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STATE OF WASHINGTON
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NO. 98807-2

SUPREME COURT
OF THE STATE OF WASHINGTON

THE CHURCH OF THE DIVINE EARTH,

Appellant,

v.

CITY OF TACOMA,

Respondent

RESPONSE TO APPELLANT'S PETITION FOR REVIEW

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APPENDIX 1

I. ISSUES PRESENTED FOR REVIEW

The petition for review should be denied because 1) the Court of Appeals correctly followed Supreme Court precedent of Dawson v. Daly, 120 Wn.2d 782, 845 P.2d 995 (1993); 2) the petitioner does not present any compelling reasoning or argument for overruling Dawson; and 3) the Court of Appeals correctly held that the City’s detailed privilege log satisfied the requirement of a brief explanation of the exemptions claimed.

II. STATEMENT OF THE CASE

The Church of the Divine Earth (Church) submitted a request for records on June 12, 2017, asking for “Job performance evaluations, comments on job performance, documents showing salary each of the past 5 years for Peter Huffman and Kurtis Kingsolver.” CP 297. On June 24, 2017, less than two weeks later, the City provided responsive documents. CP 295-96. Portions of some of the responsive documents, the performance evaluations of Mr. Kingsolver and Mr. Huffman, had been redacted to remove the personal comments of the employees and of the supervisor performing the evaluations. CP 394- 51.

Along with the responsive documents, the City provided a privilege log that identified and explained the bases for redactions to the performance evaluations. CP 298.

The privilege log explained:

These records, consisting of performance evaluations which do not discuss specific instances of misconduct, are protected from disclosure and have been withheld in the entirety based on the following authority:

RCW 42.56.230 personal information

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

RCW 42.56.050 Invasion of privacy, when. A person's "right to privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person:

(1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specific in this chapter as express exemptions from the public's right to inspect, examine, or copy public records. -AND- **Dawson v. Daly, 120 Wn.2d 782,797 (1993).**

CP 298 (emphasis in original).

On November 7, 2017, the Church filed its complaint in this lawsuit, alleging the City violated the Public Records Act by redacting portions of the performance evaluations. The Church also alleged that the brief explanations for the exemptions were insufficient.

The Church filed a motion for summary judgment and motion for *in camera* review. The City agreed with the request for *in camera* review. The Court, Hon. Kathryn Nelson, denied the Church's motion for summary judgment on May 18, 2018, but granted the request for an *in camera* review. CP 385-86.

On June 29, 2018, Judge Nelson issued her decision on the *in camera* review. She ruled that "*Dawson* was controlling" and that under *Dawson* "all redactions reviewed in camera were appropriate." CP 391-392. Judge Nelson confirmed that the unredacted documents did not

contain any instances of misconduct. She further ruled that the privilege log and the brief explanations in the log were appropriate. Id.

The City therefore noted a motion for summary judgment and asked the Court to dismiss the case. The case was transferred to Judge Grant Blinn, and like Judge Nelson, Judge Blinn ruled that the case was controlled by Dawson v. Daly, and that under Dawson, the City's redactions were proper and that the City's privilege log complied with the brief explanation requirement as interpreted by various reported cases. CP 701- 03.

Thereafter, the Church appealed. Division II, in a published opinion, affirmed the rulings of the Superior Court. Church, 13 Wn. App. 497, ___ P.3d ___ (Div II, April 14, 2020).

III. ARGUMENT

A. The Court of Appeals' decision does not conflict with any other appellate decisions and it explicitly relied on the controlling Supreme Court authority of *Dawson v. Daly* in holding that employee performance evaluations are exempt from disclosure.

"Evaluations of public employees ordinarily are not subject to public disclosure" and are exempt under RCW 42.56.050. Spokane Research v. City of Spokane, 99 Wn. App.452, 456, 994 P.2d 267 (2000).

"Employee evaluations qualify as personal information that bears on the competence of the subject employee." Dawson v. Daly, 120 Wn.2d 782, 797, 845 P.2d 995 (1993), overruled in part on other grounds, Soter v. Cowles Pub., 162 Wn.2d 716, 174 P.3d 60 (2007)). The "sensitivity of any human being to disclosure of information that may be taken to bear on his or her basic competence is sufficiently well known to be appropriate subject

of judicial notice." Dawson, at 797 (quoting Detroit Edison Co., v. NLRB, 440 U. S. 301, 318, 59 L. Ed.2d 333, 99 S. Ct. 1123 (1979)). This "sensitivity goes beyond mere embarrassment, which alone is insufficient grounds for nondisclosure under [the PRA]." Dawson, at 797. Even favorable information about an employee that is contained in performance evaluations "is personal information and its release is an invasion of privacy." Celmins v. United States Dep't of Treasury, 457 F. Supp. 13, 15 (D.D.C. 1977). See also Smith v. Dep't of Labor, 798 F. Supp. 2d 274 (D.D. Ct. 2011) (Performance appraisals are exempt from production in a FOIA request).

