

BLACK DIAMOND CITY COUNCIL SPECIAL MTG MINUTES

March 2, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Pro-Tem Morgan called the special meeting to order at 7:01 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper.

ABSENT: Mayor Benson

Staff present: Jamey Kiblinger, Police Chief and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to remove item 6 and the executive session from tonight's agenda. Motion **passed** with all voting in favor (5-0).

Councilmember Edelman asked that the vouchers be pulled from the consent agenda for discussion.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to adopt the Consent Agenda.

Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

CONSENT AGENDA:

Minutes – Council Special Joint Meeting of February 9, 2016 and Council Meeting of February 18, 2016

Councilmember Edelman discussed with Council certain vouchers that were brought up at the Budget/Finance/Administration Council Committee meeting. She also discussed the City passing the two year audit with flying colors.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adopt the Claim Checks as presented. Motion **passed** with all voting in favor (5-0).

Claim Checks - March 3, 2016 - No. 43229 through No.43279 and EFTs in the amount of \$116,384.78

PUBLIC COMMENTS:

Jason Seth, Black Diamond discussed the public comment period and noted sending Councilmembers at least three emails and has not received any response other than from the City Clerk. He discussed meeting date changes not being very helpful to the citizens who do not have internet access. He continued to read his written comments into the record which are attached and incorporated into the minutes.

George McPherson, Black Diamond read his written comments into the record which are attached and incorporated into the minutes.

Erwin Pace, Kent distributed to the Clerk and Councilmembers public record requests and then discussed the details in those requests. He also noted he will send these requests electronically.

Bill Bryant, Black Diamond commented on the City having a Council and Mayor to do what the people in Black Diamond really want – the community does not want a lot of development real quick. He also discussed the Council is trying to do their best especially the newly elected. He added elected officials need to follow what the people really want. He does not want massive development and that is why he lives in Black Diamond.

Robbin Taylor, Black Diamond asked why the meeting for tomorrow night was cancelled and scheduled for a special meeting tonight and noted the agendas being different. She stated she was told at the Budget/Finance/Administration Committee meeting to ask her question tonight by the Mayor Pro-Tem and that is why she is asking. She further commented that in the spirit of open and transparent government she believes we (citizens) deserve an answer.

Councilmember Morgan noted the Council meeting is the Council's meeting and there were items put on the agenda that were not approved and in accordance with Council Rules and that is why they needed to cancel the meeting for tomorrow night.

Mrs. Taylor continued speaking and discussed Council having the ability to remove items from the agenda just as was done tonight. She further discussed the differences between the two published agendas for the March 3rd regular meeting and the March 2nd special meeting and noted the recycling grant not moving forward.

Dave Ambur, Lake 12 noted the hammer and sickle have come down on the people not flying their flag and commented it being very disappointing and does not believe this was what was expected by the people when they were elected.

Councilmember Deady discussed an email that was sent to her by Councilmember Pepper regarding the reason for the March 3rd cancellation and also an email she received today. She continued to read from her written comments which are attached and incorporated into the minutes.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

Resolution No. 16-1076, confirming the Mayor's appointment to the Planning Commission Position #1

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt Resolution No. 16-1076, confirming the Mayor's Planning Commission appointment of Richard LaConte to the Black Diamond Planning Commission Position #1. Motion **passed** with all voting in favor (5-0).

Resolution No. 16-1077, confirming the Mayor's appointment to the Planning Commission Position #2

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt Resolution No. 16-1077, confirming the Mayor's Planning Commission appointment of Tori Ammons to the Black Diamond Planning Commission Position #2. Motion **passed** with all voting in favor (5-0).

Resolution No. 16-1078, confirming the Mayor's appointment to the Planning Commission Position #5

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt Resolution No. 16-1078, confirming the Mayor's Planning Commission appointment of Tom Ekberg to the Black Diamond Planning Commission Position #5. Motion **passed** with all voting in favor (5-0).

NEW BUSINESS: None

DEPARTMENT REPORTS: None

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Deady – no report.

