legal Services Revolving Fund (LSRF) so that client allocations align to estimated client legal service needs in the 2009-2011 biennium. This request nets to \$0 for the AGO as we are not requesting new funds, merely a realignment of existing LSRF dollars.

**M2 AJ CFL Correction**

The Office of the Attorney General (AGO) requests technical corrections to our Carry Forward Level (CFL) Adjustments in the 2009-11 biennial AGO budget.

**PL AB Legal Assistant Job Class Series**

The Office of the Attorney General (AGO) requests \$4,537,346 to fund a proposed Legal Assistant Job Class Series. This would reclassify the existing AGO Legal Secretaries series to a six-level Legal Assistant series.

**PL AC SVP Unit Expansion**

The Office of the Attorney General (AGO) requests additional FTEs and associated funding for prosecution of sexually violent predators

(SVP) and the mandatory annual reviews of offenders currently under civil commitment. Based on the 2008 Engrossed Substitute House Bill, "The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008". A staffing model is currently being conducted, and when complete, will serve to update this placeholder with our request for FTEs and dollars.

**PL AD Children's Admin HQ Team**

The Office of the Attorney General (AGO) requests \$490,000 and 1.5 FTEs to fund legal services for the Department of Social Health Services (DSHS) Children's Administration (CA) for legal services related to state-wide juvenile litigation support and coordination, advice to CA headquarters (HQ), and Braam litigation.

**PL AE Continue DSHS Juvenile Caseload**

The Office of the Attorney General (AGO) requests \$706,000 and 2.5 FTEs to fund legal services for the Department of Social and Health Services (DSHS) in Thurston County needed to respond to impact created by the Public Defense Parents' Representation Project.

**PL AF Public Counsel Unit Staffing**

The Office of the Attorney General (AGO) requests \$360,000 and 1.0 FTE to represent residential and small business utility customers in cases before the Washington Utilities and Transportation Commission (WUTC), state courts and other fora. As the utility ratepayer advocate for the state, Public Counsel faces major and growing demands from the increasing frequency of energy rate increase requests, mergers, and new cases in the area of energy efficiency and renewable energy.

**PL AG Electronic Records Management**

The Office of the Attorney General (AGO) requests \$242,022 and 1.0 FTE to achieve improved efficiencies in electronic record management. This will enhance the ability to store and retrieve information and documents which are critical to the operations of a major public law office.

**PL AH Tacoma Office Move**

The Office of the Attorney General (AGO) requests funding consistent with the Office of Financial Management (OFM) alternatives, assessment and statewide six-year plan to relocate the Tacoma Office in the upcoming biennium. Funding will be needed at the commencement of the project which will depend on the option approved through the OFM facility process.

## Recommendation Summary at Program Level

- Non-Applicable –

## Recommendation Summary at Program Level

- Non-Applicable –

SECTION C

DECISION  
PACKAGES



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State of Washington  
**Agency Budget Request Decision Package Summary**

(Lists only the agency Performance Level budget decision packages, in priority order)

**Agency: 100 Office of Attorney General**

8/12/2008  
1:21:57PM

**Budget Period: 2009-11**

**Decision Package**

<u>Code</u>	<u>Decision Package Title</u>
PL-AB	Legal Assistant Job Class Series
PL-AC	SVP Unit Expansion
PL-AD	Children's Admin HQ Team
PL-AE	Continue DSHS Juvenile Caseload
PL-AF	Public Counsel Unit Staffing
PL-AG	Electronic Records Management
PL-AH	Tacoma Office Move

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State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AA Lease Rate Adjustments  
**Budget Period:** 2009-11  
**Budget Level:** M2 - Inflation and Other Rate Changes

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$2,874,547 to fund lease rate increases for existing spaces in the upcoming 2009-11 biennium.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
001-1 General Fund - Basic Account-State	169,709	60,251	229,960
001-2 General Fund - Basic Account-Federal	2,990	30,947	33,937
02V-1 Public Safety & Education Account-State	10,752	1,118	11,870
12F-6 Man/Mobile Home Dispute Resolution-Non-Appropriated	14,208		14,208
154-1 New Motor Vehicle Arbitration Acct-State	21,372		21,372
405-1 Legal Services Revolving Account-State	1,623,557	900,247	2,523,804
424-6 Anti-Trust Revolving Account-Non-Appropriated	39,396		39,396
<b>Total Cost</b>	<b>1,881,984</b>	<b>992,563</b>	<b>2,874,547</b>

**Revenue**

<b><u>Fund</u></b>	<b><u>Source</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
001 General Fund	0393 Health & Human Svc	2,990	30,947	33,937
405 Legal Serv Rev Acct	0420 Charges for Services	1,623,557	900,247	2,523,804
424 Anti-Trust Revolving	0420 Charges for Services	39,396		39,396
<b>Total Revenue</b>		<b>1,665,943</b>	<b>931,194</b>	<b>2,597,137</b>

**Package Description:**

This request covers the expected increase in annual lease contracts that will come up for renewal in the 2009-2011 biennium. Each expiring lease is anticipated to increase 15% per guidance from the Department of General Administration (GA). These requested increases are to continue leases in buildings around the state where AGO divisions are currently located and providing services to client agencies. GA negotiates the lease costs with landlords on behalf of the AGO. The AGO has little control over the increase in lease costs and this request does not duplicate any funding proposed in any other decision packages within the 2009-2011 biennium budget request. These facilities are all in our six-year lease facility plan.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

**Narrative Justification and Impact Statement**

***What specific performance outcomes does the agency expect?***

This request is necessary to allow the AGO to continue providing legal services to its client agencies.

## Performance Measure Detail

Activity: <b>A001</b>	<b>Administrative Activity</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A002</b>	<b>Civil Commitment of Sexually Violent Predators</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A003</b>	<b>Criminal Investigation and Prosecution</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A004</b>	<b>Enforcement of Anti-Trust Laws</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A005</b>	<b>Enforcement of Consumer Protection Laws</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A007</b>	<b>Homicide Investigation Tracking System</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A009</b>	<b>Investigation and Prosecution of Medicaid Fraud and Resident Abuse</b>	<b>Incremental Changes</b>
No measures submitted for package		
Activity: <b>A010</b>	<b>Legal Services to State Agencies</b>	<b>Incremental Changes</b>
No measures submitted for package		

### *Is this decision package essential to implement a strategy identified in the agency's strategic plan?*

This budget request implements goal #1 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions. This request is critical to the ability of the AGO to provide timely and high-quality legal services to its clients in the locations where those services are needed.

### *Does this decision package provide essential support to one of the Governor's priorities?*

Yes, it supports the Governor's priority to make government accountable by recognizing the business operations of a state agency that provides services to clients and citizens around the state.

### *Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?*

Yes, this request is directly related to POG #10 - strengthen government's ability to achieve results efficiently and effectively.

### *What are the other important connections or impacts related to this proposal?*

The increasing cost of leased space is an unavoidable cost that must be incurred for the AGO to provide legal services to its client agencies. If funds originally intended for legal service costs must be diverted to pay for unfunded lease costs, the result would be a reduced level of legal advice and other legal services. This will increase agency risk and could lead to avoidable legal issues.

***What alternatives were explored by the agency, and why was this alternative chosen?***

The AGO is obligated to pay increased lease costs negotiated by GA. There is no viable alternative for leased facilities.

***What are the consequences of not funding this package?***

The increased costs of leases are unavoidable. If this request is not funded, the AGO will have insufficient appropriation authority to pay these expenses and may be forced to reduce staffing or make other cuts to legal services in order to offset these costs. Reducing legal staff and services would limit the ability of the AGO to provide timely and high-quality legal services to client agencies of the State of Washington. The client agencies rely heavily on AGO counsel and advice. A reduction in legal services would leave the client agencies in a vulnerable position with the potential of triggering increased future lawsuits and legal issues.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

See attached, 'ML-AA Lease Rate Adjustments Attachment 1.pdf' for impact by facility and 'ML-AA Lease Rate Adjustments Attachment 2.pdf' for impact to client agencies.

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

The increased costs for leases are expected to be ongoing. These are contractual obligations.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
E Goods And Services	1,881,984	992,563	2,874,547

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Lease	2007-09 Rent Costs			2009-11 Total Rent Costs			2009-11 Budget Request (Variance)			Current Monthly Rate	Lease Expiration or increase Date	Expected Monthly Rate Change During FY 09-11
	FY2008	FY2009	2007-09	FY2010	FY2011	2009-11	FY2010	FY2011	2009-11			
AGO -- Capitol Court	\$640,560	\$640,560	\$1,281,120	\$858,330	\$858,330	\$1,716,660	\$217,770	\$217,770	\$435,540	\$ 53,381	2/28/2011	\$ 71,528
Bellingham	\$109,500	\$109,500	\$219,000	\$113,606	\$125,925	\$239,531	\$4,106	\$16,425	\$20,531	\$ 9,125	3/31/2010	\$ 10,494
Bristol Court	\$1,052,442	\$1,052,728	\$2,105,170	\$1,052,728	\$1,188,837	\$2,241,565	\$286	\$136,109	\$136,395	\$ 82,490	7/31/2010	\$ 94,864
Everett	\$371,364	\$371,364	\$742,728	\$371,364	\$371,364	\$742,728	\$0	\$0	\$0	\$ 30,947	7/31/2011	\$ -
HLB	\$1,456,548	\$1,456,548	\$2,913,096	\$1,675,030	\$1,675,030	\$3,350,060	\$218,482	\$218,482	\$436,964	\$ 121,379	6/30/2009	\$ 139,585
Kennewick	\$77,376	\$103,788	\$181,164	\$130,200	\$130,200	\$260,400	\$52,824	\$26,412	\$79,236	\$ 6,448	1/1/2009	\$ 10,850
Kent	\$2,376	\$2,376	\$4,752	\$2,376	\$2,376	\$4,752	\$0	\$0	\$0	\$ 198		\$ -
MDS/FST Warehouse	\$163,944	\$163,944	\$327,888	\$176,240	\$188,535	\$364,775	\$12,296	\$24,591	\$36,887	\$ 13,662	12/31/2009	\$ 15,711
Port Angeles	\$56,659	\$66,840	\$123,499	\$66,840	\$66,840	\$133,680	\$10,181	\$0	\$10,181	\$ 5,570	7/31/2012	\$ 5,570
Seattle	\$1,367,100	\$2,602,200	\$3,969,300	\$2,602,200	\$2,602,200	\$5,204,400	\$1,235,100	\$0	\$1,235,100	\$ 216,850	6/30/2017	
Spokane	\$460,188	\$460,188	\$920,376	\$506,207	\$529,216	\$1,035,423	\$46,019	\$69,028	\$115,047	\$ 38,349	10/31/2009	\$ 53,747
Tacoma	\$579,372	\$579,372	\$1,158,744	\$579,372	\$783,060	\$1,362,432	\$0	\$203,688	\$203,688	\$ 48,281	6/30/2010	\$ 65,255
Tumwater Mini Storage	\$28,800	\$28,800	\$57,600	\$28,800	\$28,800	\$57,600	\$0	\$0	\$0	\$ 2,400	5/31/2012	
Tumwater	\$2,810,496	\$2,810,496	\$5,620,992	\$2,857,368	\$2,857,368	\$5,714,736	\$46,872	\$46,872	\$93,744	\$ 234,208	11/30/2011	\$ 238,114
Vancouver	\$212,328	\$220,290	\$432,618	\$244,176	\$244,176	\$488,352	\$31,848	\$23,886	\$55,734	\$ 17,694	3/31/2009	\$ 20,348
Wenatchee	\$62,028	\$62,028	\$124,056	\$68,228	\$71,328	\$139,556	\$6,200	\$9,300	\$15,500	\$ 5,169	10/31/2009	\$ 5,944
Yakima	\$99,780	\$99,780	\$199,560	\$99,780	\$99,780	\$199,560	\$0	\$0	\$0	\$ 8,315	7/31/2015	\$ -
<b>Total Request:</b>	<b>\$9,550,861</b>	<b>\$10,830,802</b>	<b>\$20,381,663</b>	<b>\$11,432,845</b>	<b>\$11,823,365</b>	<b>\$23,256,210</b>	<b>\$1,881,984</b>	<b>\$992,563</b>	<b>\$2,874,547</b>			

Assume 07-09 lease facility costs are budgeted.

**Total Lease Rate Increase Request for 2009-2011 Biennium \$2,874,547**

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### Rent Increases For The 2009-11 Biennium

Client Agency	Division	2009-11 Total By Client
011 House	GOV	35
012 Senate	GOV	32
014 JLARC	GCE	186
035 Actuary	GOV	183
038 Joint Leg Systems	GOV	12
040 Statute Law/Code Reviser	GOV	14
045 Supreme Court	COM	1,326
050 Judicial Conduct	LAL	528
055 Admin-Courts	SGO	1,245
056 Public Defense	SGO	177
075 Governor	CJD	962
080 Lt.Gov	CJD	10
082 PDC (100% GCE) Changed 7/13/07	GCE	
082 PDC (0% LAL) Changed 7/13/07	LAL	
082 PDC (SGO-A)	SGO-A	8,109
085 Sec State (18.8% GOV)	GOV	
085 Sec State (81.2% SGO)	SGO	
085 Sec State (No % CJD)	CJD	13,930
087 AsianAmAffairs	GOV	19
090 Treasurer	GOV	1,866
095 Auditors	GCE	20,046
099 Comm - Salaries	GOV	8
102 Financial Inst.	GCE	7,686
103 CTED (79.6% AHD)	AHD	
103 CTED (20.4% GOV)	GOV	5,522
105 OFM (100% GOV)	GOV	5,753
105 OFM (TOR - Risk Mgmt 159)	TOR	227,363
107 HCA	AHD	3,210
110 Admin Hearings	GOV	94
111 DOP	GOV	2,119
116 Lottery (27.13% GCE)	GCE	
116 Lottery (72.87% LAL)	LAL	
116 Lottery (0% LPD)	LPD	2,200
117 Gambling	GCE	7,545
118 Hispanic Affairs	GOV	12
119 African Amer Affairs	GOV	4
120 Human Rights	GCE	8,321
122 PAB	GOV	0
124 DRS	GOV	8,355
126 SIB	GOV	2,657
140 Revenue (15.45% BCU)	BCU	
140 Revenue (ECC - 9.74%) (USE #141)	ECC	
140 Revenue (73.79% REV)	REV	
140 Revenue (1.02% SGO Appellate)	SGO-A	47,606
142 Tax Appeals	GOV	32
147 OMWBE	GCE	1,211
150 GA	GOV	7,368
155 DIS	GOV	2,055
160 Insurance	GCE	8,777
165 Accountancy	LAL	3,871

