



**CITY OF BLACK DIAMOND**  
**September 29, 2011 Special Meeting Agenda**  
**Continued from September 26, 2011**  
Black Diamond Elementary School Gymnasium  
25314 Baker Street, Black Diamond, Washington

**6:30 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**PUBLIC HEARINGS:**

**The Villages and Lawson Hills Development Agreement Closed Record Hearings**

1. Appearance of Fairness Doctrine issues – September 26, 2011
  - a. Executive Session – To discuss with legal counsel potential litigation pursuant to RCW 42.30.110(1)(i) (executive session continued from September 21, 2011)
  - b. Council deliberation and/or action
2. Rules of Procedure for Hearing – September 29, 2011
  - a. Resolution suspending a portion of the rules and establishing new rules for the closed record hearings
3. Staff presentation – September 29, 2011
4. Applicant presentation – September 29, 2011
5. Executive Session to discuss potential litigation pursuant to RCW 42.30.110(1)(i)
6. Parties of Record statements – October 3, 4, 5, 6, and 8, 2011
7. Staff closing statement
8. Applicant closing statement
9. Testimony closed
10. Council deliberation
11. Council action

**ADJOURNMENT:**

**RESOLUTION NO. 11-766**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON SUSPENDING COUNCIL RULES AND PROCEDURES REGARDING QUASI JUDICIAL HEARINGS AND CLOSED RECORD HEARINGS AND ESTABLISHING NEW PROCEDURES FOR THE VILLAGES AND LAWSON HILLS DEVELOPMENT AGREEMENTS CLOSED RECORD HEARINGS**

**WHEREAS**, on May 7, 2009 the Black Diamond City Council adopted Resolution No. 09-598 establishing Council Rules and Procedures; and

**WHEREAS**, procedures for quasi judicial hearings and closed record hearings are not adequate for the Development Agreement Closed Record Hearings and need to be suspended and new procedures established;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** Council Rules of Procedure regarding quasi-judicial, public and closed record hearings set forth in Council Rules 3.6, 3.7, 11.1.1-11.1.4, 11.1.6, and all rules in 11.2 are hereby suspended, and the rules set forth in Exhibit A are adopted to govern the Council's closed record hearings concerning The Villages and Lawson Hills Development Agreements. All other Council Rules of Procedures are unaffected by this Resolution and, as applicable, shall also govern The Villages and Lawson Hills Development Agreements.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 29TH DAY OF SEPTEMBER, 2011.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

**DA CLOSED RECORD HEARINGS**  
**Suggested Rules of Procedure**

1. Order of hearing (per the agenda); 2.5 hours per night maximum.
2. Established schedule of continued sessions of hearing is: September 21, September 26, September 29, October 3, October 4, October 5, October 6, and October 8. All sessions will be held at the Black Diamond Elementary School Gymnasium, 25314 Baker Street. All sessions will start at 6:30 p.m. except the October 8 session which will start at 9:00 a.m. .
3. 60 minutes each for staff presentation, applicant presentation (for both applications combined). Applicant can expand time if necessary.
4. Statements from parties of record (for both applications, combined)
  - Parties of record shall include any person, but excluding expert witnesses who appeared on behalf or at the behest of another, who timely submitted written or verbal comments to the Examiner on the Development Agreements.
  - 10 minutes maximum per individual.
  - Parties may speak only once during the hearings.
  - Sign-in at the hearing required.
  - Parties of record who wish to speak on a reserved date and time slot may sign up during the hearing to speak on either Monday October 3 or Tuesday, October 4, 2011. On all other days, Parties will be called to speak per order of the running sign in sheet. If not present when called, a party will be moved to the back of the list. If again not present when called a second time, a party forfeits their right to speak. This portion of the proceedings will close when there are no new parties to call upon.
  - Parties of record may cede their entire 10 minute allocation to one other party of record, provided they are present at hearing to cede their time and identify themselves. Up to a maximum of 5 parties of record can cede their time to another party of record, so that no person may speak for more than 60 minutes. Parties of record who have a disability or a relevant reason (i.e.

vacation) that prevents them from being present at the hearing need not be present to cede their time, but shall do so in writing.

- Any representative of an organization (which is a party of record) can speak on behalf of the organization.
  - Direct statements only (no Council or staff response to speaker's questions).
  - Only Council may ask clarifying questions of parties at the conclusion of their allotted time.
  - No cross-examination of speakers will be allowed.
  - Objection to admissibility of statements must be in writing and submitted to the City Clerk by 5:00 p.m. the following day.
  - Copies of exhibits from the official record of the open record hearing can be obtained at cost. However, map and graphic exhibits will be available during the hearings as provided by the applicant. The full record of both the open and closed record hearings will be available to City Councilmembers during Council deliberations.
  - All written statements must be submitted at the hearing. One statement per party of record, maximum length of 25 pages doubled spaced. Items will be accepted through the close of the parties of record statements (prior to staff and applicant closing statements).
5. Staff response to oral statements of parties of record (1 hour maximum)
  6. Applicant response to oral statements of parties of record (1 hour maximum)
  7. Staff and applicant will be granted 5 business days to respond in writing to written statements from parties of record. These responses will be posted to the City's website. Parties of record will be granted 3 business days from the date of posting to respond in writing to staff and applicant's written responses to written statements. [Written responses are limited to XX pages.](#) All submissions provided by staff, applicant or parties of record must be received by 5:00 p.m. on the due date.
  8. Council deliberations: in open session and reserving the right for closed sessions if needed.

- direct staff/City Attorney to prepare findings & conclusions to support whatever decision is reached
- adopt an ordinance to either approve, deny or modify