Councilmember Edelman asked Councilmembers Morgan, Pepper and Weber questions that are attached and incorporated into the minutes. She also discussed why the City Attorney could not be present tonight and having to come back from an important family event to attend this meeting. She discussed why the recycling event material was pulled

from the agenda. She discussed the developments and the city having a legally binding contract and will follow the law. She discussed the committee meetings and noticing of them. She asked the Council to start working with the Mayor and us Councilmembers (Deady, Edelman) as it appears that if we don't play your way (Weber, Pepper, Morgan) than they don't get to play at all and that's not how this government its suppose to work.

Councilmember Weber reported attending the joint Council/Planning Commission special meeting, two Budget/Finance/Administration Committee meetings, and a Growth Management Committee meeting where they got to meet and talk with the three planning commission candidates. He believes the three new planning commission members will do an excellent job. He further stated that as far as council workings there are things that unfortunately can't be made or not maybe legally made public so all he's asking is that he understands it seems out of joint, crazy and they are working to get everything straightened out. He noted understanding they work for all the citizens regardless of who voted for them and that's their place. As far as all the rhetorical constant hammering of breaking laws, legal meetings, and collusion and all that it's getting pretty old.

Councilmember Pepper read an excerpt from AWC manual "Whose meeting is it anyway?", "Who determines the agenda content?". These excerpts are attached and incorporated into the minutes.

She further stated she has always believed that rules should be clear, fair and followed. The Council has authority to adopt its own rules of procedure. Council has the authority to set its own agenda and when the Mayor refused to accept this fact the Council had no other choice than to cancel this meeting and call for a special meeting of the Council. She noted a special meeting has a specific agenda that is approved by the signature of three Councilmembers and cannot be changed by the Mayor. She further noted it was awkward and confusing to the public, but the problem was created when the Mayor asserted imaginary authority to put anything on the agenda she wanted. Not wanting to delay important City business, which is the approval of the commissioners we set the date of the Council meeting for the day before. She stated we must get past this pettiness. The rules are clear, they are fair, they are consistent with law and similar to many other local government and they should be followed. She further discussed the process for placement of items on the agenda and thanked citizens for coming out to the meeting.

Councilmember Edelman discussed the tenure of Councilmembers and the process and meeting times of committees prior to the reorganization of them. She further discussed how the process benefited Councilmembers as they reviewed packet material for upcoming meetings prior to placement on the agenda. She also discussed the communication Councilmembers had in the past and asked Councilmember Pepper to not Bcc when emailing as it can be confusing and to simply use "do not reply all".

Councilmember Deady commented on the right Council has to adopt their own rules. She noted the rules were never brought forward to her or Councilmember Edelman; they were never consulted and had nothing to do with the new rules that were written and adopted. She noted a workstudy needs to be held on these rules as was promised.

Councilmember Morgan stated there have been workstudies on these rules at her Government Operations and Administration Committee meetings.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond commented she believes the meeting was cancelled because the Mayor put on the agenda the recycling event. She reminded Council that RCW 35A.12.100 which is in the Council's rules of procedure and deals with the Mayor's authority. She referred to a part in that RCW that states "He or she shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action". She discussed a committee meeting she attended where Mr. Derdowski was explaining the new rules and said it is customary when the Mayor presents anything to put it on the agenda. She feels it is not the Mayor who is doing the bickering and fighting it's the Council President. The Mayor has a duty to bring forth issues and the City is not Morgan, Weber, and Pepper – the City is the citizens and the government entity. She also discussed the budget and comments made by Councilmember Morgan regarding why she voted against passing the budget.

Jason Seth, Black Diamond continued to read into the record his written comments which were attached and incorporated into the minutes.

Erwin Pace, Kent wondered how he could get a copy of tonight's audio. City Clerk Martinez informed him the audio is usually posted the following day to the website.

ADJOURNMENT:

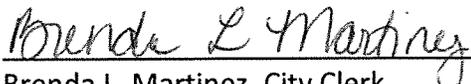
A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Pepper to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

Meeting ended at 8:11:32 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk

Jason Seth

Talking points for 3/2 Council meeting.