### Rent Increases For The 2009-11 Biennium

Client Agency	Division	2009-11 Total By Client
185 Horse Racing	GCE	2,535
190 Ind Ins.Appeals	GOV	150
195 Liquor Control (74.68% GCE)	GCE	
195 Liquor Control (25.14% LAL)	LAL	29,234
205 Pilotage	TPC	364
215 WA UTC (40.98%) (PCU USE #216)	PCU	
215 WA UTC (59.02%) ( UTC)	UTC	51,667
220 Volunteer Firefighters	GOV	704
225 WSP (43.96% CJD)	CJD	
225 WSP (56.04% GCE)	GCE	21,265
227 CrimJ Training	CJD	2,519
228 Traffic Safety	TPC	56
235 L&I (2.76% BCU) (USE #236)	BCU	
235 L&I (61.89% LNI)	LNI	
235 L&I (0% LPD)	LPD	
235 L&I (12.05% RSD)	RSD	
235 L&I (0.38% SGO Appellate)	SGO-A	
235 L&I (11.73% SPO)	SPO	
235 L&I (10.75% TAC)	TAC	
240 Licensing (80.78% LAL)	LAL	
240 Licensing (8.11% RSD)	RSD	
240 Licensing (5.97% SPO)	SPO	
240 Licensing (5.14% TAC)	TAC	599,219
245 Military	GOV	1,452
250 Sentence Review	CJD	3,353
275 Pub Employ Relations	GOV	537
300 DSHS (0.09% BCU)	BCU	
300 DSHS (1.00% COM)	COM	
300 DSHS (0% LPD)	LPD	
300 DSHS (24.45% RSD)	RSD	
300 DSHS (0.34% SGO Appellate)	SGO-A	
300 DSHS (34.08% SHO)	SHO	
300 DSHS (16.93% SHS)	SHS	
300 DSHS (10% SPO)	SPO	
300 DSHS (13.09% TAC)	TAC	702,027
301 DSHS (SVP)	SVP	60,503
302 Home Care Quality Auth.	AHD	190
303 Health (53.19% AHD)	AHD	
303 Health (46.81% GCE)	GCE	78,526
305 VA	SHO	1,514
310 DOC (92.53% CJD)	CJD	
310 DOC (2.75% COM)	COM	
310 DOC (0% LPD)	LPD	
310 DOC (4.72% SGO Appellate)	SGO-A	104,111
315 Serv-Blind	SHO	129
325 Sentencing	CJD	236
343 HECB	EDU	1,858
350 OSPI	EDU	33,933
351 School-Blind (SHO to RSD FY08 Supp)	RSD	633
353 School-Deaf	RSD	1,045



### Rent Increases For The 2009-11 Biennium

Client Agency	Division	2009-11 Total By Client
354 Workforce TECB	EDU	630
355 DHAP	AHD	41
357 Dept of Early Learning	SHO	0
360 UW (93.64% UOW)	UOW	18,738
365 WSU	WSU	8,671
369 UW (6.36% TOR UOW)	UOW Torts	1,272
370 EWU	SPO	4,312
375 CWU	RSD	3,368
376 Evergreen	EDU	2,141
377 SIRTl	SPO	579
380 WWU	RSD	6,353
387 Arts	GOV	15
390 Historical Soc.	GOV	179
395 EWaHistorical	SPO	36
405 DOT (99.38 TPC)	TPC	
405 DOT (0.62% SGO Appellate)	SGO-A	45,003
406 CRAB	TPC	195
407 TIB	TPC	76
408 Marine Employ.	GOV	59
410 Trans.Comm.	TPC	154
411 Freight Mobility Strategic Investment	GOV	72
412 WA Materials Finance Authority	ECY	0
461 Ecology	ECY	93,220
462 Pollution Liability	ECY	364
465 Parks	FWD	11,062
467 Outdoor Rec (IAC)	GOV	200
468 EnviroHear	LAL	1,678
471 Conservation	ECY	869
476 Growth Planning	LAL	2,831
477 Fish&Wildlife	FWD	46,673
490 Nat.Resources	RES	91,041
495 Agriculture	AHD	5,669
540 ESD (21.21% BCU)	BCU	
540 ESD (62.49% LAL)	LAL	
540 ESD (5.44% RSD)	RSD	
540 ESD (4.72% SPO)	SPO	
540 ESD (6.13% TAC)	TAC	32,699
550 Convention-Trade	GOV	541
699 SBCTC (56.15% EDU)	EDU	
699 SBCTC (30.38% RSD)	RSD	
699 SBCTC (13.47% SPO)	SPO	46,556
Allowance For Commodities	AHD	298

Total	<u><u>2,523,804</u></u>
LSRA Total	<u><u>2,523,804</u></u>
Variance	<u><u>0</u></u>

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State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AI LSRF Client Fund Realignment  
**Budget Period:** 2009-11  
**Budget Level:** M2 - Inflation and Other Rate Changes

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests realignment of the Legal Services Revolving Fund (LSRF) so that client allocations align to estimated client legal service needs in the 2009-2011 biennium. This request nets to \$0 for the AGO as we are not requesting new funds, merely a realignment of existing LSRF dollars.

**Fiscal Detail**

Operating Expenditures

**Total**

**Package Description:**

This request is to realign existing LSRF funds and is not intended to increase the appropriated authority of the AGO.

The purpose of an adjustment is not to grow the AGO but rather to align the funding to the clients that are using legal services. To make this happen, some allocations should be taken away from agencies that are not using all their legal services allocation and applying it to other agencies that have cut other services and/or programs within their overall agency budgets to cover the cost for legal services.

Please refer to the attachment for each client agency impact.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

**Narrative Justification and Impact Statement**

***What specific performance outcomes does the agency expect?***

This budget request implements goal # 1.0 of the AGO Strategic Plan - "Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to more than 230 state agencies to enable them to achieve their respective missions.

This request provides a number of client agencies with the allocations necessary to receive adequate and vital legal services. If additional funding is not provided to these clients, they will need to cut other services to pay for attorney costs that are unavoidable.

**Performance Measure Detail**

Activity: A010 Legal Services to State Agencies

Incremental Changes

No measures submitted for package

***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #1 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions.

***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, through the Government Management, Accountability and Performance program to hold state agencies accountable for delivering results - showing Washingtonians how their tax dollars are being spent and asking them if state government is successfully addressing their concerns. The program enables the Governor to evaluate which programs are achieving results and to take action in "real time" to make course corrections.

***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, strengthening government's ability to achieve results efficiently and effectively.

***What are the other important connections or impacts related to this proposal?***

Client agencies impacted will need to cut other services to the citizens of the state of Washington in order to pay for adequate legal services.

***What alternatives were explored by the agency, and why was this alternative chosen?***

The original 2007-2009 proposal for FTE utilization did balance to zero for the AGO as it had in the past three biennia.

***What are the consequences of not funding this package?***

Client agencies may need to cut other programs to cover costs. State wide risk to agency operations for not seeking legal advice or litigation support is high.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

See attachment 'ML-AI LSRF Client Fund Realignment Attachment 1.pdf'.

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

It is anticipated that continued evaluations of funding/FTE utilization and billings will occur. All costs are ongoing unless changes in legal services levels were warranted through changes in legislature or policy decision packages.

Agency	07-09 Biennial Allocation	Current Biennium FTE INVOICED Thru FY08	Current Biennium Directs INVOICED Thru FY08*	Biennium based 2 Yr activity	Difference Bill Activity & Budget Alloc.
011-House of Representatives	7,304	1,131	0	2,261	5,043
012-Senate, Washington State	3,660	484	0	968	2,692
013-Legislative Ethics Board	0	1,832	0	3,663	-3,663
014-Audit & Review Committee, Joint	14,247	8,362	35	16,794	-2,547
020-Legislative Evaluation & Account:	0	0	0	0	0
035-State Actuary, Office of	38,774	14,224	0	28,448	10,326
038-Legislative Service Center	2,398	601	0	1,202	1,196
040-Code Reviser's Office	2,804	687	0	1,374	1,430
045-Supreme Court	34,068	21,549	17	43,132	-9,064
046-Law Library	0	0	0	0	0
048-Court of Appeals	0	9,162	5	18,334	-18,334
050-Judicial Conduct, Commission on	31,713	5,390	324	11,429	20,285
055-Office of the Courts, Administrati	52,769	53,220	224	106,887	-54,118
056-Public Defense, Office of	7,497	283	0	565	6,932
075-Governor's Office	109,081	11,184	0	22,367	86,714
076-Ombudsperson, Gov Office	0	1,347	0	2,694	-2,694
080-Lt. Governor, Office of	1,237	1,720	0	3,439	-2,202
082-Public Disclosure Commission	556,468	156,504	2,590	318,188	238,280
085-Sec of State, Office of	1,469,550	387,667	584,973	1,945,280	-475,730
087-Asian American Affairs Commissi	4,110	161	0	323	3,787
090-State Treasurer's Office	394,084	226,606	796	454,804	-60,720
095-State Auditor's Office	1,569,760	538,703	2,090	1,081,587	488,173
099-Sal for Elected Officials, Wa Citzer	1,860	663	0	1,327	533
102-Financial Institutions, Dept of	588,776	302,625	9,712	624,672	-35,896
103-Community, Trade & Economic D	1,144,409	688,354	1,683	1,380,074	-235,665
105-OFM	1,215,073	63,936	13,602	155,075	1,059,998
106-Economic Development Finance .	0	5,440	36	10,952	-10,952
107-Health Care Authority	1,494,205	785,858	832,718	3,237,152	-1,742,947
110-Administrative Hearings, Office o	19,737	16,071	50	32,241	-12,504
111-Personnel, Dept of	447,495	107,414	6,179	227,185	220,310
116-Lottery Commission, Wa State	139,351	65,186	660	131,692	7,659
117-Gambling Commission, Wa State	577,633	329,239	3,498	665,474	-87,841

SUGGESTED ADJUSTMENTS	New Allocation Amounts
-	7,304
-	3,660
-	-
-	14,247
-	-
-	38,774
-	2,398
-	2,804
-	34,068
-	-
-	-
-	31,713
-	52,769
-	7,497
-	109,081
-	-
-	1,237
-	556,468
-	1,469,550
(2,000)	2,110
-	394,084
-	1,569,760
4,000	5,860
-	588,776
240,000	1,384,409
(900,000)	315,073
-	-
-	1,494,205
-	19,737
(160,000)	287,495
-	139,351
-	577,633

Agency	07-09 Biennial Allocation	Current Biennium FTE INVOICED Thru FY08	Current Biennium Directs INVOICED Thru FY08*	Biennium based 2 Yr activity	Difference Bill Activity & Budget Alloc.
118-Hispanic Affairs, Commission on	2,415	230	0	460	1,955
119-African-American Affairs, Commi	600	1,939	0	3,877	-3,277
120-Human Rights Commission	637,160	276,462	2,856	558,635	78,525
122-Personnel Appeals Board	0	0	0	0	0
124-Retirement Systems, Dept of	1,764,521	1,122,926	11,626	2,269,104	-504,583
126-State Investment Board	561,256	385,008	14,916	799,847	-238,591
130-Printing, Dept of	0	70,442	34	140,952	-140,952
140-Revenue, Dept of	5,158,738	2,474,614	46,136	5,041,499	117,239
141-Economic Crimes Unit, Dept of Ri	601,061	204,119	1,358	410,955	190,106
142-Tax Appeals, Board of	6,784	3,946	7	7,907	-1,123
147-Minority/Women's Bus. Enterpris	92,502	21,727	0	43,455	49,047
148-Housing Finance Comm, Wa Stat	0	1,655	29	3,368	-3,368
150-Gen Admin, Dept of	1,556,218	671,938	3,195	1,350,265	205,953
155-Info Services, Dept of	434,204	110,903	8	221,821	212,383
159-Office of Risk Management	38,881,485	16,681,838	2,713,110	38,789,897	91,588
160-Insurance Commissioner's Office	672,777	248,404	13,951	524,710	148,067
165-Accountancy, State Board of	230,873	106,803	977	215,560	15,313
185-Horse Racing Commission	194,179	49,240	21	98,522	95,657
190-Insurance Appeals Board, Industr	31,639	60,738	106	121,687	-90,048
195-Liquor Control Board	2,062,254	880,614	9,101	1,779,431	282,823
205-Pilotage Commissioners, Board o	75,496	53,020	440	106,918	-31,422
215-Utilities & Transportation Commi	2,897,903	1,218,804	4,382	2,446,372	451,531
216-Public Counsel (U & T)	2,011,833	629,058	172,538	1,603,191	408,642
220-Vol Firefighters, Board of	148,718	32,246	0	64,492	84,226
225-State Patrol, Washington	1,900,409	682,978	25,104	1,416,163	484,246
227-Criminal Justice Training Commis	328,305	260,667	2,283	525,901	-197,596
228-Traffic Safety Commission, Wa	11,629	8,320	0	16,639	-5,010
235-Labor & Industries	40,064,590	18,874,267	13,775	37,776,084	2,288,506
236-L&I - BCU	1,124,540	429,058	80,635	1,019,387	105,153
240-Licensing, Dept of	6,338,939	2,640,773	59,122	5,399,791	939,148
245-Military Department	306,554	294,805	204	590,019	-283,465
250-Indeterminate Sentence Review I	380,574	67,988	25	136,026	244,548

SUGGESTED ADJUSTMENT S	New Allocation Amounts
-	2,415
2,000	2,600
-	637,160
-	-
-	1,764,521
300,000	861,256
-	-
-	5,158,738
-	601,061
3,000	9,784
-	92,502
-	-
-	1,556,218
-	434,204
-	38,881,485
-	672,777
-	230,873
-	194,179
85,000	116,639
-	2,062,254
48,000	123,496
-	2,897,903
-	2,011,833
-	148,718
-	1,900,409
-	328,305
-	11,629
(1,000,000)	39,064,590
-	1,124,540
-	6,338,939
320,000	626,554
-	380,574

Agency	07-09 Biennial Allocation	Current Biennium FTE INVOICED Thru FY08	Current Biennium Directs INVOICED Thru FY08*	Biennium based 2 Yr activity	Difference Bill Activity & Budget Alloc.
275-Public Employment Relations Cor	113,361	24,975	206	50,361	63,000
300-Social & Health Services, Dept of	69,815,334	31,916,066	1,691,335	67,214,802	2,600,532
301-DSHS-Special Commitment Cente	5,772,252	2,394,664	291,542	5,372,412	399,840
302-Home Care Quality Authority (HC	39,286	1,412	0	2,824	36,462
303-Health, Dept of	9,040,983	4,328,565	59,841	8,776,813	264,170
305-Veterans Affairs, Dept of	176,859	20,887	0	41,774	135,085
310-Corrections, Dept of	10,070,362	4,809,150	60,490	9,739,280	331,082
315-Serv for Blind, Dept of	15,885	7,383	12	14,789	1,096
325-Sentencing Guidelines Commissio	27,302	5,576	0	11,153	16,149
341-LEOFF 2 Board	0	8,978	0	17,956	-17,956
343-Higher Ed Coordinating Board	148,844	21,706	16	43,445	105,399
346-Higher Ed Facilities Authority	0	1,374	39	2,827	-2,827
350-Superintendent of Public Instruct	3,002,573	984,889	19,545	2,008,867	993,706
351-Blind, School for the	79,152	36,289	11	72,599	6,553
353-Deaf, School for the	99,678	17,015	0	34,030	65,648
354-Workforce Training & Education	50,649	19,987	3	39,979	10,670
355-Archaeology and Historic Preserv	34,227	63,268	4	126,545	-92,318
356-Life Sciences Discovery Fund Autl	0	29,685	96	59,560	-59,560
357-Dept of Early Learning	619,272	674,585	517	1,350,204	-730,932
360-Univ of Washington	4,644,639	2,332,284	3,630	4,671,828	-27,189
361-Wash Technology Center	0	21,441	0	42,881	-42,881
365-Wash St University	2,149,334	956,577	23,772	1,960,698	188,636
366-Pesticide Registration	0	91	0	181	-181
369-University of Washington - Tort C	315,357	63,567	2,440	132,014	183,343
370-Eastern Washington University	479,680	346,041	15,902	723,885	-244,205
375-Central Washington University	320,261	240,626	2,832	486,917	-166,656
376-Evergreen State College	171,782	79,960	10,683	181,287	-9,505
377-Spokane Intercollege Research &	64,372	8,796	206	18,003	46,369
380-Western Washington University	605,628	319,473	3,804	646,554	-40,926
387-Arts Commission, Wa State	3,315	10,657	17	21,347	-18,032
390-Historical Society, Wa State	37,609	19,800	5	39,610	-2,001
395-E Wa State Historical Society	4,044	587	82	1,339	2,705