Here, the City redacted the personal comments of the employee and the employer from the annual performance evaluations before producing the evaluations to the requestor. The Church argues that the material redacted was not subject to exemption. The Church argues that Dawson defined "personal information" as the "intimate details of one's personal and private life" and therefore the Court of Appeals and the Superior Courts did not correctly apply Dawson to the documents at issue. Petition for Review, at 6. But the Dawson court did not utilize that definition of "personal information."

In Dawson, the Court indicated that when "[s]peaking generally about the right of privacy, we have stated that the right of privacy applies 'only to the intimate details of one's personal and private life,' which we contrasted to actions taking place in public that were observed by 40 other

people.” Dawson, at 796. The Dawson Court went on to state that it “has not previously been considered in this jurisdiction” whether performance evaluations are personal information entitled to a right of privacy Id. The Court identified other jurisdictions that have determined that performance evaluations are subject to a right of privacy, and the Dawson court concluded, “We agree that employee evaluations contain personal information within the meaning of RCW 42.17.310(1)(b).” Thus, the Dawson court clearly declined to apply the limited definition of “personal information” quoted by the Church.

Furthermore, Dawson explained why it rejected limiting “personal information” to just the intimate details of one’s private life. The Court stated that performance evaluations contain the type of personal information that public employees would find highly offensive if it were disclosed. The Dawson court concluded that “disclosure of performance evaluations, which do not discuss specific instances of misconduct, is presumed to be highly offensive within the meaning of RCW 42.17.255 [recodified at RCW 42.56.050]”. Dawson, at 797. This presumption establishes the offensiveness prong, though it “may be overcome in some cases” such as where identifying information may be removed such that an employee’s privacy is protected. Dawson, at 797. Here, the Church made no effort to overcome the presumption.

But more importantly, the Church fails to apply the definition of “personal information” developed by the Dawson court for use in the

analysis of performance evaluations as public records. In order to make its claim that there is a conflict with existing case law, the Church simply ignores all of this discussion and the fact that the Supreme Court moved beyond the general definition of “personal information” in the context of public records requests that sought employee performance evaluations. However, both the Superior Courts and the Court of Appeals correctly relied on Dawson and its progeny in determining that the performance evaluations of Huffman and Kingsolver contained personal information the release of which would be highly offensive to a reasonable person.

The Church also argues that the trial court and the appellate court failed to explain how the phrase “performance of public duties” modifies the personal information analysis. The phrase “performance of public duties” refers to the Dawson’s court quotation from Ollie v. Highland Sch. Dist. 203, 50 Wn. App. 639, 645, 749 P.2d 757, review denied, 110 Wn.2d 1040 (1988). In Ollie, the plaintiff sought not only the performance evaluations of employees but also the personnel records of employees. Ollie, at 645. The school district declined to produce any part of the personnel record, which included much more than just the performance evaluations.

On appeal, the appellate court held that “not all the information contained in personnel evaluations and personnel records of school district employees is privileged; information about public, on-duty job performances should be disclosed.” Id. In other words, the Ollie court used

the phrase to distinguish public job performance from non-public performance. Personnel records are likely to contain records of “public, on-duty job performance” and though such records are contained in a personnel file, they might not be necessarily private and exempt from production. The Church’s argument concerning this phrase simply ignores the fact that the records being discussed in Ollie were not just performance evaluations done in a confidential, one-on-one meeting between the employee and the supervisor.

B. There is no public concern that would justify the harm that will be caused to government administration.

In analyzing performance evaluations, once the records are established as personal information the disclosure of which would be highly offensive, the exemption requires that there is an absence of a legitimate public concern in their disclosure. In this context, the term “legitimate” means “reasonable.” Dawson, at 798. Thus, it is appropriate to balance the public interest in disclosure against the public interest in the efficient administration of government.” Id. In balancing those interests, the courts have observed that “[e]valuations of public employees [are] of small public concern.” Spokane Research, at 456.

On the other hand, disclosure of the evaluations could harm governmental function. It is not reasonable to require “disclosure where the public interest in efficient government could be harmed significantly more than the public would be served by disclosure.” Dawson, at 798. The “PRA’s mandate for broad disclosure is not absolute.” Resident Action

Council v. Seattle Hous. Auth., 177 Wn.2d 417, 432, 300 P.3d 376 (2013). Exemptions have been created to “exempt from public inspection those categories of public records most capable of causing substantial damage to the privacy rights of citizens or damage to vital functions of government.” Ameriquet Mortg. Co., v. Office of Attorney Gen., 177 Wn.2d 467, 486, 300 P.3d 799 (2013); see also Laws of 2007, ch. 198, §1 (“The legislature recognizes that public disclosure exemptions are enacted to meet objectives that are determined to be in the public interest.”).