Thank you Madame Mayor and Councilmembers for the opportunity to speak tonight. My name is Jason Seth and I reside in Black Diamond. I am curious why I never receive a response when I address the council? I have sent at least three maybe four emails to the Council. One was specifically addressed to the Budget/Finance/Administration Chair. No response. I've been told by community members (on Facebook of all places) that this new regime is all about public input and public involvement and providing opportunities for the public to share their thoughts and ideas with Council. But is that really happening? None of my inquiries, ideas, musings, thoughts or complaints have been acknowledged let alone addressed. Nothing, nada, zip, zilch.

So let's talk about meetings. Each of your new Council meetings have public comment periods listed on their agendas. That's a good thing. Constantly changing the dates, times and agendas of meetings? That's a bad thing. My first thought was to give you the benefit of the doubt. The Chairs of these committees are mostly new and maybe they just don't know what they are doing. Maybe they don't understand that "standing" committee means they should be conducted at regular, frequent, intervals at the same time and place. That they "stand" on the calendar. Like every other Monday at 6:30 p.m. Ad infinitum. So I was pleased when I attended a recent Budget/Finance/Administration meeting to learn that those meetings are now scheduled for every Monday prior to the Thursday council meeting. I understand that things happen and sometimes meetings are canceled but the meetings should be conducted fairly regularly. Do you want to know why they should be conducted regularly? Because not everyone in the community has access to the internet, or on the rare occasion like today, the City's internet might be down. So when you constantly and continually change the date and times of meetings you are actually doing a disservice to the community who would otherwise have shown up at the scheduled time.

And then let's talk about the meeting agendas. Who sets the agendas? I really don't understand the purpose of holding a meeting to discuss something that the administration has not asked you to approve or adopt or even brief you on. What is the purpose of meeting with an agenda simply stating "Public discussion about the items under this committee's purview?" As I mentioned in one of my emails, your duty is to conduct City business not Councilmember business. When and where do you decide on the agenda items? Some are referred in, but other items just magically appear? Do the three of you discuss what items to put on the agenda at some unknown, unnoticed, unpublished meeting? Do you email each other about it? I wouldn't think so since serial meetings are illegal under RCW 42.30.

Which leads me to tonight's council meeting. The meeting was originally scheduled for tomorrow night. Your Council rules allow three of you to call in and cancel the meeting. How does this procedure work? How do three of you know to call in? Do you call each other and discuss canceling the meeting? Do you email each other? What is the mechanism that alerts three of you to call Brenda and cancel a meeting? How does that work? And then I noticed the agenda for this meeting is actually different than the one that was set for tomorrow night? Who decided to change the agenda? Did the Mayor change it? I can understand if the Mayor changed it because the agenda belongs to the Administration up until the Council meeting begins. Black Diamond is an optional municipal code city with a strong mayor form of government. That means that the Mayor is the CEO. The City is a business and the Mayor is the Executive Officer. You all should know this. Policymakers do not have the authority to create an agenda. So I hope that is not what happened.

Moving on, I know Black Diamond has had Town Hall meetings in the past. In my opinion that is a great forum to discuss items that the administration has not brought to your attention. Another way for citizens to bring items to your attention is through the audience comment period of council meetings. Like I'm doing tonight. You are one of the rare cities to allow citizens two bites of the apple. Two comment periods in one meeting is not common.

And here on some thoughts about the last council meeting:

You may (or may not) be wondering why I care so much about the actions of this board. 1) I actually live here in Black Diamond. Although I understand the importance of outside voices, I want to make it clear that this body has the responsibility of representing those of us who actually live within Black Diamond's boundaries. It should be crystal clear that my opinion as an actual resident should have more weight than someone who either doesn't live here or who used to live here. If you do not think that's true than you should resign. Because whether or not I personally voted for any of you is not relevant. What is relevant is you are now my elected representatives. So you need to represent me. Someone you're your responsibility is to only represent those who hold a majority opinion. That is nonsense. You represent all of us equally. Those who agree with you AND those who don't.