SUGGESTED ADJUSTMENT S	New Allocation Amounts
(30,000)	83,361
-	69,815,334
-	5,772,252
-	39,286
-	9,040,983
-	176,859
200,000	10,270,362
-	15,885
-	27,302
-	-
-	148,844
-	-
-	3,002,573
-	79,152
-	99,678
-	50,649
125,000	159,227
-	-
600,000	1,219,272
-	4,644,639
-	-
-	315,357
-	479,680
-	320,261
-	171,782
-	64,372
-	605,628
30,000	33,315
-	37,609
-	4,044







Agency	07-09 Biennial Allocation	Current Biennium FTE INVOICED Thru FY08	Current Biennium Directs INVOICED Thru FY08*	Biennium based 2 Yr activity	Difference Bill Activity & Budget Alloc.		SUGGESTED ADJUSTMENTS	New Allocation Amounts
837-DOL Fuel Tax, Title and Registrati	0	0	0	0	0		-	-
838-PREA	0	0	0	0	0		-	-
839-DSHS Childrens Administration	219,640	218,791	0	218,791	849		-	219,640
841-SAO Performance Audit	0	0	0	0	0		-	-
842-FWP - Spokane Construction	0	0	0	0	0		-	-
843-Puget Sound and Toxics Clean Up	878,256	306,970	0	613,941	264,315		-	878,256
844-DFI- Programs and Loan Originat	408,000	355,364	370	711,469	-303,469	closed	-	408,000
845-WWU - RSD Legal Services	356,000	166,670	0	333,340	22,660		-	356,000
846-Ecy- Hanford Enforcement 07.09.	389,345	93,549	32,280	251,658	137,687		-	389,345
847-Parks & Recreation (07.09.0009)	75,000	1,948	0	3,895	71,105		-	75,000
848-DSHS Eastern State Hospital 07.0	20,000	22,215	0	44,430	-24,430	closed	-	20,000
849-UOW 07.09.0020 Additional Hea	214,966	58,169	0	116,338	98,628		-	214,966
850-OIC Criminal Prosecution 07.09.(	250,000	16,663	1,189	35,705	214,295		-	250,000
851-DSHS Juvenile Litigation 07.09.00	97,712	46,141	0	92,283	5,429		-	97,712
852-Legal Services for DOL 07.09.001	243,000	26,975	595	55,139	187,861		-	243,000
853-DOT- Additional Paralegal Service	96,000	5,341	0	10,683	85,317		-	96,000
854-ECY - Western Climate Initiative	255,285	22,643	0	45,287	209,998		-	255,285
855-DOH-Additional Service 4SHB 11	0	0	0	0	0		-	-
944-School Director's Association	0	0	0	0	0		-	-
	271,709,310	123,130,336	7,321,264	260,684,409	11,024,901		0	271,709,310

State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AJ CFL Correction  
**Budget Period:** 2009-11  
**Budget Level:** M2 - Inflation and Other Rate Changes

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests technical corrections to our Carry Forward Level (CFL) Adjustments in the 2009-11 biennial AGO budget.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
405-1 Legal Services Revolving Account-State	(1,205,000)	1,205,000	0
<b>Total Cost</b>	<b>(1,205,000)</b>	<b>1,205,000</b>	

<b>Staffing</b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Annual Average</u></b>
FTEs	3.5	-3.5	.0

**Revenue**

<b><u>Fund</u></b>	<b><u>Source</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
405 Legal Serv Rev Acct	0420 Charges for Services	(1,205,000)	1,205,000	
<b>Total Revenue</b>		<b>(1,205,000)</b>	<b>1,205,000</b>	

**Package Description:**

This request is to realign existing Legal Service Revolving Funds (LSRF) and is not intended to increase the appropriated authority of the AGO.

The purpose of an adjustment is not to grow the AGO but rather to align the funding to the clients that are using legal services. To make this happen, some allocations should be taken away from agencies that are not using all their legal services allocation and applying it to other agencies that have cut other services and/or programs within their overall agency budgets to cover the cost for legal services.

These corrections are outlined below:

1. Office of Superintendent of Public Instruction (OSPI):

We are requesting to move (\$555,000) from FY2011 to FY2010 based on DP Step 03 of the 2009-11 CFL (based on 2007-09 data), 'Transfer OSPI Education Litigation'. This will line up the fund reduction to the FTE reduction.

2. Department of Licensing (DOL):

We are requesting to move (\$299,000) from FY2011 to FY2010 based on DP Step 04 of the 2009-11 CFL (based on 2007-09 data), 'Transfer DOL Fuel Tax Litigation'. This will line up the fund reduction to the FTE reduction.

3. Department of Fish & Wildlife (FWP)

We are requesting to move (\$351,000) from FY2011 to FY2010 based on DP Step 05 of the 2009-11 CFL (based on 2007-09 data), 'Transfer Boldt Case funding'. This will line up the fund reduction to the FTE reduction.

4. OSPI:

We are requesting that the (3.5) FTE approved for FY2010 be applied to FY2011 based on DP Step 07 of the 2009-11 CFL (based on 2007-09 data), 'Transfer K-12 litigation funding'. This will line up the fund reduction to the FTE reduction.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104

## **Narrative Justification and Impact Statement**

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### ***What specific performance outcomes does the agency expect?***

Approving this request will allow the AGO to provide legal services, and to bill the clients affected for additional work already funded within their approved budgets.

## **Performance Measure Detail**

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**Activity: A010      Legal Services to State Agencies**

**Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #1 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions. This request brings the AGO appropriation level into balance with the legal service allocations of state agencies.

### ***Does this decision package provide essential support to one of the Governor's priorities?***

The Government Management, Accountability and Performance program holds state agencies accountable for delivering results and for proper accountability for assets, funding and personnel.

### ***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, strengthen state government's ability to achieve results efficiently and effectively.

### ***What are the other important connections or impacts related to this proposal?***

This request is to realign the funding of the existing LSRF for the clients that are using legal services.

### ***What alternatives were explored by the agency, and why was this alternative chosen?***

The revolving fund appropriation process is designed to have legal service allocations in client agency budgets, and the AGO budget in balance. This request accomplishes this goal.

### ***What are the consequences of not funding this package?***

Without this funding in the AGO budget, the AGO will not have the necessary spending or billing authority to provide legal services to the affected clients.

### ***What is the relationship, if any, to the state's capital budget?***

None

### ***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

See attachment 'ML-AJ CFL Correction Attachment 1.pdf', 'ML-AJ CFL Correction Attachment 2.pdf' and 'ML-AJ CFL Correction Attachment 3.pdf'.

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

The legal services being addressed in this proposal are expected to continue in future biennia.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
A Salaries And Wages	(765,000)	765,000	0
B Employee Benefits	(205,000)	205,000	0
E Goods And Services	(155,000)	155,000	0
G Travel	(50,000)	50,000	0
J Capital Outlays	(30,000)	30,000	0
<b>Total Objects</b>	<b>(1,205,000)</b>	<b>1,205,000</b>	

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BASS

State of Washington  
Office of Financial Management  
Fund and FTE Detail by Fiscal Year

Agency: 100 - Office of Attorney General

6/19/2008

Version: CF - 2009-11 Carry Foward Level

3:32 PM

Dollars in Thousands

	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
<b>2007-09 Expenditure Authority</b>	<b>1,175.9</b>	<b>1,176.9</b>	<b>1,176.4</b>	<b>125,718</b>	<b>128,728</b>	<b>254,446</b>	
<b>Current Biennium Fund Totals</b>	<b>1,175.9</b>	<b>1,176.9</b>	<b>1,176.4</b>				
001-1 General Fund - Basic Account-State				6,262	6,703	12,965	5.10%
001-2 General Fund - Basic Account-Federal				1,969	1,991	3,960	1.56%
02V-1 Public Safety & Education Account-State				1,143	1,228	2,371	0.93%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				399	399	798	0.31%
154-1 New Motor Vehicle Arbitration Acct-State				644	668	1,312	0.52%
405-1 Legal Services Revolving Account-State				113,738	116,111	229,849	90.33%
424-6 Anti-Trust Revolving Account-Non Appr				1,428	1,493	2,921	1.15%
828-1 Tobacco Prevention/Control Account-State				135	135	270	0.11%
<b>01 Remove Farrakhan case funding</b>	<b>(0.3)</b>		<b>(0.2)</b>				
405-1 Legal Services Revolving Account-State				-70		-70	100.00%
<b>02 Remove LCB Costco case funding</b>	<b>(1.5)</b>		<b>(0.8)</b>				
405-1 Legal Services Revolving Account-State				-296		-296	100.00%
<b>03 Remove OSPI education litigation</b>	<b>(4.0)</b>		<b>(2.0)</b>				
405-1 Legal Services Revolving Account-State					-555	-555	100.00%
<b>04 Remove DOL fuel tax litigation cost</b>	<b>(3.0)</b>		<b>(1.5)</b>				
405-1 Legal Services Revolving Account-State					-299	-299	100.00%
<b>05 Remove Boldt case funding</b>	<b>(1.5)</b>		<b>(0.8)</b>				
405-1 Legal Services Revolving Account-State					-351	-351	100.00%
<b>06 Remove one time HITS upgrad funding</b>							
001-1 General Fund - Basic Account-State				-200	-200	-400	100.00%

	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
<b>07 Remove K-12 litigation funding</b>	<b>(3.5)</b>		<b>(1.8)</b>				
405-1 Legal Services Revolving Account-State					-867	-867	100.00%
<b>08 Remove Sec State legal service add</b>	<b>(0.5)</b>	<b>(0.5)</b>	<b>(0.5)</b>				
405-1 Legal Services Revolving Account-State				-679	-104	-783	100.00%
<b>09 Remove Moore case funding</b>	<b>(3.0)</b>	<b>(3.0)</b>	<b>(3.0)</b>				
405-1 Legal Services Revolving Account-State				-500	-500	-1,000	100.00%
<b>10 Biennialize civil commitment add</b>	<b>2.0</b>		<b>1.0</b>				
405-1 Legal Services Revolving Account-State				570		570	100.00%
<b>11 Remove GF-S from mobile home prog</b>							
001-1 General Fund - Basic Account-State				-217	-218	-435	100.00%
<b>12 Remove climate change funding</b>	<b>(0.4)</b>		<b>(0.2)</b>				
405-1 Legal Services Revolving Account-State				-69		-69	100.00%
<b>13 Biennialize investigator salary add</b>				<b>532</b>		<b>532</b>	
001-1 General Fund - Basic Account-State				194		194	36.47%
001-2 General Fund - Basic Account-Federal				17		17	3.20%
02V-1 Public Safety & Education Account-State				44		44	8.27%
405-1 Legal Services Revolving Account-State				277		277	52.07%
<b>14 Biennialize construction industry</b>	<b>4.5</b>		<b>2.3</b>				
405-1 Legal Services Revolving Account-State				492		492	100.00%
<b>15 Biennialize port district work</b>	<b>0.7</b>		<b>0.4</b>				
405-1 Legal Services Revolving Account-State				110		110	100.00%
<b>16 Biennialize small incremental adds</b>				<b>2</b>	<b>1</b>	<b>3</b>	
001-1 General Fund - Basic Account-State					1	1	33.33%
001-2 General Fund - Basic Account-Federal					1	1	33.33%
405-1 Legal Services Revolving Account-State				2	-1	1	33.33%
<b>17 Biennialize child long term</b>	<b>3.5</b>		<b>1.8</b>				
405-1 Legal Services Revolving Account-State				346		346	100.00%



	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
<b>18 Biennialize increased LS workload</b>		<b>(0.9)</b>	<b>(0.5)</b>				
405-1 Legal Services Revolving Account-State				300		300	100.00%
<b>19 Biennialize supp contracts to base</b>							
405-1 Legal Services Revolving Account-State				-146		-146	100.00%
<b>6B Biennialize insurance rate</b>				<b>250</b>	<b>2,541</b>	<b>2,791</b>	
001-1 General Fund - Basic Account-State				15	151	166	5.95%
001-2 General Fund - Basic Account-Federal				1	7	8	0.29%
02V-1 Public Safety & Education Account-State				1	15	16	0.57%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				1	12	13	0.47%
154-1 New Motor Vehicle Arbitration Acct-State				1	10	11	0.39%
405-1 Legal Services Revolving Account-State				229	2,321	2,550	91.37%
424-6 Anti-Trust Revolving Account-Non Appr				2	25	27	0.97%
<b>6C Pension Rate Biennialization</b>				<b>1,897</b>		<b>1,897</b>	
001-1 General Fund - Basic Account-State				104		104	5.48%
02V-1 Public Safety & Education Account-State				9		9	0.47%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				10		10	0.53%
154-1 New Motor Vehicle Arbitration Acct-State				6		6	0.32%
405-1 Legal Services Revolving Account-State				1,755		1,755	92.51%
424-6 Anti-Trust Revolving Account-Non Appr				13		13	0.69%
<b>6D Biennialize 0709 Salary Adjustments</b>				<b>2,172</b>	<b>293</b>	<b>2,465</b>	
001-1 General Fund - Basic Account-State				122	16	138	5.60%
001-2 General Fund - Basic Account-Federal				8	1	9	0.37%
02V-1 Public Safety & Education Account-State				11	2	13	0.53%
154-1 New Motor Vehicle Arbitration Acct-State				6	1	7	0.28%
405-1 Legal Services Revolving Account-State				2,002	270	2,272	92.17%
424-6 Anti-Trust Revolving Account-Non Appr				23	3	26	1.05%
<b>Total Carry Forward Level</b>				<b>130,212</b>	<b>128,469</b>	<b>258,681</b>	
% Change from Current Biennium				3.6%	(0.2%)	1.7%	
<b>Carry Forward Level Fund Totals</b>	<b>1,168.9</b>	<b>1,172.5</b>	<b>1,170.7</b>				

	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
001-1 General Fund - Basic Account-State				6,280	6,453	12,733	4.92%
001-2 General Fund - Basic Account-Federal				1,995	2,000	3,995	1.54%
02V-1 Public Safety & Education Account-State				1,208	1,245	2,453	0.95%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				410	411	821	0.32%
154-1 New Motor Vehicle Arbitration Acct-State				657	679	1,336	0.52%
405-1 Legal Services Revolving Account-State				118,061	116,025	234,086	90.49%
424-6 Anti-Trust Revolving Account-Non Appr				1,466	1,521	2,987	1.15%
828-1 Tobacco Prevention/Control Account-State				135	135	270	0.10%
<b>Carry Forward plus Workload Changes Fund Totals</b>	<b>1,168.9</b>	<b>1,172.5</b>	<b>1,170.7</b>				
001-1 General Fund - Basic Account-State				6,280	6,453	12,733	4.92%
001-2 General Fund - Basic Account-Federal				1,995	2,000	3,995	1.54%
02V-1 Public Safety & Education Account-State				1,208	1,245	2,453	0.95%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				410	411	821	0.32%
154-1 New Motor Vehicle Arbitration Acct-State				657	679	1,336	0.52%
405-1 Legal Services Revolving Account-State				118,061	116,025	234,086	90.49%
424-6 Anti-Trust Revolving Account-Non Appr				1,466	1,521	2,987	1.15%
828-1 Tobacco Prevention/Control Account-State				135	135	270	0.10%
<b>Maintenance Level Fund Totals</b>	<b>1,168.9</b>	<b>1,172.5</b>	<b>1,170.7</b>				
001-1 General Fund - Basic Account-State				6,280	6,453	12,733	4.92%
001-2 General Fund - Basic Account-Federal				1,995	2,000	3,995	1.54%
02V-1 Public Safety & Education Account-State				1,208	1,245	2,453	0.95%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				410	411	821	0.32%
154-1 New Motor Vehicle Arbitration Acct-State				657	679	1,336	0.52%
405-1 Legal Services Revolving Account-State				118,061	116,025	234,086	90.49%
424-6 Anti-Trust Revolving Account-Non Appr				1,466	1,521	2,987	1.15%
828-1 Tobacco Prevention/Control Account-State				135	135	270	0.10%
<b>2009-11 Budget Fund Summary Totals</b>	<b>1,168.9</b>	<b>1,172.5</b>	<b>1,170.7</b>				
001-1 General Fund - Basic Account-State				6,280	6,453	12,733	4.92%
001-2 General Fund - Basic Account-Federal				1,995	2,000	3,995	1.54%
02V-1 Public Safety & Education Account-State				1,208	1,245	2,453	0.95%
12F-6 Man/Mobile Home Dispute Resolution-Non Appr				410	411	821	0.32%
154-1 New Motor Vehicle Arbitration Acct-State				657	679	1,336	0.52%
405-1 Legal Services Revolving Account-State				118,061	116,025	234,086	90.49%
424-6 Anti-Trust Revolving Account-Non Appr				1,466	1,521	2,987	1.15%
828-1 Tobacco Prevention/Control Account-State				135	135	270	0.10%

	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
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**01 Remove Farrakhan case funding**

Case specific funding is removed.

