

RESOLUTION NO. 16-1140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, CREATING A LEGAL SERVICES STEERING COMMITTEE TO ACT AS THE DULY AUTHORIZED CONSTITUENTS TO INTERACT WITH AND PROVIDE DIRECTION TO DEFENSE COUNSEL ON BEHALF OF THE BLACK DIAMOND CITY COUNCIL AND GIVING THAT COMMITTEE CERTAIN POWERS.

WHEREAS, CCD Black Diamond Partners LLC, recently filed a Complaint for Violations of the Open Public Meetings Act under King County Superior Court cause number 16-2-29091-4 (“the Lawsuit”); and

WHEREAS, the Lawsuit names as defendants the City of Black Diamond, the Black Diamond City Council, along with Councilmembers Erika Morgan, Pat Pepper, and Brian Weber, who are individually named (collectively “the Defendants”); and

WHEREAS, the city council and the mayor have various ongoing legal disputes about city governance that will need to be resolved as part of this Lawsuit; and

WHEREAS, in light of those disputes, it would not be appropriate for the mayor to be controlling the direction of the Lawsuit on behalf of the city council; and

WHEREAS, the city council would like to establish a point of contact for prompt and regular communication with defense counsel in a manner that will preserve confidentiality; and

WHEREAS, a committee consisting of two of the individually named defendants would be able to meet with defense counsel on short notice; and

WHEREAS, this resolution was introduced and approved by a majority of the whole membership of the city council during a properly noticed special meeting of the Black Diamond City Council on December 22, 2016; now therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. LEGAL SERVICES STEERING COMMITTEE CREATED. The Black Diamond City Council hereby establishes an ad hoc committee known as the legal services steering committee. Councilmember _____ and Councilmember _____ are hereby appointed to be the two members of the legal services steering committee. The committee is charged with providing regular direction to defense counsel in the Lawsuit on behalf of the city council. The committee is not authorized to settle the lawsuit or take other action that requires action by the full city council.

Section 2. COMMITTEE POWERS. In order to preserve the confidentiality of information defense counsel’s invoices shall be reviewed by the legal services steering committee and the

individual defendants only. The legal services steering committee will obtain additional information from defense counsel if necessary to determine whether the invoice should be approved for payment in whole or in part. The legal services committee is authorized to assist defense counsel in the formulation of strategy related to the defense and other claims that may need to be made to further the defense.

RESOLVED this 22nd day of December, 2016.

CITY OF BLACK DIAMOND

DENIED *EB*

By: _____

Its: _____

*No legal defense & indemnification
was passed at the meeting on 12/15/16.
The motion failed which makes this
resolution unnecessary.*

ATTEST:

CITY CLERK, BRENDA L. MARTINEZ

FILED WITH THE CITY CLERK: December ____, 2016
PASSED BY THE CITY COUNCIL: December 22, 2016
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