I've been told that because I'm new I don't really understand what's going on. I would counter that, by saying I don't need to know every detail to recognize when Council is not conducting City business. I've only attended two other Council meetings and I can clearly recognize that Council has an agenda that is separate from that of the City, and in my opinion, a lot of residents. Council meetings are meant to be a place to do City business. The fact that you allow citizen comment at the meeting at all is a privilege (which I'm currently enjoying) but is not technically required. The reason it's not required is because citizens who have valid concerns and issues have other ways to communicate with you. I personally have sent all of you information from MRSC regarding Council meetings, Council authority, Mayor authority, and forms of government. I've spoken to a few of you on separate occasions. The point being that Council meetings are not necessarily the best forum to provide you with information. And as noted above, I was not acknowledged in any way.

Moving on. I have been "accused" of being new in town. I use the word accused because people think it's a bad thing. Let me tell you why I think being new in town is a good thing. 1) I don't carry a grudge, 2) I don't care who used to be on what "grassroots" group or not. 3) I don't kick dead horses around like it's a badge of honor. And 4) I simply want to see my government providing me with the appropriate services my neighbors and I deserve. I'm new because I moved here to get away from the things that were not right where I was at. My home in unincorporated King County was burglarized and it took the Sherriff's office over four hours to show up. I moved to Black Diamond because its police department has a reputation of providing excellent service. How could it not? There are 4,100 of us and eight or nine of them. I like that. I moved to Black Diamond because I want my kids to grow up in a place where it is okay to run around outside. I moved to Black Diamond because I wanted to live in a place where neighbors talked to each other and built relationships that last a life time. I moved to Black Diamond for that small town appeal that Ms. Morgan asked us to help define at a previous meeting. Lastly, I moved to Black Diamond, not away from it. I live here and need you to understand that my concerns have as much or more validity then someone who no longer lives here. Thank you.

-Jason Seth

3-2-13

I know all who are here tonight want to do their best for our city. There are differences of opinion that are keeping us apart. The big one seems to be the fact that a major housing development will bring about major changes. How can we address this together?

Several years ago areas of Black Diamond were placed within what is called an urban growth area. The purpose of this was to keep development from spreading to the east and to use infrastructure that is more readily available. Following that, property within the city was purchased by developers, the current one being Yarrow Bay and now an additional one called Crown. Over several years many city council meetings were held to determine rules and regulations as to how the newly annexed property would be developed. Discussion about this has been going on for a long time.

A group was formed to oppose the large development. This has led to polarization within the community and on the council. The developer has legally purchased lands within city limits and has worked with at least three councils to determine how to proceed. The question arises as to whether or not the developer can proceed. If the developer owns the land, has the proper permits, has followed all city rules and regulations, can the city say that the developer cannot go ahead? This is the question the current council must answer.

So---where do we go from here? Are we at impasse? We need to know what the plan is going forward. Is the city going to tell the developers they cannot develop their property? If so, what is the legal basis for this? To me that is the question. I believe the council must answer one way or the other.

George McPherson

What your council does -

From
Janice Deady

Why was Thursday meeting canceled?

Council member Pepper you sent out the email to all of council requesting the Thursday meeting to be canceled - ("Read papers")

All council members should know that a council member can make a motion to move an agenda item to a committee or just remove it for another day to be determined.

If you want to add a item onto the agenda two council members can request that be added to the agenda for discussion.

Residents that attend council meetings plan on them being the 1st & 2nd Thursday of the month. I also plan my weeks around council meetings so when the 3 of you cancel a meeting for no reason and schedule it for the day before it affects all of us trying to balance our daily life around our schedules. This is not

Chargeable in
code - taking
2.9 chapter
to \$15000.00

Good Governing, Communication is poor. Being open & transparent is lacking with the 3 council members - Morgan, Pepper, & Weber.