**02 Remove LCB Costco case funding**

Removes case specific funding.

**03 Remove OSPI education litigation**

Remove recsum CC

**04 Remove DOL fuel tax litigation cost**

Remove recsum CD

**06 Remove one time HITS upgrad funding**

Removes one time funding appropriated for an upgrade to the Homicide Investigation Tracking System (HITS)

**07 Remove K-12 litigation funding**

Remove recsum DG

**08 Remove Sec State legal service add**

Remove recsum DN

**11 Remove GF-S from mobile home prog**

Removes the GF-S seed money initially appropriated to allow for the mobile home dispute resolution fund to build a working capital reserve.

**12 Remove climate change funding**

Removes one time funding. RecSum code S01 in 07-09 version 54.

**14 Biennialize construction industry**

Biennializes the funding for 2SSB 6732 (construction industry). RecSum item HCI in version 5T - L&I is the client agency.

	Fiscal Year 1 FTEs	Fiscal Year 2 FTEs	Total Annual FTE	Fiscal Year 1 Funds	Fiscal Year 2 Funds	Total Funds	Percent Share of RecSum
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**15 Biennialize port district work**

Biennializes funding for

**16 Biennialize small incremental adds**

This is the net biennialization of CP, CI, and CF

**17 Biennialize child long term**

Biennialize recsum HCB

**18 Biennialize increased LS workload**

Biennialize increased workload. Also, reduce 10K in FY1 and 40K in FY2 for DEL one time costs. Remove 19K in FY1 for DAHP graving dock settlement.

**19 Biennialize supp contracts to base**

This incorporates the following IIAs into the base: DOR contractor bonds for 58,000; DFI mortgage lenders for 407,730; ECY hanford litigation for 123,460; ECY hanford enforcement for 400,380; UW additional services for 214,966; and DEL for 619,272

**6B Biennialize insurance rate**

This biennialization of the PEBB insurance rate moves each year to \$723/month/employee. Calculations were as reflected below: Year 1 Base = 707 CFL = 723 Delta = 16 Year 2 Base = 561 CFL = 723 Delta = 162

**6C Pension Rate Biennialization**

Biennializes Year 1 pension rate to reflect the rate from FY 2009, carried forward to 2009-11.

**6D Biennialize 0709 Salary Adjustments**

Biennializes all general wage increases: 1st year's 3.2 % to 12 months for nonrepresented (which was funded for only 10 months of the first year; 2nd year's 2.0 % to first year for all employees, and to 12 months for nonrepresented (which was funded f

**Office of the Attorney General  
2009-11 Budget Request For Corrections To 09-11 CFL**

Type	#	2007-09 Initial Budget Items	ONE TIME?	FTEs FY08	FTEs FY09	FY08	FY09	Total 2007-09
ML	CC	Education Litigation	OneTime	4.0		555,000	0	555,000
ML	CD	DOL Fuel Tax Litigation	OneTime	3.0		299,000	0	299,000
ML	CE	Boldt Case Litigation	OneTime	1.5		351,000	0	351,000

Type	#	FY08 Supplemental Items	ONE TIME?	FTEs FY08	FTEs FY09	FY08	FY09	Total 2007-09
ML	DG	K-12 Education Litigation	OneTime		3.5	0	867,000	867,000
				<b>8.5</b>	<b>3.5</b>	<b>1,205,000</b>	<b>867,000</b>	<b>2,072,000</b>

CFL Version CF 2009-11 Carry Forward Level						
405-1 LSRA						
Type	#	FTEs FY10	FTEs FY11	FY10	FY11	Total 2009-11
CF	03	(4.0)			(555,000)	(555,000)
CF	04	(3.0)			(299,000)	(299,000)
CF	05	(1.5)			(351,000)	(351,000)
		<b>(12.0)</b>	<b>0.0</b>	<b>0</b>	<b>(2,072,000)</b>	<b>(2,072,000)</b>

Type	#	FTEs FY10	FTEs FY11	FY10	FY11	Total 2009-11
CF	07	(3.5)			(867,000)	(867,000)
		<b>3.5</b>	<b>(3.5)</b>	<b>(1,205,000)</b>	<b>1,205,000</b>	<b>0</b>

Corrections Needed Based On CFL				
405-1 LSRA				
FTEs FY10	FTEs FY11	FY10	FY11	Total 2009-11
		(555,000)	555,000	0
		(299,000)	299,000	0
		(351,000)	351,000	0

FTEs FY10	FTEs FY11	FY10	FY11	Total 2009-11
3.5	(3.5)			0
<b>3.5</b>	<b>(3.5)</b>	<b>(1,205,000)</b>	<b>1,205,000</b>	<b>0</b>

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**Office of the Attorney General  
2009-11 Request For Correction To CFL By AGO Client**

Client	#	FY08	FY09	Bien. Total	FTEs FY08	FTEs FY09	Bien. Total
OSPI	350	(555,000)	555,000	0			0
DOL	240	(299,000)	299,000	0			0
DOT	405	(157,950)	157,950	0			0
Ecology	461	(17,550)	17,550	0			0
Parks	465	(7,020)	7,020	0			0
Fish&Wildlife	477	(45,630)	45,630	0			0
DNR	490	(122,850)	122,850	0			0
OSPI	350			0	3.5	(3.5)	0
<b>Total</b>		<b>(1,205,000)</b>	<b>1,205,000</b>	<b>0</b>	<b>3.5</b>	<b>(3.5)</b>	<b>0</b>

OSPI had no specific reduction to AGO legal services in version CF.  
DOL had no specific reduction to AGO legal services in version CF.  
DOT had a reduction of 158,000 (FY08 79,000; FY09 79,000) in version CF step 5S.  
Ecology had a reduction of 18,000 (FY08) in version CF step 3W.  
Parks had a reduction of 7,000 (FY08) in version CF step 01.  
FNW had a reduction of 46,000 (FY08) in version CF step 01.  
DNR had a reduction of 123,000 (FY08) in version CF step 0A.

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State of Washington  
Decision Package

**FINAL**

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AB Legal Assistant Job Class Series  
**Budget Period:** 2009-11  
**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$4,537,346 to fund a proposed Legal Assistant Job Class Series. This would reclassify the existing AGO Legal Secretaries series to a six-level Legal Assistant series.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
001-1 General Fund - Basic Account-State	72,199	72,199	144,398
001-2 General Fund - Basic Account-Federal	26,850	26,850	53,700
405-1 Legal Services Revolving Account-State	2,169,624	2,169,624	4,339,248
<b>Total Cost</b>	<b>2,268,673</b>	<b>2,268,673</b>	<b>4,537,346</b>

**Revenue**

<b><u>Fund</u></b>	<b><u>Source</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
001 General Fund	0393 Health & Human Svc	26,850	26,850	53,700
405 Legal Serv Rev Acct	0420 Charges for Services	2,169,624	2,169,624	4,339,248
<b>Total Revenue</b>		<b>2,196,474</b>	<b>2,196,474</b>	<b>4,392,948</b>

**Package Description:**

Reclassification of the legal secretary series is necessary to better reflect fair market compensation for responsibilities, expertise, and proficiency of agency personnel.

Our legal support positions have taken on increased complexity and higher levels of responsibility since the class series was last updated over a decade ago. With the advancements in technology and attorneys doing more of their own word processing, our legal support are taking on higher level duties which carry with them a higher level of responsibility and risk. Our legal support positions work more independently using their knowledge of applicable court rules and legal processes to accomplish their tasks. The attorneys lean more heavily on their expertise in the technical processes used by the different courts as they are constantly changing and each county establishes their own set of procedures, electronic processing standards, and unique processes.

Our requested revisions and expansion of the legal secretary series will help address our recruitment and retention issues and speak to the higher level duties and responsibilities that have been placed on our legal support staff over the past decade. The level of responsibility for the work that is performed by our legal support staff carries the potential for a high degree of risk and liability to the state if the critical dates and court deadlines are not met. This risk increases when we are not able to attract and hire the most qualified individuals to fill these key positions.

The structure we are proposing will result in increased efficiencies and improved management of personnel by allowing the agency to be more competitive with our public and private sector employers in our recruitment efforts. These changes will provide a promotional career path that will allow us to attract, recruit and retain highly skilled staff. It will address the issue of properly allocating resources and aligning duties and experiences. The changes will allow for the mentoring and growth of existing employees and will build more depth and expertise.

This proposal also aligns with one of the goals of in the agency's strategic plan, which is to use proactive methods to attract and retain highly

qualified and diverse employees. It will provide a mechanism to develop employees' skills, knowledge and abilities through training and education. It will address the higher level duties, increased responsibilities and the impact of technology on the staff working in a legal environment. These changes will provide us with a management tool that will assist our agency in providing the highest quality legal services to our clients and the citizens of the State of Washington.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

## **Narrative Justification and Impact Statement**

### ***What specific performance outcomes does the agency expect?***

The desired result from this reclassification is to provide stability and increased proficiency in Legal Assistant series positions. Increased pay will lead to greater job satisfaction and reduce high turnover of personnel in the entry and lower level professional positions. Efficiency will increase based on personnel being content to remain in their current positions longer, thus the agency will see better performance based on longevity of tenure.

The public and client state agencies will be provided with more streamlined and effective legal services to meet their legal needs.

Historically, we have had recruitment and retention problems in the legal secretary class series.

In the Spring of 2001, this agency requested an assignment pay package to provide relief for the recruitment and retention difficulties that we faced for legal secretaries in the Seattle office. This request resulted in a 10% increase for our legal secretaries in Seattle. Again in October 2005 we requested an additional 5% assignment pay for our Seattle positions which was also approved and implemented in 2007. The issue of staffing our offices state-wide with qualified individuals to serve in these key positions is becoming more challenging each day. Results from the last salary survey done by Department of Personnel (DOP) found that the legal secretary classes were 17% behind their peers.

## **Performance Measure Detail**

### **Activity:**

### **Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #1.8.2 of the AGO Strategic Plan- "Review legal business processes and implement necessary changes. Review current use of legal professional staff classifications and make report for possible better mix of such staff by FY 2008." The AGO completed this analysis and submitted a request to DOP on July 27, 2007 to review the job duties and expectations of the AGO legal assistant positions.

### ***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, this proposal supports the Holding Government Accountable Priority, specifically the emphasis on The Right Employees in the Right Jobs.

This proposal will bring the compensation and promotional opportunities of AGO legal services staff into alignment with their job responsibilities.

### ***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this proposal supports POG #10 -- strengthen government's ability to achieve results efficiently and effectively.

### ***What are the other important connections or impacts related to this proposal?***

A fiscal impact statement was submitted to Office of Financial Management (OFM) and to DOP in July 2007. DOP has this scheduled for hearing in July 2009. DOP has asked that we not share this information until labor negotiations are completed.

Our proposal has been developed with the support and involvement of the other two largest user agencies, the Board of Industrial Insurance Appeals and the Office of Administrative Hearings. Both agencies support this proposal because it will help increase our recruitment efforts and encourage retention of our most valuable staff.

We do not use Government Management Accountability and Performance (GMAP) as the AGO has their own performance accountability plan called Attorney General Management Accountability and Performance (AGMAP), which has identified the turnover level of our legal support staff as unacceptable.

We have lost many qualified tenured employees to other governmental agencies and the private sector. Some of their reasons for leaving are:

1. Left to work for the Federal Government - receptionist position earning \$6,000 more per year.
2. Starting at \$2,000 more than current salary and capable of earning \$7,000 more per year.
3. Earnings \$3,000 to \$5,000 more per year.
4. Earning \$300 more per month to start with potential growth. Benefits less costly to employee.
5. Making \$300 more per month to start with growth potential.
6. Move to private sector, higher salary/bonus system, and reduced work hours.
7. Higher salary, better insurance coverage.
8. Move to private sector will start at \$2,000 more per year with average salary \$10,000 more per year.
9. Making \$800 more per month to start with growth potential of another \$300 in 6 months.
10. Better insurance benefits to employee.
11. Making \$800 more per month to start.
12. Start at \$200 more per month with growth potential. In 5 years could be as much as \$1,200 per month.
13. Higher salary, reduced hours.
14. Higher salary, increased benefits.
15. Shorter work week and starting \$6,000 more per year.
16. Going to City of Seattle, same duties \$2.00 more per hour.
17. Moved to other agency, higher salary.

***What alternatives were explored by the agency, and why was this alternative chosen?***

There is no viable alternative to compensating employees at levels that are appropriate for the job duties that they are expected to perform.

***What are the consequences of not funding this package?***

An unacceptable level of turnover among the AGO legal assistants would be a severe hardship on the agency and would undermine efforts to provide high-quality legal services to client agencies and the public. It takes a great deal of time to hire and train legal assistants in the highly specialized legal work that the AGO performs. Without this reclassification, we will continue to have recruitment difficulties.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

None

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

Since these costs are related to salaries and benefits they are ongoing.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
A Salaries And Wages	1,772,401	1,772,401	3,544,802
B Employee Benefits	496,272	496,272	992,544
<b>Total Objects</b>	<b>2,268,673</b>	<b>2,268,673</b>	<b>4,537,346</b>

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State of Washington  
Decision Package

PLACEHOLDER

**Agency:** 100 Office of Attorney General

**Decision Package Code/Title:** AC SVP Unit Expansion

**Budget Period:** 2009-11

**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests additional FTEs and associated funding for prosecution of sexually violent predators (SVP) and the mandatory annual reviews of offenders currently under civil commitment. Based on the 2008 Engrossed Substitute House Bill, "The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008". A staffing model is currently being conducted, and when complete, will serve to update this placeholder with our request for FTEs and dollars.

**Fiscal Detail**

**Operating Expenditures**

**Total**

**Package Description:**

The workload in the AGO's Sexually Violent Predator Program continues to grow as more offenders enter the process and the number of annual reviews continue to increase. The major driver of the increased workload is both the increasing number and increasing complexity of the annual reviews that are required to determine if offenders can be retained in the program. The increasing complexity is the result of court decisions such as allowing the introduction of age as a consideration for potential release, and the reality that public defenders are becoming increasingly experienced and formidable in their defense of these offenders, which is clearly reflected in the number of acquittals and hung juries.