The Washington courts have held that employee performance evaluations fall within RCW 42.56.050’s invasion of privacy exemption. If agencies were required to disclose employee performance evaluations “employee morale would be seriously undermined,” leading to a “reduction in the quality of performance by these employees.” Id. at 799. In addition, “disclosure could cause even greater harm to the public by making supervisors reluctant to give candid evaluations.” Id. Thus, in the absence of specific instances of misconduct, there is no reasonable or legitimate public concern which might require the agency to disclose an employee performance evaluations. Id. at 799- 800. “[R]equiring disclosure where the public interest in efficient government could be harmed significantly more than the public would be served by disclosure is not reasonable. Therefore, in such a case, the public concern is not legitimate.” Id. at 798.

For example, the issue of disclosing performance evaluations was the focus in Brown v. Seattle Public School, 71 Wn. App. 613, 860 P.2d

1059 (1993), review denied, 123 Wn.2d 1031 (1994). In Brown, the requestor sought the personnel records of the school principal. The requestor in Brown made the same arguments that the Church makes in the instant case: that the PRA favors disclosure; that exemptions are to be narrowly construed; that the documents were not highly offensive; and that the records of the school's top administrator were of legitimate concern to the public. The trial court had ordered their production, but the appellate court reversed.

In holding that the performance evaluations should not be produced, the appellate court noted that public education needs effective evaluation systems of teachers and administrators. Brown, at 618-19. The District's system would be "undermined if it is stripped of confidentiality." Id. Citing Dawson, the Brown court explained that the harm to the evaluation system outweighs the public interest in disclosure. The court stated that "if disclosure of these evaluations is allowed the quality of public employee performance will suffer because employees will not receive the guidance and constructive criticism required for them to improve performance and increase their efficiency." Id. at 619-20.

The Brown court acknowledged that there was an argument to be made that there were concerns about the performance of the principal, because he was the school's top administrator, but these concerns fell short of specific instances of misconduct. The Court stated that the "harm outweighs the public interest in disclosure in cases where a review reveals

that the evaluations do not discuss specific instances of misconduct or public job performance.“ Brown, at 619.

The only case in which the Washington courts have held that a performance evaluation of a public employee should be disclosed because of the weight of a legitimate public concern when balanced against privacy concerns is Spokane Research v. City of Spokane, 99 Wn. App. 452, 994 P.2d 267 (2000). In that case, the requestor sought the evaluation of the City Manager of Spokane, whose evaluation was done by an outside consulting firm with input from 125 citizen surveys. The Court in Spokane Research took great care to distinguish the position of City Manager from other city employees. The court reasoned that the City Manager is not like a regular public employee because the “City Manager is the City’s chief executive officer, its leader and a public figure.” Id. at 457. The performance of the City Manager is a legitimate subject of public debate. Id. Whereas most public employees reasonably expect that their evaluations will remain confidential, the City Manager has no such expectation because the City Council’s job is to discuss and decide in a public forum whether the employment of the City Manager should be continued. Id.

Here, as the Court of Appeals concluded, Mr. Huffman’s and Mr. Kingsolver’s positions are analogous to the principal in Brown. Church, 13 Wn. App. at 513. Their employment is not subject to City Council approval or evaluation, no outside consulting firm is retained for the evaluations, and no public comment on their performance is solicited or accepted during the

evaluation process. As was described by Cathy Journey, the City's Training and Development Manager who oversaw the employee performance evaluation system, Mr. Huffman's and Mr. Kingsolver's performance evaluations were conducted just the same as every other City employee. CP 274; 376-77. As with other employees, each department head's evaluation is done confidentially, in a one-on-one meeting between the department head and his or her supervisor. CP 376-77. Like the school principal in Brown and the deputy prosecuting attorney in Dawson, Mr. Huffman and Mr. Kingsolver had confidential one-on-one sessions that they reasonably expected would remain confidential.

The Church argues that Mr. Huffman and Mr. Kingsolver should be treated differently than other City employees because they are two of the City's 17 department heads and department heads have more authority than the typical employee. However, as the Court of Appeals correctly pointed out, department heads are neither the City's leader nor public figureheads. Church, 13 Wn. App. at 513. The public was not involved at any stage of the process. Id.