The agenda is not controlled by the council it is controlled by council member/president Pat Pepper. If this ~~was~~ truly was a council controlling the agenda then at each council meeting we would discuss what will be on the next agenda and what will move to committees.

per ecw

The mayor has the ability to add items onto the agenda. Then discuss them with council as the whole - Council then 1. makes a motion 2-adopt 2. makes motion to move it to a committee - 3. Does nothing

Deadly
mt

no reason given on why to cancel
the thursday meeting - But council
member Pepper, Morgan, Weber cancel

Then schedule a meeting for wednesday
and again Pepper Morgan & Weber
agree -

From my window it looks like the
3 of you are getting together and
discussing city business.

Pat Pepper also sent out an email
to cancel the workstudies that are scheduled
again the three council members.

*Deady
cont. 2/29/16*

Brenda Martinez

From: Tamie Deady
Sent: Monday, February 29, 2016 8:45 AM
To: Brian Weber; Carol Benson; Brenda Martinez
Subject: March 3rd meeting

Good morning,

I would first like to state that I am not in support of cancelling a meeting just because!

1. I need a reason to support such a request. To send a email out asking to cancel with no reason seems crazy to me.
2. If one does not like what is on the agenda then a councilmember can make a motion to remove the item or items off of the agenda or just not vote on it.
3. Citizens have always known that council meetings are on the 1st and third Thursday of the month.
4. the Council agenda went out on Friday to all citizens via notice on the website or through email.
5. Canceling a regular council meeting and then scheduling one for the day before makes no sense!

If this meeting is cancelled I will bring this up at the next meeting.

Tamie Deady
Council member Position 1

Brenda Martinez

Response Today

2 Deady cont

From: Tamie Deady
Sent: Wednesday, March 02, 2016 4:28 PM
To: Brenda Martinez
Subject: FW: Regarding Meeting Cancellation this week

My printer is down. Could you print this for me please.

Thank you.
Tamie

canceling thursday-

From: Pat Pepper
Sent: Wednesday, March 02, 2016 2:51 PM
To: Tamie Deady
Subject: Regarding Meeting Cancellation this week

Hello Tamie,

I have heard a few questions from members of the community, and I realized it is important to know, and I want to share this info with you.

Regarding the cancellation of the Regular March 3 meeting: unfortunately, two city rules were broken by the Mayor's administration during the preparation for the Council's March 3 meeting.

It is the Council's meeting. The Council's process to have a Councilmember introduce any resolution was not followed. I offered to introduce any resolution from the Mayor or staff. I also saw Councilmember Edelman's on one of the agenda drafts next to the Recycling resolution, so I asked if the Clerk if Janie was the Council sponsor. Instead, the mayor insisted that staff's name be listed to introduce the item. So, I explained that Council items need a Council sponsor and offered to put my name on it. There was a simple, reasonable way available to the Mayor to follow the process. Through this process, the mayor is able to get any item that needs a Council decision onto the Council agenda.

Secondly, the agenda is subject to Council President approval and I let the mayor and clerk know that I did not approve it. I suggested the changes after which I would approve. This is the Council's meeting, and the Council controlling the agenda is reasonable. I anticipate that some might ask why the Council doesn't just make changes when the meeting starts. They can. But in general this is inefficient and poor public notice.

When the Mayor ignored the rules, and ordered the clerk to issue the Mayor's version of the Council agenda, I had no choice but to call for a meeting cancellation. I am very interested in getting the city's work done, so I called for a special meeting on a different day. At the time, I felt it necessary to be brief and not give the Mayor or attorney a reason to argue with the meeting cancellation or call. The last time they argued, a special meeting called for by the Council was not noticed. That instance was in direct violation of state law, which says a majority of the Council can call a meeting.

Pat Pepper

Brenda Martinez

Cancel meeting

*Deady
council*

From: Pat Pepper
Sent: Friday, February 26, 2016 4:58 PM
Cc: Carol Benson; Brenda Martinez
Subject: Cancellation request for Council meeting March 3

Hello Councilmembers,
I request that we cancel the Thursday March 3 Council meeting. Please send a message to the City Clerk, not to me, if you agree to cancel the meeting.