The number of SVP cases is steadily growing. Each individual generates numerous different matters, whether it is the initial commitment, appeals, or annual reviews. In order to successfully prosecute the increasing number of SVP cases, and keep these dangerous offenders in a secure facility, additional FTEs are needed.

Attached in 'PL-AC SVP Unit Expansion Attachment 1.pdf' are five charts that show:

1. Total matters per year (continues to increase)
2. Total matters per attorney (continues to increase)
3. Average years experience of unit's attorneys
4. Median experience levels of SVP units in Washington
5. Acquittal Trends

This request will add FTEs and dollars in the FY2009-2011 biennium to address cases and issues which arise because of increased demand.

The AGO subject matter expert for this request is Sarian Scott, (360) 586-2104.

**Narrative Justification and Impact Statement**

***What specific performance outcomes does the agency expect?***

The desired outcome of this budget request is to keep up with increasing workload in the SVP program. AGO attorneys and legal staff cannot

continue to deal successfully with increasing caseloads and still provide the high quality legal services necessary to ensure that these offenders remain in custody. The AGO's SVP Unit is a high profile, high stress, and highly important team that provides a critical service to the public. Citizens of the state are safer because of the efforts of the SVP unit. Without adequate staffing, the SVP Unit will not be able to continue keeping high probability repeat offenders out of the community. The expected training period for new AAGs working in SVP is two years, including the reassignment of cases and the duplication of work due to the reassignments.

## **Performance Measure Detail**

**Activity: A002 Civil Commitment of Sexually Violent Predators**

**Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #1 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions, in this case the Department of Social and Health Services (DSHS).

### ***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, Protecting our Safety is a priority of the Governor, and the SVP Program is an essential element that directly supports this priority.

### ***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, POG #7 is to Improve the Safety of People and Property, and this request is a critical element of responding to this priority.

### ***What are the other important connections or impacts related to this proposal?***

The county prosecutors and law enforcement agencies support this proposal. After the SVP law was enacted, many local county prosecutors assumed responsibility for prosecuting SVP cases, and billed DSHS directly for those services and expenses. However, SVP cases are unique and require a high degree of specialization, particularly as the SVP case law has developed over time. Because of the need for specialization, 38 of the 39 county prosecutors eventually asked the AGO to assume responsibility for these cases. Adequately funding the AGO to continue handling this workload ensures that the efficiencies and economies of scale, which can only be realized through a centralized unit, can continue. Undoubtedly, the public would support this proposal because of the enormous public safety risk caused by underfunding this unit.

### ***What alternatives were explored by the agency, and why was this alternative chosen?***

There is no viable alternative to this budget request to deal with the growing SVP caseload in a responsible manner when one considers the seriousness and importance of the SVP Program. Failure to fund this request could result in sexually violent repeat offenders being returned to the general population of the state. The use of private counsel to pursue these cases is not viable since this is a highly specialized area of legal practice and the cost of private counsel would be approximately 100 percent higher than AGO attorneys and legal staff.

### ***What are the consequences of not funding this package?***

As caseloads continue to increase, the AGO will experience more burnout and turnover problems among the attorneys and staff that prosecute these cases, which will seriously undermine the efforts of the SVP Unit. Turnover among the AGO legal staff is likely to result in more hung juries and acquittals due to the high case loads of attorneys and the inexperience of new attorneys that are brought in to replace those that leave. Each vacancy takes a minimum of three months to refill, and each new attorney takes a minimum of two years to train to be competent SVP prosecutors.

Attached are two charts that show the median experience level of the attorneys in the SVP Unit has dropped substantially from 1999 to 2007, and is now below all other SVP units in the state: the King County Prosecuting Attorney's Office (KCPAO), King County - The Defender Association (KC0-TDA), and Snohomish County Public Defender (SnoCo-PD).

The risk of losing cases is the ultimate public safety risk, as it means the most dangerous of sex offenders could be released to the community. The retrial of cases as the result of hung juries would force the expenditure of resources to take a case to trial a second time-expenses that could have been avoided. Out of the five hung juries since 2004, three of those cases have been retried and successfully committed. Our preliminary cost estimate of AGO staff costs and expert witness fees for each one of those retrials is over \$100,000.

This issue of an increase in the number of acquittals and hung juries as the result of less-experienced AGO legal staff is illustrated in a chart attached to this request. This chart clearly shows the changing nature and effectiveness of more aggressive and experienced defence attorneys in the last three years. Both acquittals and hung juries have increased substantially in the last three years-a trend that needs to be reversed.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

See attachment, 'PL-AC SVP Unit Expansion Attachment 1.pdf'.

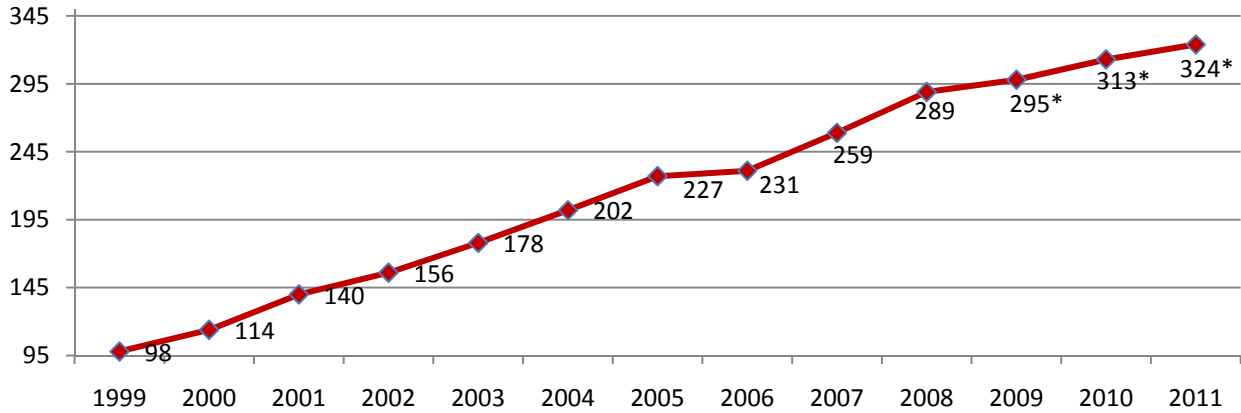
***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

All costs are assumed to be ongoing as the number of initial commitments continues at a rate faster than the number of offenders leaving the program. Unfortunately, given the nature of these offenders the primary way that offenders leave the program is through old age and infirmity.

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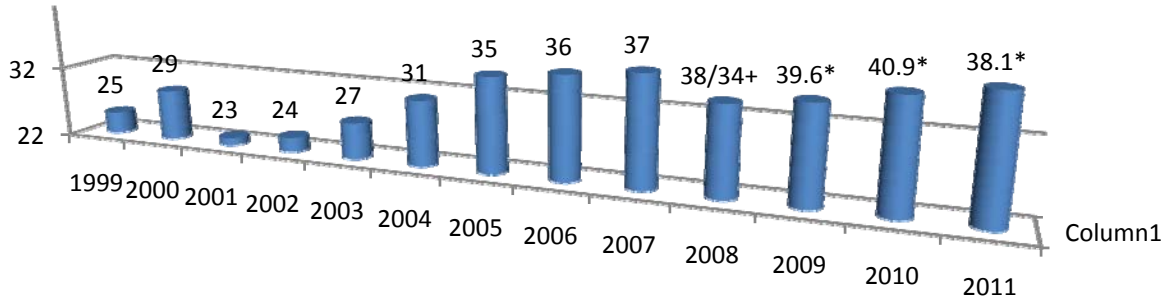


### Total Matters Per Year



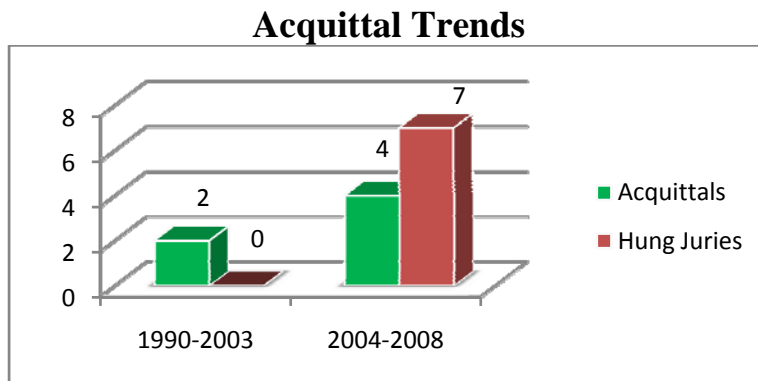
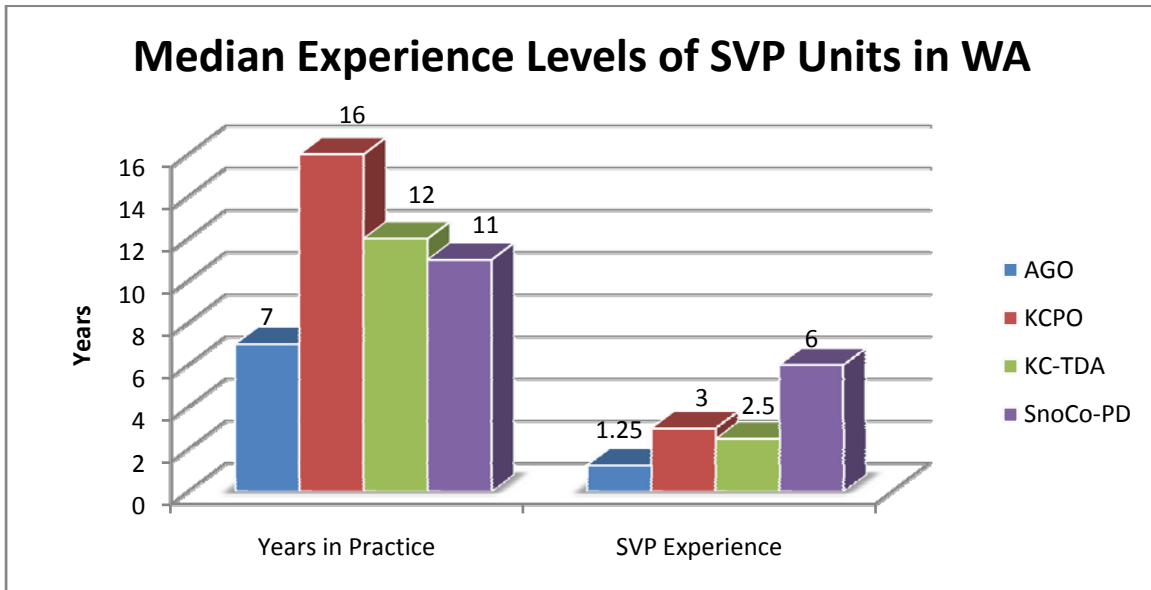
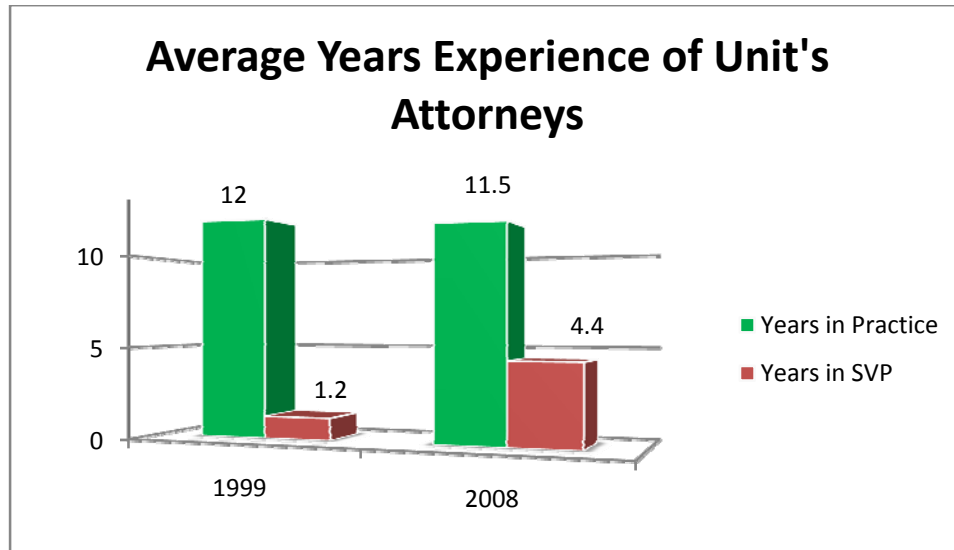
\* Estimate

### Total Matters Per Attorney



\* Estimate

+The number of attorneys increased during the 2008 year reducing the number of matters for part of the year.



Since 2003, the unit has seen the following trends in acquittal and hung jury rates:

State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General

**Decision Package Code/Title:** AD Children's Admin HQ Team

**Budget Period:** 2009-11

**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$490,000 and 1.5 FTEs to fund legal services for the Department of Social Health Services (DSHS) Children's Administration (CA) for legal services related to state-wide juvenile litigation support and coordination, advice to CA headquarters (HQ), and Braam litigation.

**Fiscal Detail**

Operating Expenditures	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405-1 Legal Services Revolving Account-State	245,000	245,000	490,000
<b>Total Cost</b>	<b>245,000</b>	<b>245,000</b>	<b>490,000</b>

Staffing	<u>FY 2010</u>	<u>FY 2011</u>	<u>Annual Average</u>
FTEs	1.5	1.5	1.5

**Revenue**

<u>Fund</u>	<u>Source</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405 Legal Serv Rev Acct	0420 Charges for Services	245,000	245,000	490,000
<b>Total Revenue</b>		<b>245,000</b>	<b>245,000</b>	<b>490,000</b>

**Package Description:**

This request is to provide funding for 1.0 Assistant Attorney General (AAG) FTE and a 0.5 Legal Assistant (LA) FTE for the AGO Children's Administration Headquarters Team for two primary purposes:

Juvenile litigation support and coordination:

The headquarters team provides oversight and coordination for DSHS related juvenile litigation across the state and supports and advises 11 AGO offices that handle dependency and termination cases in 32 of the state's 39 counties. Approximately 90.0 AAG FTE's are devoted to these cases. The HQ team also contracts with prosecuting attorneys or Special AAGs (SAAGs) to provide litigation services for DSHS in the remaining seven counties.

In recent years, the Legislature has significantly increased funding to the Parents' Representation Project of the Office of Public Defense to reduce attorney caseloads for parents' attorneys in dependency and termination cases. While the goal is to produce better outcomes for children and parents, this has resulted in an increase in the number and complexity of hearings in these cases. Changes in court procedures and increased judicial oversight in some counties have also resulted in an increased need for resources for the AGO. The headquarters team has a pivotal role in responding to these developments to ensure that representation continues to be provided to CA in an appropriate, effective, and consistent manner.

The HQ team develops "best practice" standards and guidelines for the AAGs handling juvenile court cases. Maintaining and improving these standards of practice is a critical responsibility of the AGO and additional resources are required to respond to the growth in caseload and complexity of cases. The HQ team also provides and coordinates ongoing training for both AAGs and social workers on legal requirements and emerging issues. Training requirements for both the AGO and CA have increased in recent years, in part due to the additional social workers hired

by DSHS.

The HQ team is also responsible for review and approval of all appellate work handled by the AGO relating to child dependency and termination cases and in recent years has assumed direct responsibility for all appeals from contracted counties. There are approximately 125 to 140 appeals from dependency and termination cases per year and the issues in appeals have become more complex and sophisticated in recent years, due largely to increased coordination among Office of Public Defense (OPD) contracted appellate attorneys. Appeals can establish legal precedents that have a major impact on the rights of parents and children and the duties of DSHS in this area and there is a clear need for improved oversight and management of appellate work to ensure that the AGO maintains consistency and quality in its appellate work.