Both of the Dawson and Brown courts acknowledged that there is always some public interest in the performance of governmental employees such as Mr. Huffman and Mr. Kingsolver. But that interest performance must be balanced against the "public interest in the 'efficient administration of government.'" Dawson, at 798 (quoting RCW 42.17.255[recodified at 42.56.050]). In this case, the deposition and affidavit of Catherine Journey,

the City's Training and Development Manager, describe the governmental goals that are served by doing the evaluations and why confidentiality of the evaluations is essential to their effectiveness. The effectiveness of the evaluation relies, in part, on the ability of the supervisor and employee to be candid with each other. CP 376- 77. Making such evaluations public would seriously undermine the effectiveness of the evaluation process. Id. The trial court and the Court of Appeals properly ruled that, in this case, the public interest in the evaluations was outweighed by the harm that disclosure of performance evaluations would cause to the evaluation process and to the efficient administration of government.

C. The City's brief explanations of the redactions complied with Washington law.

"When an agency responds to a request by refusing inspection of any public record in whole or in part, the response must include 'a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.'" Klinkert v. Wash. State Criminal Justice Training Comm'n, 185 Wn. App. 832,836,342 P.3d 1198 (2015), review denied, 183 Wn.2d 1019 (2015)(quoting RCW 42.56.210(3)). "The brief explanation can be in the form of a privilege log or withholding index and need not be elaborate but should allow a requestor 'to make threshold determination of whether the agency has properly invoked the exemption.'" Klinkert, at 836 (quoting WAC 44-14- 04004(4)(b)(ii) and Rental Hous. Ass'n., 165 Wn.2d 525, 539,199 P.3d 393 (2009)).

The level of detail necessary for a requestor to determine whether an exemption is properly invoked will depend upon both the nature of the exemption and the nature of the document or information." City of Lakewood v. Koenig, 182 Wn.2d 87, 95, 343 P.3d 335 (2014). "The majority of exemptions are categorical and exempt 'without limit a particular type of information or record.'" Lakewood, at 95, quoting Resident Action Council v. Seattle Hous. Auth., 177 Wn.2d 417, 434, 327 P.3d 600 (2013). "[W]hen it is clear on the face of the record what type of information has been redacted, and that type of information is categorically exempt, citing to the specific statutory provision may be sufficient compliance with the requirement for a brief explanation." Lakewood, 1182 Wn.2d at 95. In other cases, more detail may need to be provided. Id. Whether a brief explanation is sufficient is an inquiry that depends on the facts of each case. City of Lakewood v. Koenig, 182 Wn.2d 87, 95, 343 P.3d 335 (2014).

In Lakewood, for example, the agency failed to give a sufficient brief explanation because it withheld driver's license numbers but did not cite to any exemption that specifically exempted driver's license numbers. Instead, the agency cited to general exemptions regarding privacy as well as other exemptions which did not seem to have any applicability and no explanation of applicability was provided by the agency. Lakewood, at 96. Therefore, the requestor could not make an initial evaluation of whether or not the agency properly invoked the exemption.

The Lakewood court pointed out that the circumstances in its case were similar to the brief explanation provided in Sanders v. State, 169 Wn.2d 827, 240 P.3d 120 (2010). There, the brief explanation was deemed insufficient because the agency claimed the "controversy exemption" for numerous records but failed to identify which of several distinct controversies was being referenced. Lakewood, at 96-97, citing Sanders, at 846. Without that information, the requestor could not match up the redaction with a particular matter and was unable to make a threshold determination.

In our case, it is apparent what type of information has been redacted just by looking at the redacted records. CP 395-515. See also, Appendix 1, CP 299-313 (copy of one of the performance evaluations produced to this requestor). The descriptions of the types of information that was reacted are clear and specific.

Moreover, the City provided a privilege log that unmistakably identified the exemptions being claimed and why the exemptions applied.

The City's explanation was as follows:

These records, consisting of performance evaluations which do not discuss specific instances of misconduct, are protected from disclosure and have been withheld in the entirety based on the following authority:

RCW 42.56.230 personal information

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

RCW 42.56.050 Invasion of privacy, when. A person's "right to privacy," "privacy," or "personal privacy,"

as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person:

(1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specific in this chapter as express exemptions from the public's right to inspect, examine, or copy public records. -AND- **Dawson v. Daly, 120 Wn.2d 782,797 (1993).**

CP 298 (emphasis in original).

Here, the City cited to two statutes and one Supreme Court case as the basis for redacting portions of the performance evaluations. First, the City cited to RCW 42.56.050, one of the codified exemptions to disclosure of public records entitled "Invasion of privacy". The statute provides a two part test for application of this exemption:

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

RCW 42.56.050. The City also cited to RCW 42.56.230, which contains an exemption for "Personal information." It provides:

The following personal information is exempt from public inspection and copying under this chapter: . . . (3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

The log went on to explain that no "specific instances of misconduct" had been redacted. The log also explained that RCW 42.56.230 protects the employees right to privacy and that RCW 42.56.0050 defines such privacy interests.