Thank you,
Councilmember Pepper

Ready
and

Brenda Martinez

From: Pat Pepper
Sent: Friday, February 26, 2016 5:00 PM
Cc: Carol Benson; Brenda Martinez
Subject: Request for Special Council Meeting Wed March 2

Hello Councilmembers,
(Blind copy to all council members)
This is a request for a Special Council meeting on Wednesday, March 2, 2016 at 7:00 PM.
Business to be transacted:

**UNFINISHED
BUSINESS:**

- 1) Res No. 16-1076 – Confirming Mayor’s Appointment to Planning Commission Position #1
Councilmember
Pepper

- 2) Res No. 16-1077 – Confirming Mayor’s Appointment to Planning Commission Position #2
Councilmember
Pepper

- 3) Res No. 16-1078 – Confirming Mayor’s Appointment to Planning Commission Position #5
Councilmember
Pepper

If you concur, please reply to the City Clerk, Brenda Martinez (do not 'reply all' or to me).

Thank you,
Councilmember Pepper

no-recycling event
no-consent agenda
no-public comment
no executive session
these were added after the attorney
sent an email out stating these were
left off the agenda.

Deadly
cont

Brenda Martinez

From: Pat Pepper
Sent: Thursday, February 25, 2016 9:15 AM
To: Brenda Martinez
Cc: Carol Benson
Subject: Meeting Cancellations: Work Studies

Hello Brenda and City Council,
[Blind copy to entire Council to prevent accidental Reply All]

Black Diamond's updated Standing Committee process provides many evening meetings every month where the public can discuss city topics and issues in-depth with Councilmembers. The Standing Committees also provide a place for the City Council to do detailed work - with public notice and providing the public an opportunity to listen - on all resolutions or ordinances being considered by the Council. Committees can pass items from one committee to another if there is a need for in-depth work across subject areas.

Workstudies in the past did not allow public interaction with the subject. The public could only listen. The updated Standing Committees allow public comment and discussion on every agenda topic.

When the full Council needs to discuss a topic, the Regular City Council meetings exist for that opportunity. These regular meetings occur twice a month, and the Council has ample time to work on items as needed during these meetings.

The updated Standing Committee meetings were created to meet the Public's demands for transparent and open government. They also meet the city's needs in an effective way. They should be used in lieu of the old system of Work studies.

Therefore, I request that the following meetings be cancelled.

March 10, 2016 - 6PM Work Study
April 14, 2016 - 6PM Work Study
May 12, 2016 - 6PM Work Study
June 9, 2016 - 6PM Work Study
July 14, 2016 - 6PM Work Study

Please do not reply to me, send a message to the City Clerk if you agree to the cancellations.

Thank you,
Councilmember Pat Pepper

Deady
amt

Brenda Martinez

From: Tamie Deady
Sent: Monday, February 29, 2016 8:26 AM
To: Pat Pepper
Cc: Carol Benson; Brenda Martinez
Subject: RE: Concurrency Ordinance Proposed Changes

I disagree.

A work study would be best.

Tamie

From: Pat Pepper
Sent: Sunday, February 28, 2016 10:01 PM
To: Tamie Deady
Subject: RE: Concurrency Ordinance Proposed Changes

Hello Tamie,

Thank you for your message. The Council Standing Committees provide a way for three Council Committee members to work each and every resolution or ordinance in detail. As you know, Committees are a common way to divide up work and allow people to focus in detail on certain subject areas. Please come to the Committee meetings and try it.

The staff is, of course, welcome to come to the Committee meetings, and should come if their information is needed, just as they would come to a workstudy.

If, after seeing the documentation from committees, looking at their minutes and listening to the committee meeting recordings, the other Council members want to discuss further, this can and would happen at a regular Council meeting.

Pat

From: Tamie Deady
Sent: Friday, February 26, 2016 1:14 PM
To: Pat Pepper
Cc: Carol Benson
Subject: RE: Concurrency Ordinance Proposed Changes

Pat,

Why would there not be a work study to go over these recommended changes by You?