The HQ team is also responsible for monitoring workload trends and developments and preparing semi-annual reports to AGO leadership. The HQ Team develops data on juvenile litigation issues as requested or required by the AGO, DSHS, the Administrative Office of the Courts, and legislative workgroups.

Direct legal services to Children's Administration:

The HQ team also provides legal advice and services to CA in a number of areas, including policy and regulatory development, compliance with state and federal statutes and regulations, work with the legislature, tribal relations, child fatality reviews, and public disclosure and confidentiality issues. In recent years, a significant amount of time has been spent working with CA on issues related to the Braam foster care Settlement Agreement, including work with the Braam Oversight Panel and representation of DSHS in enforcement proceedings. The increased demands on the HQ team make it difficult to respond to the needs of CA except on an ad hoc or emergency basis. Additional resources will assist the HQ team in providing more proactive representation and advice to CA in all of these areas.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

**Narrative Justification and Impact Statement**

***What specific performance outcomes does the agency expect?***

The result of funding this request will be an enhanced ability to monitor child dependency litigation state-wide, improve appellate outcomes, control litigation costs, and implement consistency and best practices in child dependency cases. The ultimate outcome is intended to produce better results for the children who are the subject of these proceedings. A related outcome is to improve the quality and effectiveness of legal advice to and representation of CA.

**Performance Measure Detail**

**Activity: A010      Legal Services to State Agencies**

**Incremental Changes**

No measures submitted for package

***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements Goal 1.0 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions, in this case DSHS.

***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, this proposal supports the Governor's priority of Strengthening Families, specifically the goal of Caring for Vulnerable Children.

***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this proposal supports POG #4 -- Improve the security of Washington's vulnerable children and adults.

***What are the other important connections or impacts related to this proposal?***

DSHS supports this proposal. It is unlikely that other stakeholders involved in dependency and termination cases such as the courts, defense counsel or Guardian ad Litem programs will have concerns about this proposal. Juvenile litigation for DSHS is a major responsibility of the AGO with approximately 90.0 AAG FTE's devoted to these important cases. Having insufficient resources to manage the volume and complexity of this work causes a likelihood of negative outcomes for CA, may jeopardize the long term interests and stability of children and families, and creates a risk of increased exposure to liability for the state. Increased oversight and monitoring of juvenile litigation and related appellate work and more timely

emphasis on development of best practice standards and training will help promote consistency in legal practice across the state. In addition, increased resources will assist DSHS in meeting the demands created by both the Braam Oversight Panel and related enforcement proceedings, as well as to respond to other legal needs of CA on a timelier basis.

***What alternatives were explored by the agency, and why was this alternative chosen?***

There is no viable alternative to representing CA in a proactive, professional and effective manner, both as to juvenile litigation and appeals and to its headquarter functions. The management and oversight responsibilities of the HQ team are absolutely critical to the effective and consistent functioning of the AGO attorneys involved in child dependency and termination work throughout the state.

***What are the consequences of not funding this package?***

The headquarters team will continue to prioritize workload demands, state-wide practice oversight, review of appellate work, data review and analysis, and advice and representation of CA HQ as resources permit. More proactive representation and workload control efforts are unlikely to be addressed. The risks associated with inadequate oversight of state-wide juvenile litigation and appellate work include the likelihood of bad outcomes and legal precedents for CA, threats to the long term interests and stability of children and families, and increased exposure to liability for the state.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

None

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

All costs are expected to be ongoing.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
A Salaries And Wages	104,694	104,694	209,388
B Employee Benefits	29,314	29,314	58,628
E Goods And Services	91,492	98,992	190,484
G Travel	7,500	7,500	15,000
J Capital Outlays	12,000	4,500	16,500
<b>Total Objects</b>	<b>245,000</b>	<b>245,000</b>	<b>490,000</b>

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State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AE Continue DSHS Juvenile Caseload  
**Budget Period:** 2009-11  
**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$706,000 and 2.5 FTEs to fund legal services for the Department of Social and Health Services (DSHS) in Thurston County needed to respond to impact created by the Public Defense Parents' Representation Project.

**Fiscal Detail**

Operating Expenditures	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405-1 Legal Services Revolving Account-State	353,000	353,000	706,000
<b>Total Cost</b>	<b>353,000</b>	<b>353,000</b>	<b>706,000</b>

Staffing	<u>FY 2010</u>	<u>FY 2011</u>	<u>Annual Average</u>
FTEs	2.5	2.5	2.5

**Revenue**

<u>Fund</u>	<u>Source</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405 Legal Serv Rev Acct	0420 Charges for Services	353,000	353,000	706,000
<b>Total Revenue</b>		<b>353,000</b>	<b>353,000</b>	<b>706,000</b>

**Package Description:**

The Parents' Representation Project of the Office of Public Defence (OPD) is a program which provides additional funding to defense attorneys for parents of children in juvenile court dependency and termination cases. The goal of the program is to enable defense attorneys to have sufficient time to work with parents to maximize the possibility of maintaining the family unit.

While the OPD program may be intended to produce better outcomes for parents, an effect of the introduction of the program in Thurston County has been a substantial increase in the number of motions, procedural challenges, and discovery requests filed by parents' attorneys, which generally increases the complexity of and protracts the litigation involved in each case. The duration of many hearings has also increased significantly. This creates additional workload for the AGO attorneys representing DSHS. The additional workload currently created in Thurston County requires 1.0 Assistant Attorney General (AAG), 1.0 Paralegal (PL), and 0.5 Legal Assistant (LA) FTEs.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

**Narrative Justification and Impact Statement**

***What specific performance outcomes does the agency expect?***

The result of this request is to enable AGO AAGs involved in child dependency and termination cases in Thurston County to respond to the increase in motions, discovery, and time in court generated by the introduction of the OPD Parents Representation Project in the county. This is necessary to continue to provide consistent and quality representation to DSHS and to help achieve timely and appropriate outcomes for the children in these cases.

## **Performance Measure Detail**

**Activity: A010      Legal Services to State Agencies**

**Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements Goal 1.0 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies." The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions, in this case DSHS.

### ***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, this request implements the Governor's priority of Strengthening Families with an emphasis on the specific goal of Caring for Vulnerable Children.

### ***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this request implements POG #4 -- to improve the security of Washington's vulnerable children and adults.

### ***What are the other important connections or impacts related to this proposal?***

DSHS supports this proposal. It is unlikely that other stakeholders involved in dependency and termination cases such as the court, defense counsel or Guardian ad Litem program will have concerns about this proposal as it will promote overall consistency of practice and appropriate outcomes for children in these cases.

### ***What alternatives were explored by the agency, and why was this alternative chosen?***

The alternatives to providing adequate AGO legal services to DSHS in Thurston County are the likelihood that delays in cases will increase with the result that permanency will be delayed for children; DSHS social workers will not have adequate representation; and backlogs will develop, especially in termination cases. Dependency case filings are largely generated by factors outside the control of DSHS and the AGO and cannot be controlled without placing children and families at risk. The AGO is required by statute to represent DSHS in dependency and termination proceedings and there are no viable alternatives available to the AGO or DSHS to provide quality representation for these cases.

### ***What are the consequences of not funding this package?***

Having insufficient resources to manage the volume and complexity of this work causes a likelihood of bad outcomes for Children's Administration (CA), may jeopardize the long term interests and stability of children and families, and creates a risk of increased exposure to liability for the state. The resources are necessary to continue to provide consistent and quality representation to DSHS and to help achieve timely and appropriate outcomes for the children in these cases.

### ***What is the relationship, if any, to the state's capital budget?***

None

### ***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

### ***Expenditure and revenue calculations and assumptions***

None

### ***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

These costs are expected to be ongoing.



<u>Object Detail</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
A Salaries And Wages	163,350	163,350	326,700
B Employee Benefits	45,738	45,738	91,476
E Goods And Services	113,912	121,912	235,824
G Travel	10,000	10,000	20,000
J Capital Outlays	20,000	12,000	32,000
<b>Total Objects</b>	<b>353,000</b>	<b>353,000</b>	<b>706,000</b>

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State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General

**Decision Package Code/Title:** AF Public Counsel Unit Staffing

**Budget Period:** 2009-11

**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$360,000 and 1.0 FTE to represent residential and small business utility customers in cases before the Washington Utilities and Transportation Commission (WUTC), state courts and other fora. As the utility ratepayer advocate for the state, Public Counsel faces major and growing demands from the increasing frequency of energy rate increase requests, mergers, and new cases in the area of energy efficiency and renewable energy.

**Fiscal Detail**

Operating Expenditures	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405-1 Legal Services Revolving Account-State	180,000	180,000	360,000
<b>Total Cost</b>	<b>180,000</b>	<b>180,000</b>	<b>360,000</b>

Staffing	<u>FY 2010</u>	<u>FY 2011</u>	<u>Annual Average</u>
<b>FTEs</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>

**Revenue**

<u>Fund</u>	<u>Source</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405 Legal Serv Rev Acct	0420 Charges for Services	180,000	180,000	360,000
<b>Total Revenue</b>		<b>180,000</b>	<b>180,000</b>	<b>360,000</b>

**Package Description:**

The proposal adds 1.0 Assistant Attorney General (AAG) to the current staff of two AAGs. This is the first increase in Public Counsel's AAG staffing in 25 years. The Public Counsel Unit (PCU) has broad responsibilities to meet in representing the consumers in utility matters, and the number and complexity of these matters is dramatically increasing: This proposal will help PCU meet major and growing demands in five areas of its responsibility.

- 1) Major increase in rate cases: In 2008 all energy utilities in Washington except Cascade Natural Gas have major rate cases simultaneously before the UTC, requesting over \$300 million annually in increased rates from 1.5 million affected residential and business customers in all parts of the state. This trend is ongoing and predicted by the industry and regulators to continue.
- 2) Increased merger, asset sale, and corporate restructuring cases: In 2008 this includes:
  - A. \$7 Billion Puget Sound Energy acquisition by a private equity investment consortium (Macquarie Group/Canadian pension plans)
  - B. Verizon's spin-off of its Yellow Pages business. There have been six mergers or "spin off" cases since 2005
- 3) "Non-Traditional" Rate Change Mechanisms: Utilities are developing alternative rate change mechanisms designed to allow for revenue increases in between traditional rate cases, resulting in faster growth in total utility costs for consumers.
  - A. PCORC cases (power cost only rate cases)
  - B. Revenue decoupling requests
  - C. New power cost adjustment (PCA) proposals

- 4) Expanded Implementation and Enforcement work: Another area of substantial growth in activities is multi-year monitoring and enforcement of conditions imposed in mergers and other major case settlements. Examples include:
- A. Qwest 4 year Alternative Regulation pilot: Infrastructure deployment, other items
  - B. Verizon and PSE service quality indices
  - C. Annual PCR (power cost recovery) dockets
  - D. Enforcement of financial ring-fencing requirements after utility mergers
  - E. Decoupling pilot programs (3 year Avista Decoupling Pilot; Cascade Decoupling Pilot)
- 5) Energy Conservation and Climate Change Issues: Implementation of I-937 (Energy Independence Act) sets mandatory renewable energy targets and enhances regulatory interest in utility conservation programs, utility resource planning technical work groups.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

## **Narrative Justification and Impact Statement**

### ***What specific performance outcomes does the agency expect?***

Description of Public Counsel:

The PCU office was established in 1983 within the AGO by Attorney General Ken Eikenberry to advocate for Washington consumers who are ratepayers of regulated telecommunications, electric and natural gas companies (e.g. Puget Sound Energy, Avista, PacifiCorp, Qwest, and Verizon) in cases before the WUTC, the state courts, and other fora as appropriate.

Since its creation in 1983, PCU has not had an increase in its initial allocation of two AAGs. The AGO has increased other staff over time to maximize the effectiveness of the two attorneys. There is no additional capacity and another AAG is needed.

PCU is significantly smaller than similar offices in comparable states. PCU's annual budget represents about \$0.14 per capita, placing Washington as 30th out of 40 states with consumer advocate offices.

Impact on clients and services:

PCU's work has a direct impact on millions of Washington citizens and their essential services. Virtually every household and small business in the state is in effect a PCU client as a telecommunications, gas, or electric utility customer. In dollar terms, PCU saves residential and business customers many multiples of its biennial budget at a cost of pennies per year. The requested additional FTE increase will enable PCU to participate in additional cases and to cover issues in more depth in existing cases.

Examples of financial benefits for customers (Public Counsel is the sole party appearing as an advocate for residential and small business customers before the UTC, however, some case benefits result from cooperative efforts or shared positions of other parties (industrial customers, environmental groups, low income organizations, Commission Staff). This discussion notes participation of other parties where appropriate):

Avista 2007 Electric and Gas Rate Case - With other parties, reached settlement including over \$2 million reduction based on PCU recommendations for lower executive compensation recovery.

Puget Sound Energy 2006 Electric and Gas Rate Case - Successfully opposed "revenue decoupling" proposal projected to increase rates by up to \$20 million per year.

Sale of U S West Yellow Pages (DEX)(2003): U S West proposed sale of Yellow Pages without sharing any profit with its customers. PCU was lead consumer party in litigation, then leader in negotiating a settlement that gave customers \$67 million (\$30 per household) lump sum payment, plus \$100 million rate credits to be applied in any rate case through 2018. The \$67 million customer credit alone is more than 20 years of PCU budgets.

Verizon-MCI merger - \$1.25 million Public Purposes Fund (2007-2008): WUTC adopted PCU recommendation to share merger financial benefits with customers by creating Public Purposes grant fund.

Qwest Alternative Form of Regulation Plan (AFOR) (2007-2011) --\$4 million Broadband Deployment. UTC adopted PCU's recommendation to require Qwest to enhance broadband deployment as condition of reduced regulation.

Impact on other state programs:

WUTC will benefit from an improved record for decision making as a result of additional evidence, technical expertise, and legal analysis from PCU in formal contested cases, rulemaking proceedings, investigation dockets and stakeholder processes.

## **Performance Measure Detail**

No measures submitted for package

***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements Goal # 2.6 of the AGO Strategic Plan-"Protect the interest of residential and small business customers of regulated telecommunications, electric, and natural gas companies in proceedings before the WUTC and in other forums."

This request is essential to enabling the AGO to meet this goal and its statutory requirements.

In addition, this budget request implements the more general Goal No.2 of the AGO Strategic Plan and activity inventory--- "Exercise leadership and creativity on major legal and policy issues affecting government, the judicial system the interests of the public, and the legal profession.

***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, this request supports the Governor's priority of Building Prosperity since it helps moderate business costs and directly affects critical elements of the state's energy and telecommunications infrastructure by advocating for prudent company investments. It supports the Governor's priority of Reducing our Dependence on Foreign Oil through PCU's work on energy conservation, renewable energy production and assisting those in need.

***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this request supports POG # 5 -- Improve the Economic Vitality of Business and Individuals," particularly Indicator 3 (regarding business costs and profitability) and Indicator 5 (fair and reasonable pricing).

Reliable service and reasonable utility rates are a fundamental component of household and business budgets and are critical to the development and growth of the state's jobs and economic future. PCU also advocates for fair competition policy in the regulated energy and telecommunications industries.

***What are the other important connections or impacts related to this proposal?***

Energy issues are a high priority at both the state and national level at this time. The major challenges in Washington include an increase in the size and frequency of electric and natural gas rate increase requests; increased sale and merger activity (e.g. Puget Sound Energy/Macquarie acquisition); requirements for increased use of renewable energy requirements (e.g. I-937); and an increased emphasis on energy conservation and energy efficiency programs in response to climate change.

