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VIA FIRST CLASS & ELECTRONIC TRANSMISSION

August 1, 2011

Ms. Bonne Beavers
Staff Attorney
Center for Justice
35 W. Main, Suite 300
Spokane, WA 99201

Re: Center for Justice Letter of July 26, 2011

Dear Ms. Beavers:

Please accept this correspondence as acknowledgement of receipt of your letter addressed to myself and my clients, dated July 26, 2011. Since the City Council is represented on the matters at issue in your letter by independent legal counsel, Mr. Keller Allen, I have also taken the liberty of transmitting a copy of your correspondence to him.

Although my clients and I certainly appreciate the zeal with which the Center for Justice, PJALS and other special interests have approached this matter over the past months, I must admit that neither the Office of the City Attorney nor Mr. Allen necessarily concur with factual recitations or legal analysis forming the basis of the various forms of legal advice that have been directly and indirectly provided to the Mayor and City Council on these topic by those groups.

Rather than focusing on the divergences in our legal views, please permit me the opportunity to confirm for you that my clients share the goal of assuring meaningful police oversight via an Ombudsman's office with power and authority requisite to accomplish the duties of the position.

In order to advance the goal expressed above, the Mayor has taken a leadership role and is in direct contact with the relevant bargaining units about these matters. Although for labor relations reasons I am unable to discuss the specific details of these contacts, other than to confirm the initial reception from the bargaining units of the Mayor's proposal has been positive.

Ms. Bonne Beavers
Staff Attorney
Center for Justice
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Given the fact that neither Mr. Allen nor my staff attorneys feel the July 31, 2011, "appeal deadline" postulated in your correspondence to be operative, the Mayor will continue her efforts directly with the bargaining units while the attorneys for both the City and City Council continue to review other viable options during the ninety day period PERC retains jurisdiction.

Finally, I note the last paragraph of your letter contains a notice of your intent to publish the letter to the media the day following delivery to the City. If the goal of the Center for Justice is truly to achieve meaningful change in the scope of authority and duties of the Office of Police Ombudsman, may I suggest it display some discretion with regard to publically disparaging the City and the law enforcement bargaining units on the Ombudsman issue for the time being? I fully realize the principals at the Center may believe intense media campaigns to be the most effective way of focusing public attention on various issues. However, in this instance the tactical use of media coverage and/or pressure may not be the most productive course of action in the near term. Although this particular tact may be counterintuitive to your constituency, please at least consider the potential validity of the more passive approach for at least the next thirty days or so.

Best Regards,



HOWARD F. DELANEY
City Attorney

HFD/mfs

cc: clients
file