That way all councilmembers are in attendance and we would have staff, Mayor and Attorney (if the Mayor deems appropriate) in attendance.

Then you and Brian can explain the reason behind all these changes to the entire council, staff & Mayor.

Seems to me this makes more sense.

*Deady
cont*

Tamie Deady

From: Pat Pepper
Sent: Friday, February 26, 2016 11:21 AM
To: Carol Benson
Subject: Concurrency Ordinance Proposed Changes

Hello Mayor Benson,
(Blind copy to Councilmembers Weber and Deady.)

The Growth Management, Land Use, & CS Committee is looking at the city's Concurrency ordinance. Attached is a red-lined draft of proposed changes to the ordinance.

Please provide staff review of the proposed changes, including possible impacts of each change, and any proposed wording updates the staff might recommend.

The appropriate staff is also requested to attend our next Committee meeting to present and discuss any comments in detail.

Thank you,
Councilmember Pepper

Janie Edelman

Brenda Martinez

From: Janie Edelman
Sent: Thursday, March 03, 2016 4:17 PM
To: Brenda Martinez
Subject: March 2, 2016 Council meeting

Good afternoon,

I tried to attach this file, but had some difficulty obtaining the file to attach. These are my notes, but I said more during the meeting. So here goes.

March 2, 2016 Black Diamond City Council Meeting

Janie Edelman questions for Pat Pepper, Brian Weber and Erika Morgan

1. To whom are you three transparent? Certainly not to your fellow council members or the citizens of Black Diamond.
2. I've been accused of being a bully—what do you call what you are doing?
3. The Save Black Diamond letters to the editor from your members who mostly live in unincorporated King County are totally disingenuous. They are full of lies. I'm hearing from our voting public, some of whom voted for you. Your 70% vote means nothing—I got 98% from the same people who voted for you.
4. You are obviously don't have any understanding of the city's finance system or how the budget works. Yet none of you have met with the finance director.
5. You all have failed the city and is residents in overstepping your state granted authority. We pass legislation. It is the mayor's job to administer the functions of the city. We do not have a council-manager form of government.
6. How many more lawsuits are going to be filed because of your illegal actions?

7. You never are quite prepared, i.e., new council rules that you said still needed work but passed anyway and this new resolution that is not completed in time to be in the packet and now has been pulled.

8. Scheduling meetings regardless of availability of fellow councilmembers, mayor, city attorney and staff.

9. Why was the resolution for the recycle event pulled from the agenda? Another no brainer.

Janie Edelman

Black Diamond City Council

Position #3

360-886-7166

Additional resources:

Robert's Rules of Order

The Standard Code of
Parliamentary Procedures

Alice Stargis

become a certified parliamentarian to effectively use the basic rules of procedure. Observing parliamentary procedure makes council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies. (See Appendix 9 for a quick summary of parliamentary procedure.)

Motions

Business is brought before the council by motions, a formal procedure for taking actions. To make a motion, a member must first be recognized by the presiding officer. After the member makes a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are some exceptions: nominations, points of order, questions of privilege, and calls for the order of the day.

Voting and vetoes

The mayor's ability to vote on and veto motions varies, according to the city's classification and form of government. (See Appendix 2, Voting and Vetoes.)

Whose meeting is it anyway?

In general, mayors should remember that the council meeting is just that - it's the council's meeting, not the mayor's meeting. The council sets its own rules and has ultimate control over the agenda. The mayor's role is to chair the meeting.

The mayor must balance being strong enough with being democratic enough to involve all members in the meeting. To be effective, he or she needs the support of the councilmembers. Trust is built by evenhandedness and fairness to all participants. Trust also requires that the chairperson not use the powers of the chair unfairly to win a point or argument.

In addition to maintaining order and decorum at council meetings, the mayor must see to it that all motions are properly dealt with as they arise.

The mayor's refusal to allow a motion to be considered is subject to appeal, as are all of the mayor's decisions regarding procedures.

