

**CITY OF BLACK DIAMOND**  
**January 4, 2018 Special Meeting Agenda**  
25510 Lawson Street, Black Diamond, Washington

**6:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

- 1) EXECUTIVE SESSION:** – To discuss with Legal Counsel Pending and Potential Litigation Pursuant to RCW 42.30.110(1)(i)
- 2) ADJOURNMENT**

**BLACK DIAMOND CITY COUNCIL SPECIAL MINUTES**  
**January 4, 2018**  
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the special meeting to order at 6:00 p.m. and led us all in the Flag Salute.

**ROLL CALL:**

**PRESENT:** Councilmembers Deady, Oglesbee, Edelman, Stout and Pepper.

**ABSENT:**

Staff present were: Jamey Kiblinger, Police Chief; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

Mayor Benson announced she would be calling on Attorney Linehan to discuss what the executive session is about and to ask a couple of questions.

City Attorney Linehan asked Mayor Benson if she planned on participating in the entire executive session. Mayor Benson replied that she would be recusing herself on the item that relates to her personally.

He then proceeded to ask Councilmember Pepper if she planned to participate in the executive session. Councilmember Pepper replied yes. He commented that there are few items that are perfectly appropriate for Councilmember Pepper to participate in and there are a few items where she is potentially an adverse party to the City that will be discussed and feels it would be appropriate on those items for Councilmember Pepper to step out while those items are being discussed. He stated he is trying to see if she plans on participating for the whole session or would be recusing herself from those items that relate personally to her. Councilmember Pepper replied she had planned to stay for the whole session as the items are on the agenda and she was not familiar with what Mr. Linehan was saying.

Mr. Linehan explained to Councilmember Pepper the executive session tonight is to discuss potential litigation and there are a number of items where she may be adverse to the City or have adverse interest to the City. He noted in fact there are a few where she has her own personal attorney representing her and it would not be appropriate for him to even discuss those things with her because she is represented by another attorney and he would need to get the other attorney's permission first to even have that discussion with her. He further discussed the difficulty with her being present during the discussion of

certain items and noted he would address it when they came to those topics and believes there are things she should step out for. Councilmember Pepper stated she is not aware of that and appreciates his comments.

**EXECUTIVE SESSION:**

At 6:03 p.m. Mayor Benson announced that Council would be going into executive session to discuss with Legal Counsel pending and potential litigation pursuant to RCW 42.30.110(1)(i). The executive session was anticipated to last an hour with no final action to follow.

At 6:58 p.m. a fifteen-minute extension was announced.


At 7:15 p.m. Mayor Benson called the meeting back to order.

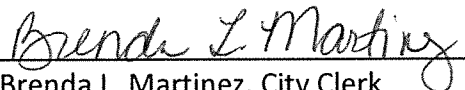
**ADJOURNMENT:**

Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

The meeting ended at 7:15: 22 p.m.

ATTEST:

  
\_\_\_\_\_  
Carol Benson, Mayor

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