

Rachel Pitzel

From: Brenda Martinez
Sent: Monday, July 11, 2011 11:23 AM
To: Rachel Pitzel
Subject: FW: Expert witnesses - (same email just sent to Steve Pilcher)

From: Phil Olbrechts [mailto:olbrechtslaw@gmail.com]
Sent: Monday, July 11, 2011 9:34 AM
To: Brenda Martinez
Cc: Stacey Borland; Steve Pilcher; Andy Williamson
Subject: Expert witnesses - (same email just sent to Steve Pilcher)

Please post this email.

The following witnesses submitted by Save Our Black Diamond qualify as expert witnesses: Llyn Doremus, Sarah Cook and Chris Breeds. Anyone wishing to present rebuttal testimony should provide dates of availability for their witnesses for the week of July 18 and the other information as outlined on Page 5 of Pre-Hearing Order II. Scheduling a rebuttal expert on the same date as the witness rebutted is preferred.

Please advise King County that it has not provided curriculum vitae as required by the prehearing order. King County has until 5:00 pm tomorrow to provide that information. The curriculum vitae can simply be a couple sentences describing the witnesses' education and experience. Anyone who would like to submit rebuttal testimony to the witnesses proposed by King County should consider it likely that the Examiner will find them qualified to testify as experts. The deadline for submitting rebuttal expert witness information will remain July 13, 2011 as outlined on page 5 of Pre-Hearing Order II.

The use of expert witnesses to rebut non-expert testimony was not addressed in the prehearing order. From a scheduling standpoint it would be easiest to incorporate this testimony into the record in writing as part of the two week written comment period that extends beyond the close of verbal testimony. Persons who wish to comment on this issue should do so by email to Mr. Pilcher, SPilcher@ci.blackdiamond.wa.us, by 5:00 pm tomorrow (July 12, 2011). The Examiner will rule on the issue at the beginning of the hearing tomorrow (July 12, 2011).

From: Phil Olbrechts [mailto:olbrechtslaw@gmail.com]
Sent: Wednesday, July 06, 2011 2:21 PM
To: 'Brenda Martinez' (BMartinez@ci.blackdiamond.wa.us)
Cc: 'Stacey Borland'; 'Steve Pilcher'; Andy Williamson (AWilliamson@ci.blackdiamond.wa.us)
Subject: FW: Pre-Hearing Order II pdf

Got a message that this didn't get through. Hopefully it will this time.

From: Phil Olbrechts [mailto:olbrechtslaw@gmail.com]
Sent: Wednesday, July 06, 2011 10:14 AM
To: 'Stacey Borland'
Cc: 'Brenda Martinez'; 'Steve Pilcher'; 'Andy Williamson'
Subject: RE: Pre-Hearing Order II pdf

Attached.

From: Phil Olbrechts [<mailto:olbrechtslaw@gmail.com>]
Sent: Wednesday, July 06, 2011 9:24 AM
To: 'Stacey Borland'
Cc: 'Brenda Martinez'; 'Steve Pilcher'; 'Andy Williamson'
Subject: RE: Pre-Hearing Order PDF, ready for posting

Attached is the mark up for the Prehearing Order II as well as the procedural rules. Please post both. I will be sending over a final draft signed Prehearing Order II as well. As I noted in the Order, Pre-Hearing Order II is merged with Pre-Hearing Order I for ease of reference. The mark up identifies the changes made to Pre-Hearing Order I to make Pre-Hearing Order II.

From: Phil Olbrechts [<mailto:olbrechtslaw@gmail.com>]
Sent: Thursday, June 30, 2011 3:52 PM
To: 'Stacey Borland'
Cc: 'Brenda Martinez'; 'Steve Pilcher'; 'Andy Williamson'
Subject: Pre-Hearing Order PDF, ready for posting

Attached.

From: Stacey Borland [<mailto:SBorland@ci.blackdiamond.wa.us>]
Sent: Thursday, June 30, 2011 1:50 PM
To: Phil Olbrechts
Cc: Brenda Martinez; Steve Pilcher; Andy Williamson
Subject: RE: Pre-hearing motion

We have to be out of the school by 10:00 during the week nights. Is it acceptable if we have the last speaker sign-up at 9:20pm, then schedule Hearing Examiner nightly closing comments at 9:30? This would then give everyone 15-20 minutes to vacate the building so we are all out by 10:00pm.

From: Phil Olbrechts [<mailto:olbrechtslaw@gmail.com>]
Sent: Thursday, June 30, 2011 1:31 PM
To: Stacey Borland
Cc: Brenda Martinez; Steve Pilcher; Andy Williamson
Subject: RE: Pre-hearing motion

Great, we'll need six slots per hour starting the second night of hearing (i.e. 7/12, 7/13, 7/14) from 6:00 pm to 10:00 pm. The slots should identify the time, e.g. 6:10, 6:20, 6:30 etc. The first slot at 6:00 pm should be reserved for "Examiner Comments". We'll also need six slots per hour starting at 9:00 am on 7/16 from 9-12 and 1-3 pm. The sheets (or notice accompanying the sheets) should state as follows:

"Persons who wish to testify may reserve a ten minute slot in advance by reserving a time on the posted sign-up sheets. Each person shall be allowed up to ten minutes to speak. Persons may cede their entire ten minute allocation to another speaker, provided they are present at hearing to cede their time. Persons who have a disability that prevents them from being present at the hearing need not be present to cede their time. The recipients of any ceded time may schedule their additional time on the sign-up sheets, i.e. "John Smith, using ceded time". The maximum time that any speaker may testify during the public comment portion of the hearings is one hour total. The grantor of the ceded time need not be identified on the sign-up sheets, but will have to be identified at the hearing. Any unused time during the hearing will be available to others present at the hearing who have not already spoken or ceded their time"

From: Stacey Borland [<mailto:SBorland@ci.blackdiamond.wa.us>]
Sent: Thursday, June 30, 2011 1:07 PM
To: Phil Olbrechts

Cc: Brenda Martinez; Steve Pilcher; Andy Williamson

Subject: Pre-hearing motion

We could post sign-up sheets at our Community Development building tomorrow morning. They would be available for people to sign up during business hours 8:30-5:00 Monday-Friday excluding the holiday and furlough day (July 4 & 5). Unfortunately, the City does not have a secure area to post the sheets for after hour sign ups. We suggest having the sign-up sheets available each night of the hearing for those people who couldn't make it in prior to the start. Please provide us with specifics for the sign-up sheets (i.e. do you want just a list of names or something more specific). Please send your correspondence to these addresses (we've requested that the public do so as well):

spilcher@ci.blackdiamond.wa.us

sborland@ci.blackdiamond.wa.us

awilliamson@ci.blackdiamond.wa.us

bmartinez@ci.blackdiamond.wa.us

Thank you

From: Phil Olbrechts [<mailto:olbrechtslaw@gmail.com>]

Sent: Thursday, June 30, 2011 11:38 AM

To: Stacey Borland

Subject: RE: Omitted pre-hearing motion

Thanks. I'm going to have sign up procedure outlined in the order for public testimony. How soon can you post sign-up sheets and how would you like to make them available to the public? I was thinking you could post them at City Hall or outside Council chambers. Whatever is most accessible and (preferably) available after hours.