In the telecommunications arena, issues include protection of basic rates (still regulated for most landline customers), service quality, promoting competition, deregulation issues, mergers, technology changes, enforcement of prior orders and protection of consumer privacy.

***What alternatives were explored by the agency, and why was this alternative chosen?***

There is no practical alternative to adding an attorney position. Contract attorneys are more expensive. The rotation of other AAGs is not practical due to the expertise required, and the increased workload is sustained, not intermittent). The AGO has optimized efficiencies with professional staff but have reached a critical need for an additional FTE dedicated to Public Counsel work.

***What are the consequences of not funding this package?***

The interests of Washington's utility customers cannot be adequately represented at current staffing levels. Adding one attorney is a conservative approach fully justified by existing workload demands. If additional staffing is not approved, PCU's ability to effectively represent Washington residential and small business customers will remain at its current overstretched level and will fall further behind in meeting its obligations to represent those customers.

There may be situations where PCU cannot appear at all in some important cases. PCU's ability to initiate complaint cases will be severely limited as will involvement in some rulemaking cases, reducing the PCU in some matters to a purely reactive role.

The ability to track significant implementation and reporting issues required to enforce compliance with the terms and conditions of mergers and settlements will be hindered. Finally, the PCU will become unable to participate effectively in important non-litigation activities such as utility IRP (integrated resource planning) stakeholder advisory committees (e.g. Puget Sound Energy Conservation Resource Advisory Group, or "CRAG"). This participation is directly tied to infrastructure investment, reliability, energy efficiency and renewable resource issues.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

None

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

These costs are expected to be ongoing.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
A Salaries And Wages	83,400	83,400	166,800
B Employee Benefits	23,352	23,352	46,704
E Goods And Services	51,248	56,248	107,496
G Travel	12,000	12,000	24,000
J Capital Outlays	10,000	5,000	15,000
<b>Total Objects</b>	<b>180,000</b>	<b>180,000</b>	<b>360,000</b>

State of Washington  
Decision Package

FINAL

**Agency:** 100 Office of Attorney General  
**Decision Package Code/Title:** AG Electronic Records Management  
**Budget Period:** 2009-11  
**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests \$242,022 and 1.0 FTE to achieve improved efficiencies in electronic record management. This will enhance the ability to store and retrieve information and documents which are critical to the operations of a major public law office.

**Fiscal Detail**

Operating Expenditures	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405-1 Legal Services Revolving Account-State	121,011	121,011	242,022
<b>Total Cost</b>	<b>121,011</b>	<b>121,011</b>	<b>242,022</b>

Staffing	<u>FY 2010</u>	<u>FY 2011</u>	<u>Annual Average</u>
FTEs	1.0	1.0	1.0

**Revenue**

<u>Fund</u>	<u>Source</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>Total</u>
405 Legal Serv Rev Acct	0420 Charges for Services	121,011	121,011	242,022
<b>Total Revenue</b>		<b>121,011</b>	<b>121,011</b>	<b>242,022</b>

**Package Description:**

This request is for 1.0 FTE and associated funding to provide improved electronic records management for the AGO. There are thousands of pages of paper and files that are generated in the discovery process and subsequent legal proceedings. The use of an electronic format instead of boxes of paper to collect, sort and transmit this information would enhance the ability of the AGO to respond quickly and completely to court requirements for documents. This will also enable efficient copying and transmission of this information, and aid in the sorting and retrieval of documents.

The AGO has made efforts within existing resources to manage documents in the upmost efficiency. In recent years, the AGO has made a significant investment in using SharePoint for facilitating the collaborative development and access to AGO work product. The first SharePoint implementation in 2004 focused on establishing a searchable repository for storing specific types of significant, final attorney work product in order to provide historical continuity and establish standards.

The second iteration in 2007 created a collaborative environment for developing work product. This allowed individuals, workgroups, and committees to create and share common libraries of information. As a result, SharePoint use expanded to about two thirds of the agency and comprised both legal and support staff.

Funding and 1.0 FTE is requested for further implementation of an Enterprise approach to electronic data to advance the Office in its records management efforts. Expansion of the current SharePoint infrastructure will allow the AGO to:

1. Provide an office-wide solution for managing documents from creation to archival.
2. Enhance office-wide searching of SharePoint documents through third-party tools.
3. Utilize the SharePoint Records Center function to automate records retention policy.
4. Centralize storage of all significant AGO work product which will result in more consistent client advice.

The AGO subject matter expert for this request is Sarian Scott, 360-586-2104.

## **Narrative Justification and Impact Statement**

### ***What specific performance outcomes does the agency expect?***

The additional 1.0 FTE and funding will provide initial installation, configuration, troubleshooting, and stabilization of the new components. In addition, it is necessary to plan and provide for ongoing maintenance and operation of the expanded SharePoint environment. In the near future AGO document workflow will become more standardized and automated. As the Office increases its dependency on SharePoint, the criticality of system availability, troubleshooting, and proactive maintenance raises to the point where it can no longer be supported within the current FTE level.

The FTE will have overall responsibility for the administration of the enhanced AGO SharePoint environment and will have these specific duties:

1. Initial installation, configuration, troubleshooting, and production implementation of the new components added to the SharePoint environment to accommodate electronic records management.
2. Daily system administrator support.
3. Design, develop, and maintain templates and workflows.
4. Monitor server logs, activities, events, and assets.
5. Resolve issues related to content creation and publishing of web properties.
6. Provide account maintenance and support.
7. General consulting on SharePoint.
8. Training.
9. General troubleshooting.
10. Continuously evolving the SharePoint environment to keep pace with business priorities.

There will be less unstructured, non-indexed data which will reduce the time it takes to search for records. The current storage system is through windows explorer on the AGO server, specifically the F drive. Files are being stored in several locations and problems exist in locating the correct file as needed since different users have stored the same draft in different locations.

Using the SharePoint Records Center automates records management and provides the agency with the following benefits:

1. Automatic management of record expiration rules and subsequent actions when the retention period ends.
2. Preservation of the record in its original form.
3. Audit trail of who is accessing records.
4. Entry of metadata specific to records management tasks.
5. Automatic submittal and routing of emails and documents to the SharePoint Records Center.
6. Ability to place holds on records subject to discovery, audit, or investigation.

This initiative improves internal efficiency which will have an impact on clients. It allows the results to be produced quicker, with less effort, and improve consistency.

The public records process will also be more streamlined. When all agency records reside in SharePoint, the level of effort to respond to records requests is anticipated to diminish.

Citizens will receive better service based on time saved through proper file management with an Enterprise records management system. This initiative improves internal efficiency which will have an impact on clients by allowing results to be produced quicker, with less effort, and improve consistency.

## **Performance Measure Detail**

**Activity: A010      Legal Services to State Agencies**

**Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #2.2.5 of the AGO Strategic Plan-"Explore available options of an Enterprise Records Management system that provides an office-wide solution for managing documents from creation to archival or destruction."

### ***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, this request supports the Governor's priority of Holding Government Accountable with an emphasis of the specific goal to Focus on



Performance.

***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this request supports POG # 10 -- strengthening Government's Ability to Achieve Results Efficiently and Effectively.

***What are the other important connections or impacts related to this proposal?***

This effort is fully supported by AGO Executive Leadership and is included in the AGO's 2009-2013 strategic plan. Our client agencies and stakeholders have similar areas of concern. The AGO is looked to for advice and recommendations regarding electronic discovery and public disclosure. Their work in this area is well served by the AGO working through system and implementation issues.

***What alternatives were explored by the agency, and why was this alternative chosen?***

The AGO has been looking at Enterprise records management solutions for many years, specifically systems like Interwoven and Hummingbird. It has proven to be bugetarily difficult to move forward with a comprehensive vendor solution.

Although a complete Enterprise records management solution has not been funded, the AGO has made significant progress in this direction with acquiring infrastructure, implementing an email archive system, a managed print service, and SharePoint 2007. The alternative chosen for this request is right-sized for the AGO and leverages investments already in place at a much lower cost than the more comprehensive solutions.

***What are the consequences of not funding this package?***

The continued inability to retrieve records in an accurate and timely manner will be problematic when dealing with critical deadlines. There will continue to be redundant copies of AGO documents stored in multiple locations and staff will remain unable to more effectively search for documents stored on the AGO server, specifically the F drive. Each year that goes by without implementing a solution will compound the problem of electronic records management.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

None

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

The FTE and costs will be ongoing as SharePoint continues to evolve with the requirements of normal business practices.

<b><u>Object Detail</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>Total</u></b>
A Salaries And Wages	78,899	78,899	157,798
B Employee Benefits	22,092	22,092	44,184
E Goods And Services	8,020	13,020	21,040
G Travel	2,000	2,000	4,000
J Capital Outlays	10,000	5,000	15,000
<b>Total Objects</b>	<b>121,011</b>	<b>121,011</b>	<b>242,022</b>

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State of Washington  
Decision Package

PLACEHOLDER

**Agency:** 100 Office of Attorney General

**Decision Package Code/Title:** AH Tacoma Office Move

**Budget Period:** 2009-11

**Budget Level:** PL - Performance Level

**Recommendation Summary Text:**

The Office of the Attorney General (AGO) requests funding consistent with the Office of Financial Management (OFM) alternatives, assessment and statewide six-year plan to relocate the Tacoma Office in the upcoming biennium. Funding will be needed at the commencement of the project which will depend on the option approved through the OFM facility process.

**Fiscal Detail**

**Operating Expenditures**

**Total**

**Package Description:**

This request will enable the AGO to relocate the leased Tacoma Office facility.

The reason for this relocation is that the current location does not meet agency business needs or facility principles. The condition of the facility is poor, and there are numerous longstanding issues. During the 19 years of occupancy, we have experienced a wide variety of problems. Primary issues include poor air quality, mold, poor ventilation, vermin, plumbing problems and security issues. Some have been addressed by the landlord, but most require an ongoing resolution of the issues with the landlord, and they reoccur time and time again. In many instances, the landlord makes an effort to address our concerns but the age and configuration of the building limit his ability to respond.

In addition to these longstanding issues with building conditions, we have also outgrown the current location. Given the condition and configuration of the facility, we don't desire to remodel or expand space in this location. Our staff is currently located on six different floors, and there's limited floor- plan manoeuvrability to maximize space. This request is to relocate the Tacoma AGO divisional office to an alternative location with improved workflow and increased functionality.

There will be a need for funding for increased costs of ongoing lease payments and for the one-time costs of consultant services, project management, tenant improvements, moving, computer relocation, telecommunications connections, new furniture and miscellaneous project expenses.

The planned schedule for this move will be determined based on the project time lines associated with building options (based on OFM's alternative evaluation), and the final six-year state wide plan and responses from the market. We estimate that the earliest costs would occur in FY 2011.

This decision package is in support of the Six-Year Plan submitted in April 2008 with the intent of relocating at the end of the lease agreement. A JLARC study was also completed for this project.

Current facility: 1019 Pacific Avenue, Tacoma Washington.

Space Type (office, warehouse, etc.) - Office

Current lease start date and end date - 7/1/2000- 6/30/2010

Current lease rate - \$14.98 per square foot

Services included in the lease - water, sewer, garbage, maintenance and repair, all utilities, elevator service and janitorial services to include window washing, restroom supplies, light bulbs etc.

New projected lease rate \$22.69 - \$24.18 per square foot depending on project option selected

The AGO subject matter expert for this request is Sarian Scott at 360-586-2104.

## **Narrative Justification and Impact Statement**

### ***What specific performance outcomes does the agency expect?***

This request is necessary to allow the AGO to relocate the Tacoma Office to provide adequate and efficient legal services to citizens and client agencies in Tacoma. This move directly supports our agency facility objectives to:

Improve operational efficiencies through collocation

Maximize space efficiencies

Improve the health and safety conditions of facilities for staff

Instill a productive cohesive staff working environment

We anticipate that a new location will allow us to improve the health and safety for the staff, and also provide the necessary space to support the projected 10 year growth identified in our agency six-year plan. In addition, it will allow us to improve our high level of service as a result of having work space that creates more efficient and effective work environment. We anticipate that this move will have a positive impact on other agencies, clients and citizens that utilize our services.

## **Performance Measure Detail**

**Activity: A005      Enforcement of Consumer Protection Laws**

**Incremental Changes**

No measures submitted for package

**Activity: A008      Investigation and Defense of Tort Lawsuits**

**Incremental Changes**

No measures submitted for package

**Activity: A010      Legal Services to State Agencies**

**Incremental Changes**

No measures submitted for package

### ***Is this decision package essential to implement a strategy identified in the agency's strategic plan?***

This budget request implements goal #1 of the AGO Strategic Plan-"Provide efficient and effective representation to our client agencies."

The AGO provides a broad range of legal services to over 230 state agencies to enable them to achieve their missions. This request is critical to the ability of the AGO to provide timely and high-quality legal services to its clients in Tacoma where those services are needed.

### ***Does this decision package provide essential support to one of the Governor's priorities?***

Yes, it supports the Governor's priority to make government accountable by recognizing the need for appropriate office space in the business operations of a state agency that provides services to clients and citizens around the state.

### ***Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?***

Yes, this request is directly related to POG#10 to Strengthen government's ability to achieve results efficiently and effectively.

### ***What are the other important connections or impacts related to this proposal?***

Strategically, a Tacoma location for AGO staff and clients is important. An office in Tacoma provides immediate access to the Pierce County Superior Court. Our attorneys represent cases which include Labor and Industries issues and for the Board of Industrial Insurance Appeal (BIIA) hearings. The Department of Assigned Counsel (DAC) is currently located 2 minutes from the current building. It is also in close proximity to our largest client: the Department of Social Health Services (DSHS) (only six minutes away). There is easy freeway access for legal services we provide in the Pierce County Juvenile Court and the Kitsap County courts. This location also provides an economical connection between our Seattle and Olympia offices, allowing a central location for joint training, meetings and work space. Our current office location meets our client and stakeholders time and distance needs. We are seeking space in the same general location as our current building, and our clients or stakeholders have no concerns with this relocation.

This move request is driven by a concern for the health and safety of our employees (considering the ongoing building issues) as well as a need to support projected growth and operational efficiencies.

***What alternatives were explored by the agency, and why was this alternative chosen?***

There is no viable alternative to providing adequate office space for employees to conduct their business in a professional manner.

***What are the consequences of not funding this package?***

Without this additional funding, the Tacoma Office will not be able to move from its current location when the current lease expires. The provision of high quality legal services to clients and the public in Tacoma will be hindered.

***What is the relationship, if any, to the state's capital budget?***

None

***What changes would be required to existing statutes, rules, or contracts, in order to implement the change?***

None

***Expenditure and revenue calculations and assumptions***

See attachment, 'PL-AH Tacoma Office Move Attachment 1.xls'.

***Which costs and functions are one-time? Which are ongoing? What are the budget impacts in future biennia?***

The increased costs for lease payments are expected to continue in the future while the costs to move and pay for tenant improvements and furniture are one-time costs.

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## AGENCY FACILITY NEEDS STUDY: PART I AGENCY SUMMARY

**Instructions:** Please complete this form for your **agency or major program area** as defined in the instructions. Responses should be as complete as possible. See Agency Facility Needs Study Instructions for definitions, clarifications, and definitions of words in *italics*.

### CONTACT INFORMATION

Agency Office of the Attorney General		Agency Number 100
Prepared By Cami Feek	Date Prepared [m/d/yyyy] 2/15/2008	
Phone Number [(123)456-7890 x1234] (360) 586-4079 x	E-Mail Address camif@atg.wa.gov	

### PROGRAM OVERVIEW

Briefly describe your agency (or major *program area*) mission.  
The AGO serves more than 230 state agencies, boards, commissions, colleges and universities, as well as the Governor and Legislature. Our agency manages the largest public law office in the state with more than 1,200 employees and offices in 12 cities around the state: Bellingham, Port Angeles, Everett, Seattle, Tacoma, Olympia, Wenatchee, Spokane, Yakima, Kennewick, Vancouver and Pullman. In addition to representing state government, our agency supports the public at large by offering a breadth of services, including consumer protection, and initiatives to protect our communities, such as the methamphetamine, domestic violence and anti-gang programs.