The log then provided a pinpoint cite to Dawson v. Daly, 120 Wn.2d 782, 797 (1993) where the court stated, "We hold that disclosure of performance evaluations, which do not discuss specific instances of misconduct, is presumed to be highly offensive within the meaning of RCW 42.17.255." The Dawson court then described why performance evaluations that do not contain specific instances of misconduct are not of sufficient legitimate concern to the public to risk the resulting detrimental effects of publishing such evaluations. Id. at 798. Thus, the Superior Court and the Court of Appeals correctly ruled that the City's brief explanations were sufficient.

The Church also complains that the format of the City's privilege log/withholding index was improper. However, the City's log complied with Washington law. WAC 44-14-04004(4)(b) provides:

Brief explanation of withholding. When an agency claims an exemption for an entire record or portion of one, it must inform the requestor of the statutory exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. RCW 42.56.210(3). The brief explanation should cite the statute the agency claims grants the exemption from disclosure. The brief explanation should provide enough information for a requestor to make a threshold determination of whether the claimed exemption is proper.

* * *

One way to properly provide a brief explanation of the withheld record or redaction is for the agency to provide a withholding log, along with the statutory citation permitting withholding, and a description of how the exemption applies to the information withheld. The log identifies the type of record, its date and number of pages, and the author or recipient of the record (unless their identify is exempt). The withholding index need not be elaborate but should allow a requestor to make a threshold determination of whether the agency had properly invoked the exemption.

* * *

Another way to properly provide a brief explanation is to have a code for each statutory exemption, place that code on the redacted information, and attach a list of codes and the brief explanations with the agency's response.

Thus, the City's privilege log not only contained all of the required information but its format was specifically authorized by the Washington Administrative Code and cases interpreting the brief explanation requirement. See, Klinkert, at 836.

The Church is critical that Judge Blinn did not redo Judge Nelson's *in camera* review. However, the Church cites no authority for the proposition that a requestor is entitled to a second *in camera* review of documents.

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IV. CONCLUSION

The City respectfully requests that the Court reject the Petition for review. The decision of the Court of Appeals does not conflict with any statutory law or case law and the Petitioner has not provided a reasoned or well-supported argument for the overruling of current precedent.

Dated this 21st day of August, 2020.

WILLIAM A. FOSBRE, City Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2020, I filed, through my staff, the foregoing with the Clerk of the Supreme Court, for the State of Washington via electronic filing to the following:.

1. SUPREME COURT
2. Richard B. Sanders
Carolyn A. Lake
Goodstein Law Group, PLLC
510 South G Street
Tacoma, WA 98405

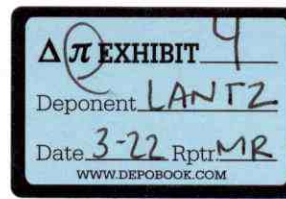
EXECUTED this 21st day of August, 2020, at Tacoma, WA.

/s/ Margaret Elofson
MARGARET ELOFSON

APPENDIX 1



**EMPLOYEE DEVELOPMENT AND
PERFORMANCE REVIEW**
EDPR: NON-REPRESENTED EMPLOYEES (EXECUTIVE MANAGEMENT TEAM)



ML

Employee Name: Peter Huffman Employee ID #: 37940 PROBATIONARY ANNUAL
 Division: Planning and Development Services SPECIAL
 Classification: Director Performance Period
 Supervisor's Name: Mark Lauzier From: 1/1/2016 To: 12/31/2016

MISSION AND VALUES STATEMENTS

City of Tacoma Vision
Tacoma is a livable and progressive international city, regarded for the richness of its diverse population and its natural setting.

City of Tacoma Mission
We provide high-quality, innovative and cost-effective municipal services that enhance the lives of our citizens and the quality of our neighborhoods and business districts.

City of Tacoma Principles That Guide Us

- Integrity: We conduct our personal, work group, and organizational actions in an ethical and honest manner and we serve as responsible stewards of the public resources entrusted to us.
- Service: We treat everyone with courtesy and empathy. We provide customer-focused municipal services that produce high value and results.
- Excellence: We achieve the highest performance possible. We use collaborative and inclusive approaches to organizational and community issues. We are accountable for individually and collectively meeting high standards.
- Equity: We understand and reflect the community we serve. We ensure every community member has services and opportunities that will enable people to satisfy their essential needs and advance their wellbeing.

I understand that the Vision Statement, the Mission statement, and the Principles That Guide Us define the fundamental performance expectations for all employees.

PH
Employee Initials

ML
Supervisor initials

Part I: Position Linkage With Organizational Mission and Strategic Plan

What is the organization's mission and how do the duties and responsibilities of this position link or contribute to the achievement of the mission, goals, and objectives of the organization? Provide brief summary.

