

**RESOLUTION NO. 17- 1146**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF BLACK DIAMOND, KING COUNTY, WASHINGTON  
AMENDING THE CITY COUNCIL'S RULES OF  
PROCEDURE**

1. **WHEREAS**, on January 7, 2016, Councilmember Morgan shared with the Council her intention to bring forth a future Resolution revising the Council Rules of Procedure; and
2. **WHEREAS**, the Council on January 8<sup>th</sup>, 2016 requested a Special Meeting for January 19<sup>th</sup> with the Council Rules of Procedure as an agenda item; and
3. **WHEREAS**, the Mayor refused to issue public notice of the properly requested January 19<sup>th</sup> meeting causing the complete draft of the proposed Council Rules to be added instead to the January 21<sup>st</sup> Regular Meeting agenda, which was shared with the public and Council via the meeting packet multiple days before the January 21<sup>st</sup> meeting; and

4. **WHEREAS**, prior to the January 21<sup>st</sup> Regular Meeting, Councilmembers Pepper and Morgan held a public meeting which was shared to hundreds of people in the public via email and well-attended by many members of the public; and

**WHEREAS**, the Council voted on January 21<sup>st</sup>, 2016 to approve new Council Rules of Procedure; and

**WHEREAS**, the Council was wrongfully accused by Attorney Yvonne Ward of Open Public Meetings Act violations despite her presenting no actual evidence; and

**WHEREAS**, the Council held a Special Meeting and Council Committee meeting on February 11, 2016 in which the Council Rules passed January 21<sup>st</sup>, 2016 were discussed in detail and the recording of this meeting is available on the city website; and

**WHEREAS**, the Council discussed the Council Rules changes that were part of the January 21<sup>st</sup>, 2016 Resolution at various other public meetings; and

**WHEREAS**, the Council passed a resolution on April 21<sup>st</sup>, 2016 to contract with the legal firm of Talmadge, Fitzpatrick, and Tribe to review the Council Rules of Procedure and the results of this legal review did not result in any of the rule changes being advised as illegal; and

**WHEREAS**, the Council made some clarifications and changes to the rules based on the Talmadge, Fitzpatrick, and Tribe recommendations and passed a resolution

adopting revised Council Rules of Procedure at a Regular Council Meeting on July 7, 2016; and

**WHEREAS**, at the Mayor's request, the Council was provided with several detailed documents that described the various changes to the Council Rules of Procedure in Council Work Sessions on July 14, 2016 and on August 11, 2016; and

**WHEREAS**, on December 22, 2016 the Council passed a Resolution adopting updated Council Rules of Procedure; and

**WHEREAS**, the Council's Rules of Procedure have been adopted in accordance with Council Rule 7.2.19 and all other applicable requirements. Further, the Council's Rules of Procedure have undergone extensive public review, discussion and deliberation.

**WHEREAS**, objections as to the legality of the Council's Rules of Procedure by the Mayor or other parties are unsubstantiated and without merit.

**WHEREAS**, the Mayor failed to follow the Council Rules of Procedure regarding Agendas, Committee Assignments, and certain other provisions at the January 5, 2017 meeting and at every other meeting in 2016; and

**WHEREAS**, in the absence of a contrary ruling by a court of competent jurisdiction, the Mayor has a duty to perform her ministerial duties as Presiding Officer in accordance with the Council's Rules of Procedure despite any objections that the Mayor may have to those Rules of Procedure; and

**WHEREAS**, the Mayor has continued to violate the Council's Rules of Procedure and as recently as January 9, 2017, emailed the Council stating her intention to disregard those rules and appoint Council Standing Committees in accordance with 2015 Council Rules of Procedure that are no longer in effect; and

**WHEREAS**, the Mayor refuses to allow the Council Standing Committees to meet in the City Council Chambers or in any other city owned facilities, and has ordered the City Clerk to refuse to notice Special Council Meetings and Council Standing Committee Meetings when requested by a majority of Councilmembers;

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

**Section 1.** The Black Diamond City Council's Rules of Procedure are hereby amended per the attached Exhibit "A".

**Section 2.** The City Council advises the Mayor that she has a ministerial duty to perform her role as Presiding Officer of the Council Meetings in full accordance with the Council's currently adopted Rules of Procedure.

**Section 3.** The Mayor is advised that she has a ministerial duty to notice all Council Meetings and Agendas in accordance with the Council's currently adopted Rules of Procedure.

**Section 4.** The City Council advises the Mayor that she has a ministerial duty to perform other duties as required by city code and state law including but not limited to providing accurate and timely reports to the Council, implementing Council approved contracts, ordinances, and policies, compliance with Council adopted budgets, and providing access by the Council to city facilities for the conduct of Council business.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THE 2nd DAY OF  
FEBRUARY, 2017.**

**CITY OF BLACK DIAMOND**

INVALID

**Carol Benson, Mayor**

**Attest:**

Rule 3.14 - Restricts Mayor's authority to present items. Violates RCW 35A.12.000  
Rule 3.15 - limits Council members right to speak on any topic.

**City Clerk**

Rule 8.5.2 - Requires a vote of 4 members to disqualify another member. No authority in state or local code.

Rule 8.6 - this change invalid. No Council rule may impose OPMA requirements on actions of the Mayor as she is not a member of the "governing body".

Once again, crafted outside an open public meeting.

Note: 4th whereas - when and where was this open public meeting held? & shared to hundreds of people in the public...?