A simple majority vote is all that is required to overrule the mayor's decision on procedural issues, including adjournment. If the decision of the chair is sustained, no further action is taken; but if the decision of the chair is overruled by the council, the council goes forward with the discussion of the motion or other matter before it.

The mayor as meeting participant

The mayor chairs all council meetings and, in some circumstances, is allowed to vote. He or she may also wish to join the council in its discussions and deliberations. When the mayor chooses to participate, he or she has two competing goals - as moderator, to make sure that the group achieves its goal and, as an elected official, to both participate in the debate and

Who determines the agenda content?

Although the council has ultimate control over the agenda, typically it's left to the mayor, city manager, or clerk to draw up the agenda, based upon council input. Some cities assign this task to an agenda committee or to one councilmember who assists the mayor or manager. The council can change its order of business or a councilmember can propose an additional new item of business.

Council rules of procedure

It is up to every council to establish rules for the conduct of their meetings. Some councils adopt standard rules, such as Robert's Rules of Order or some other parliamentary procedure; others develop their own customized bylaws which govern how council meetings proceed. Local rules are valid as long as they don't infringe on constitutional rights or conflict with state law. (See Appendix 2 for Sample Council Procedures.)

Parliamentary procedure

Parliamentary procedure is the set of rules or customs that regulate the procedure of deliberative assemblies. There is no need to be intimidated - a councilmember need not become a certified Parliamentarian to effectively use the basic rules of procedure. Observing parliamentary procedure makes council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies. A city may adopt, by ordinance or resolution, a set of procedural rules or may employ standardized rules such as Robert's Rules of Order. (See Appendix 6 for a summary of parliamentary procedure.)

Streamlining council meetings

Even the best planned council meetings can deteriorate into endurance contests. These are not always the most productive meetings - exhausted people don't always make the best decisions. Here are some tips on things you can do to "shorten meetings."

Regulating talk

Too much talking is the most common cause of lengthy meetings. If citizens addressing the council ramble, the mayor might tell them to confine their remarks to the subject at hand and conclude as quickly as possible. Many council procedures limit public comment to 3-5 minutes, and limit the number of speakers on any one topic. Another idea is to include an approximate starting time by each major agenda item. This information also is useful to citizens attending the meeting.

If the problem is created by a talkative councilmember, a simple statement to the effect that "it's getting late and we must move along" usually will work, though a private conversation later on may be needed to handle chronic talkers.

Pepper

3-3-16 to Linda

I have always believed that rules should be clear, fair, and followed.

The Council has the authority to adopt its own rules of procedure.

The Council has the authority to set its own Agenda. When the Mayor refused to accept this fact, the Council had no real choice but to cancel the meeting and call for a special meeting of the Council.

A special meeting has a specific agenda that is approved by the signatures of three Councilmembers and cannot be changed by the Mayor. It was awkward and confusing to the public, but that problem was created when the Mayor asserted an imaginary authority to put anything on the Agenda that she wanted.

Not wanting to delay important city business, we set the date of the Council meeting for the day before.

We must get past this pettiness. The Rules are clear, they are fair, they are consistent with the law, they are similar to many other local governments....and they should be followed.

What is especially disturbing to me is that our City Attorney went along with this and even supported it.

Let me quote you from a memorandum from the highly respected Municipal Research Services Center:

Does the mayor have the authority to control which items are placed on the agenda for a council meeting?

Reviewed: January 2014

The city council's authority under RCW 35A.12.120 includes the authority to control the agenda for council meetings. The mayor is the presiding officer at council meetings but does not have the authority to control the agenda contrary to the council's wishes. If a majority of the council votes to place an item on the agenda for discussion, then the item must be placed on the agenda for discussion. The mayor does not have the authority to refuse to place on the agenda items the council wishes to discuss.

The procedures for the conduct of council meetings are largely policy decisions within the discretion of the city council as long as they comply with state law. Cities often have specific procedures for placing items on the council agenda. This type of policy is within the control of the council to establish and there are many variations in procedure that are acceptable.