PDS Mission: To partner with the community to build a livable, sustainable and safe City by providing strategic, timely, predictable, cost-effective planning and development services with a culture focused on community engagement, customer service, creativity, accountability and continuous improvement.

The Director of Planning and Development Services oversees the implementation of the department's mission consistent with the City's overall mission by ensuring a customer focused planning and permitting environment that emphasizes teamwork, collaboration and community involvement through the deployment of cost-effective, creative and balanced planning and development services.

The Director strives to create a diverse team of staff members that work in an environment that fosters creative, respect, teamwork and innovation.

The Director is responsible for overseeing and ensuring that the department functions in fiscally efficient manner that is strategically focused on achieving and implementing the goals and objectives of the City Manager, City Council and Community.

PART II: ACHIEVEMENT PLAN [STRATEGIC GOALS/PROJECTS]

Outline at least five (5) Major Strategic Goals or Projects. Be sure to include performance indicators and milestones. Use and attach the Individual Goals Spreadsheet.

PART III – PERFORMANCE FACTORS AND COMPETENCIES EVALUATION

The individual position description form was reviewed with the employee. Yes No

Ratings Explanations (Examples)






EE = Exceeds Expectations: Performance consistently exceeds expectations in all essential areas of responsibility, and the quality of work overall was excellent. Annual goals were met.

ME = Meets Expectations: Performance consistently met expectations in all essential areas of responsibility, at times possibly exceeding expectations and the quality of work overall was very good. The most critical annual goals were met.






NI = Needs Improvement: Performance did not consistently meet expectations – performance failed to meet expectations in one or more essential areas of responsibility, and/or one or more of the most critical goals were not met. Work is behind schedule and/or of poor quality.

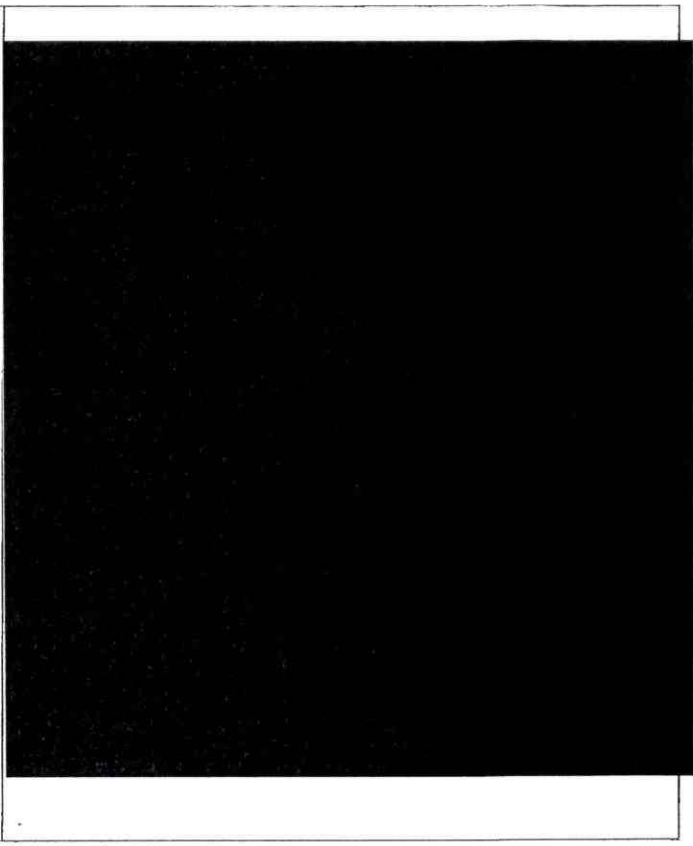
DNME = Does Not Meet Expectations: Performance was consistently below expectations in most essential areas of responsibility, work is not completed as agreed upon and/or reasonable progress toward critical goals was not made. Significant improvement is needed in one or more areas. A plan to correct performance, including timelines, must be outlined and monitored to measure progress.

(Specific examples/comments are required.)