Identify the <i>functional area</i> of your agency (or major <i>program area</i> ). General Government	How is your agency (or major <i>program area</i> ) organized? Headquarters Regions
---	---

Are there any significant changes in the agency (or major *program*) anticipated that would affect your space usage from now until June 2015?  
Yes

If Yes, describe.  
Key strategic plan initiatives as well as historical data and trends are the basis for decisions regarding facilities projects and space planning. We know that a number of our facilities currently have no room for additional staff and, while there aren't any specific program changes that are known, our historical growth trend indicates that we will continue to have increased staffing.

While strategic planning and analysis of historical data and trends provides some insight to future facility needs, our staffing levels are primarily driven by the needs of our clients. Our key strategy of leasing rather than purchasing facilities allows us to have the flexibility to meet unanticipated and unpredictable client business changes. Sometimes those changes evolve over the course of years, but often they occur quickly. In the legal setting court decisions or changes in law can alter the landscape of the legal environment in ways that unexpectedly impact our services to meet client business needs. Legislative mandates or new requirements of our clients often result in a need for legal support which translates to an increase in staffing for our agency. As an example, should the

Family Leave Act be implemented in Washington, the state agency charged with managing that program will need substantial legal advice to support it and our agency will need to staff that need. This is just one example of the myriad of client-driven business changes that can quickly reshape the landscape of our staffing and associated facility needs.

**HISTORICAL AND FUTURE FTE PROJECTIONS**

Document your past and present *FTE's* by *fiscal year* for this *program* area based on enacted budget information.

Biennium	01-03		03-05		05-07		07-09 (current)	
Fiscal Yr	02	03	04	05	06	07	08	09
FTEs	1103.10	1007.50	1091.50	1096.80	1122.60	1147.10	1175.90	1177.90

Document your projected future *FTE's* by *fiscal year* for this *program* area.

Biennium	09-11		11-13		13-15		15-17	
Fiscal Yr	10	11	12	13	14	15	16	17
FTEs	1218.00	1242.00	1258.00	1277.00	1304.00	1326.00	1345.00	1365.00

How are the future FTEs for this agency (or major *program* area) projected?

Biennium	01-03		03-05		5-07		07-09	
Fiscal Year	02	03	04	05	06	07	08	09
Enacted FTEs*	1103.1	1007.5	1091.5	1096.8	1122.6	1147.1	1175.9	1177.9
Non enacted								
IAA	155.9	159.9	164.2	176.8	161.9	172.1	179.8	173.1
Volunteers			167.5	163.6	150.8	181.4	158	160
Total	1259	1167.4	1423.2	1437.2	1435.3	1500.6	1513.7	1511

Biennium	09-11		11-13		13-15		15-17	
Fiscal Year	10	11	12	13	14	15	16	17
Enacted FTEs*	1218	1242	1258	1277	1304	1326	1345	1365
Non enacted								
IAA	174	174	184	184	184	184	194	194
volunteers	172	177	189	196	205	209	222	226
Total	1564	1593	1631	1657	1693	1719	1761	1785

See Attachment for formatted table of staffing totals and projections to include enacted and non-enacted FTE counts.

FTEs are projected based on a number of factors such as strategic initiatives that may require additional FTEs, historical staffing levels and trends as well as caseload, client agency trends and demographics.

How are these projections tied to your Agency (or major *program* area) Strategic Plan? Some of the projected growth is associated with key strategic initiatives. However, there are other factors and considerations as described above that drive FTE levels.



<b>FACILITIES OVERVIEW</b>	
Does your <i>program</i> have any statewide facilities goals and objectives? Yes	
If Yes, please describe. <ul style="list-style-type: none"> <li>• Meet agency strategic and program goals</li> <li>• Foster a safe, healthy, productive work environment</li> <li>• Maximize the efficient use of space</li> <li>• Meet sustainability goals</li> <li>• Leverage technology</li> <li>• Improve operational efficiencies through co-location</li> </ul>	
What information or data about your agency (or major <i>program</i> area) is used to locate your facilities? Location and requirements of court systems and major client agencies served, statewide population concentration and growth trends, state government programmatic initiatives, and CTR needs.	
Does this information indicate any changing facility needs? Yes	
If Yes, describe. The requirements of court systems, population growth, and state government programmatic initiatives are constantly changing which suggests the facility needs of this agency will continually change. This results in sometimes-rapid changes to facility needs that often cannot be anticipated or forecasted with any accuracy. These are primary drivers for a facility strategy that relies on the use of leased office space in locations around the state.	
<b>SPACE UTILIZATION</b>	
Does this agency (or major <i>program</i> area) follow the <i>GA Space Allocation Standards</i> ? No	Does this agency (or major <i>program</i> area) have an agency or <i>program</i> specific space standard? Yes
If yes, describe or attach. We have an OFM-approved agency space standard - see attached.	
Describe any common statewide facility requirements that exist for all facilities for this agency (or major <i>program</i> area). Nearly all buildings that house legal divisions have deposition or interview space and library space. Office spaces for attorneys must provide security and privacy to perform confidential legal activities. Work rooms for document handling and the assembly of case and trial materials are required, along with secure storage space for confidential files and materials. Video conference rooms are becoming increasingly used in legal proceedings and the operation of the agency so any facility upgrades or moves must address this new requirement. In some locations there is a need for highly secure evidence storage areas.	
Describe any common statewide siting needs required for this agency (or major <i>program</i> area). Close proximity to the local courts in which attorneys must appear. Additionally, when it makes business sense we situate our facilities close to our client agencies.	
<b>BUDGET INFORMATION-AGENCY OWNED FACILITIES</b>	
Please provide your total agency (or major <i>program</i> area) operating budget as approved with the enacted budget for <b>agency owned facilities</b> included <i>in scope</i> by item for the 2007-09 Biennium. This information should be provided at the lowest level of detail available. If only one number is	

available, provide it in the debt service box.

Budget Item	FY08	FY09
<i>Debt Service</i>		
Facilities & Services Costs		
Energy (Electricity, Natural Gas)		
Janitorial Services		
Utilities (Water, Sewer, & Garbage)		
Security		
<i>Assessments</i>		
Amortized Tenant Improvements		
Additional Parking		
Recycle		
Other		

If dollars are included in others, please describe

**BUDGET INFORMATION-LEASED FACILITIES**

Please provide your total agency (or major *program* area) operating budget as approved with the enacted budget for **leased facilities** included *in scope* by item for the 2007-09 Biennium. This information should be provided at the lowest level of detail available. If only one number is available, provide it in the rent box.

Budget Item	FY08	FY09
Rent	\$10,162,255.00	\$11,814,337.00
Energy (Electricity, Natural Gas)		
Janitorial Services		
Utilities (Water, Sewer, Garbage)		
Security		
Taxes and <i>Assessments</i>		
Amortized Tenant Improvements		
Additional Parking	\$105,844.00	\$105,844.00
Recycle		
Other		

If dollars are included in others, please describe	
<b>COMMENTS AND APPROVAL</b>	
If there is any additional information that may pertain to this agency (or major <i>program</i> ) facilities needs study that is not provided in this survey, please provide that information here.	
Agency Approval Greg Lane	Title Deputy Chief of Staff

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SECTION D

REVENUES



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# State of Washington

## Summarized Revenue by Account and Source

Budget Period: 2009-11  
 100 - Office of Attorney General  
 1:09PM  
 Agency Level  
 S1 - 2009-11 Biennial Budget  
 Supporting Text Included

8/12/2008  
 Dollars in thousands

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2010	FY2011	FY2010	FY2011	FY2010	FY2011	
<b>001 - General Fund</b>							
0393 - Health & Human Svc - F	1,995	2,000					
AA - Lease Rate Adjustments	3	31					
AB - Legal Assistant Job Class Series			27	27			
Total - 0393 - Health & Human Svc - F	1,998	2,031	27	27	2,025	2,058	4,083
<b>001 - General Fund - Federal</b>	<b>1,998</b>	<b>2,031</b>	<b>27</b>	<b>27</b>	<b>2,025</b>	<b>2,058</b>	<b>4,083</b>
<b>Total - 001 - General Fund</b>	<b>1,998</b>	<b>2,031</b>	<b>27</b>	<b>27</b>	<b>2,025</b>	<b>2,058</b>	<b>4,083</b>
<b>405 - Legal Serv Rev Acct</b>							
0420 - Charges for Services - S	118,061	116,025					
AA - Lease Rate Adjustments	1,624	900					
AB - Legal Assistant Job Class Series			2,170	2,170			
AD - Children's Admin HQ Team			245	245			
AE - Continue DSHS Juvenile Caseload			353	353			
AF - Public Counsel Unit Staffing			180	180			
AG - Electronic Records Management			121	121			
AJ - CFL Correction	(1,205)	1,205					
Total - 0420 - Charges for Services - S	118,480	118,130	3,069	3,069	121,549	121,199	242,748
<b>405 - Legal Serv Rev Acct - State</b>	<b>118,480</b>	<b>118,130</b>	<b>3,069</b>	<b>3,069</b>	<b>121,549</b>	<b>121,199</b>	<b>242,748</b>
<b>Total - 405 - Legal Serv Rev Acct</b>	<b>118,480</b>	<b>118,130</b>	<b>3,069</b>	<b>3,069</b>	<b>121,549</b>	<b>121,199</b>	<b>242,748</b>
<b>424 - Anti-Trust Revolving</b>							
0420 - Charges for Services - S	1,466	1,521					
AA - Lease Rate Adjustments	39						
Total - 0420 - Charges for Services - S	1,505	1,521			1,505	1,521	3,026
<b>424 - Anti-Trust Revolving - State</b>	<b>1,505</b>	<b>1,521</b>			<b>1,505</b>	<b>1,521</b>	<b>3,026</b>
<b>Total - 424 - Anti-Trust Revolving</b>	<b>1,505</b>	<b>1,521</b>			<b>1,505</b>	<b>1,521</b>	<b>3,026</b>
<b>825 - Tobacco Settlement</b>							
Total - 0499 - Other Revenue - S	185,702	185,157			185,702	185,157	370,859
<b>825 - Tobacco Settlement - State</b>	<b>185,702</b>	<b>185,157</b>			<b>185,702</b>	<b>185,157</b>	<b>370,859</b>

<b>Total - 825 - Tobacco Settlement</b>	<b>185,702</b>	<b>185,157</b>			<b>185,702</b>	<b>185,157</b>	<b>370,859</b>
<b>100 - Office of Attorney General - State</b>	<b>305,687</b>	<b>304,808</b>	<b>3,069</b>	<b>3,069</b>	<b>308,756</b>	<b>307,877</b>	<b>616,633</b>
<b>100 - Office of Attorney General - Federal</b>	<b>1,998</b>	<b>2,031</b>	<b>27</b>	<b>27</b>	<b>2,025</b>	<b>2,058</b>	<b>4,083</b>
<b>Total - 100 - Office of Attorney General</b>	<b>307,685</b>	<b>306,839</b>	<b>3,096</b>	<b>3,096</b>	<b>310,781</b>	<b>309,935</b>	<b>620,716</b>

**AA - Lease Rate Adjustments**

The Office of the Attorney General (AGO) requests \$2,874,547 to fund lease rate increases for existing spaces in the upcoming 2009-11 biennium.

**AB - Legal Assistant Job Class Series**

The Office of the Attorney General (AGO) requests \$4,537,346 to fund a proposed Legal Assistant Job Class Series. This would reclassify the existing AGO Legal Secretaries series to a six-level Legal Assistant series.

**AD - Children's Admin HQ Team**

The Office of the Attorney General (AGO) requests \$490,000 and 1.5 FTEs to fund legal services for the Department of Social Health Services (DSHS) Children's Administration (CA) for legal services related to state-wide juvenile litigation support and coordination, advice to CA headquarters (HQ), and Braam litigation.

**AE - Continue DSHS Juvenile Caseload**

The Office of the Attorney General (AGO) requests \$706,000 and 2.5 FTEs to fund legal services for the Department of Social and Health Services (DSHS) in Thurston County needed to respond to impact created by the Public Defense Parents' Representation Project.

**AF - Public Counsel Unit Staffing**

The Office of the Attorney General (AGO) requests \$360,000 and 1.0 FTE to represent residential and small business utility customers in cases before the Washington Utilities and Transportation Commission (WUTC), state courts and other fora. As the utility ratepayer advocate for the state, Public Counsel faces major and growing demands from the increasing frequency of energy rate increase requests, mergers, and new cases in the area of energy efficiency and renewable energy.

**AG - Electronic Records Management**

The Office of the Attorney General (AGO) requests \$242,022 and 1.0 FTE to achieve improved efficiencies in electronic record management. This will enhance the ability to store and retrieve information and documents which are critical to the operations of a major public law office.

**AJ - CFL Correction**

The Office of the Attorney General (AGO) requests technical corrections to our Carry Forward Level (CFL) Adjustments in the 2009-11 biennial AGO budget.



State of Washington  
**Working Capital Reserve**

**Budget Period:** 2009-11  
**Agency:** 100 Office of Attorney General  
**Version:** S1 2009-11 Biennial Budget

08/12/2008

1:05:46PM

Page: 1

FUND ADMINISTRATOR AGENCY

FUND ADMINISTRATOR AGENCY

RECOMMENDED ENDING FUND

RECOMMENDED ENDING FUND

FUND	FUND TITLE	Current Biennium	Ensuing Biennium
154	New Motor Vehicle Arbitration Acct	1,320,000	1,320,000
405	Legal Services Revolving Account	22,000,000	22,000,000
424	Anti-Trust Revolving Account	3,000,000	3,000,000

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## Revenue Transfer Reconciliation Statement

- Non-Applicable –

## Revenue Transfer Reconciliation Statement

- Non-Applicable –

Code	Title
100	Office of the Attorney General

**2009-2011 Federal Funding Estimates Summary**

Date: August 12, 2008

CFDA NO.*	Agency Total	Federal Fiscal Year	State Fiscal Year	State Match Amounts
	<b>Agency Total</b>			
	FY 2008	2,000,000	1,986,750	662,250
	FY 2009	2,600,000	2,450,000	816,667
	FY 2010	2,730,000	2,697,500	899,167
	FY 2011	2,866,500	2,832,375	944,125
	<b>13.775 Health and Human Services</b>			
	FY 2008	2,000,000	1,986,750	662,250
	FY 2009	2,600,000	2,450,000	816,667
	FY 2010	2,730,000	2,697,500	899,167
	FY 2011	2,866,500	2,832,375	944,125
<b>Activity # A009 - Investigation and Prosecution of Medicaid Fraud and Resident Abuse</b>				

\* Catalog of Federal Domestic Assistance

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## Non-Budgeted Local Fund Summary

- Non-Applicable –

Non-Budgeted Local Fund Summary

- Non-Applicable –



## Puget Sound Action Agenda Expenditures

- Non-Applicable –

## Puget Sound Action Agenda Expenditures

- Non-Applicable –

## JLARC Audit Responses

- Non-Applicable -

## JLARC Audit Responses

- Non-Applicable -

SECTION E

TARGETED BUDGET  
INSTRUCTION  
RESPONSES



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## Targeted Budget Instruction Responses

- Non-Applicable -

## Targeted Budget Instruction Responses

- Non-Applicable -