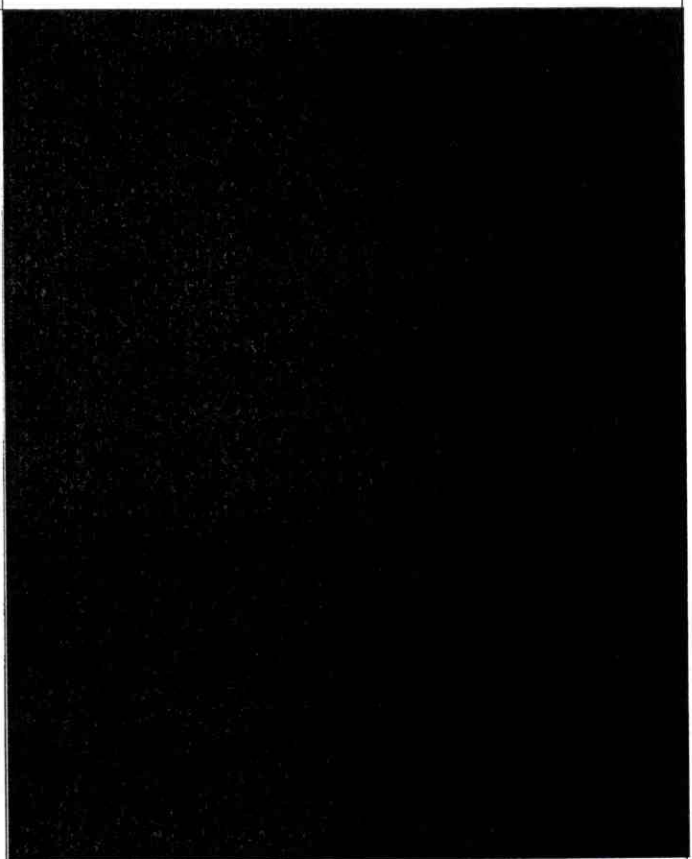
EVALUATION FACTORS	EE	ME	NI	DNME	Specific Examples
<p>Strategic Leadership, Accountability and Performance Management: Demonstrates initiative and creativity in determining departmental objectives and direction; creates and nurtures a performance-based culture; champions new initiatives and builds organizational commitment in staff; is accountable for the achievement of established performance measures.</p>					


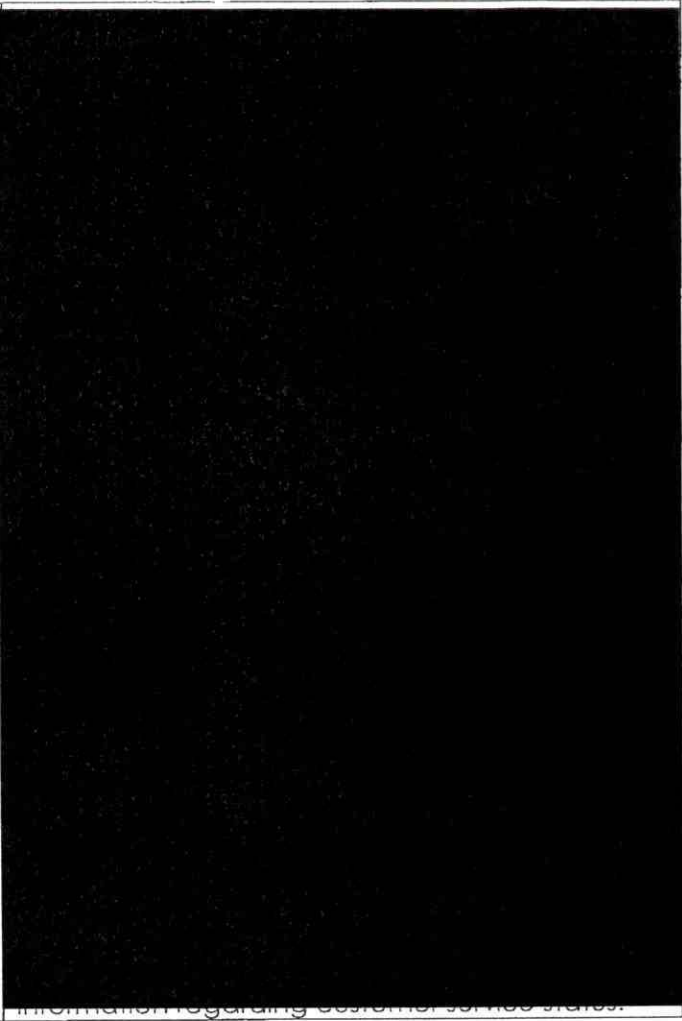
EE = Exceeds Expectations ME = Meets Expectations NI = Needs Improvement
 DNME = Does Not Meet Expectations
 (Specific examples/comments are required.)

EVALUATION FACTORS	EE	ME	NI	DNME	Specific Examples
Budget & Human Resources Management: Maximizes the use of resources to establish and implement effective work plans; actively promotes positive employee relations; responsibly allocates and accounts for use of fiscal resources; generates and accepts new ideas for increasing organizational efficiencies.					

<p>Management of Internal and External Relationships: Demonstrates effective interactions with internal and external contacts; effectively communicates the organization's decisions to key stakeholders and constituents.</p>					
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EE = Exceeds Expectations ME = Meets Expectations NI = Needs Improvement
 DNME = Does Not Meet Expectations
 (Specific examples/comments are required.)

EVALUATION FACTORS	EE	ME	NI	DNME	Specific Examples
<p>Influence & Impact: Demonstrates the ability to convey clear, timely and persuasive messages that positively influence the actions of others to support the organizational mission and goals; gains consensus on controversial items; solves problems and resolves issues effectively.</p>					

<p>Communication: Presents ideas effectively; facilitates dialogue and action to obtain resolution to complex issues; facilitates communication among assigned staff and keeps superiors informed of progress and critical issues; provides positive resolutions to feedback from citizen and employee surveys.</p>					
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Information regarding customer services.

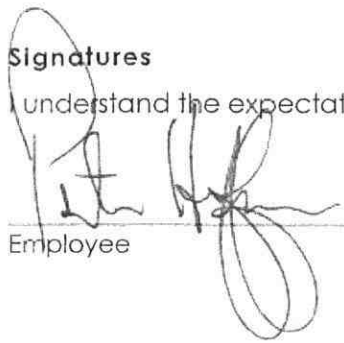
EE = Exceeds Expectations ME = Meets Expectations NI = Needs Improvement
 DNME = Does Not Meet Expectations
 (Specific examples/comments are required.)

EVALUATION FACTORS	EE	ME	NI	DNME	Specific Examples
<p>Diversity and Inclusiveness: Demonstrates efforts to maintain and increase ethnic, cultural and social diversity in the organization; improved transparency, equity and access in recruitment, retention and promotions; incorporated inclusion practices through community engagement, customer service and contracting opportunities.</p>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<p>Professional Development: Demonstrates an ongoing commitment to learning and self-improvement. Acquires new competencies. Continuously improves.</p>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Part IV: PROFESSIONAL DEVELOPMENT PLAN			
Learning Track	Course or Activity	Timeline	Status
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	

Signatures

I understand the expectations that have been established for my work.



Employee

2/7/17
Date



Supervisor

2/7/17
Date

Part V: ANNUAL REVIEW

EMPLOYEE COMMENTS

(Employee may attach additional documents.)

As part of the Planning and Development Service Department's ongoing commitment to fulfilling the Guiding Principles, please take a moment to respond to the following questions:

1. Please provide an example of an instance where you believe you successfully embodied the Guiding Principles in your day-to-day work.



2. Are there areas in which you feel you could improve your work using the Guiding Principles?"



3. Are there measures that leadership or your supervisor can take that would help you to succeed at your work?



(Supervisor may attach additional documents.)



Part VI: OVERALL RATING

Exceeds Expectations Meets Expectations Needs Improvement Does Not Meet Expectations

Part VII: SIGNATURES

Annual Review (end of performance period)

This review has been discussed with me.

 _____
Employee Signature Date 2/7/17

Reviewer Signature Date

 _____
Supervisor/Manager Signature Date 2/7/17

Additional Signature (Optional) Date


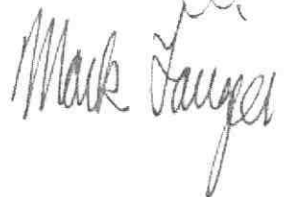
City of Tacoma
 Employee Development and Performance Review
 Individual Achievement Plan - Strategic Goals or Projects 2016
 Planning and Development Services
 Peter Huffman

A	B	C	D	E	F	G
PART: II	PERFORMANCE GOALS	EXPECTED OUTCOMES/MEASURES	Weight (=100%)	RESULTS	RATING (choose one)	Score
Goal 1:						
Goal 2:						

Planning and Development Services
Peter Huffman

A	B	C	D	E	F	G
PART: II	PERFORMANCE GOALS	EXPECTED OUTCOMES/MEASURES	Weight (=100%)	RESULTS	RATING (choose one)	Score
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Goal 3:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Goal 4:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Goal 5:	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

Planning and Development Services
Peter Huffman

A	B	C	D	E	F	G
PART: II	PERFORMANCE GOALS	EXPECTED OUTCOMES/MEASURES	Weight (=100%)	RESULTS	RATING (choose one)	Score
				 		
				100%		

Note: Fill out columns B, C, and D during the Setting Expectations discussion.

CITY OF TACOMA

August 21, 2020 - 4:28 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98807-2
Appellate Court Case Title: The Church of the Divine Earth v. City of Tacoma
Superior Court Case Number: 17-2-12940-8

The following documents have been uploaded:

- 988072_Answer_Reply_20200821162728SC557582_1995.pdf
This File Contains:
Answer/Reply - Response to PRP
The Original File Name was CHURCH FINAL.pdf

A copy of the uploaded files will be sent to:

- clake@goodsteinlaw.com
- dpinckney@goodsteinlaw.com
- rsanders@goodsteinlaw.com

Comments:

Sender Name: Margaret Elofson - Email: margaret.elifson@ci.tacoma.wa.us
Address:
747 MARKET ST #1120
TACOMA, WA, 98402-3726
Phone: 253-591-5888

Note: The Filing Id is 20200821162728SC557582