

RESOLUTION NO. 17-1172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF BLACK DIAMOND, WASHINGTON, DISCHARGING  
THE FIRM OF KENYON DISEND FROM PROVIDING  
LEGAL SERVICES FOR THE CITY.

WHEREAS, the City Council voted against Resolution 16-1116 on July 7, 2016 and July 21, 2016 and this Resolution would have approved a contract for legal services by Kenyon-Disend; and

WHEREAS, the City Council voted to approve Resolution 16-1107 on July 21, 2016 approving a contract for legal services with the firm of Vancil Law so that the city would have Legal Services but this contract was not executed by the Mayor despite her duty under RCW 35A.12.100 to uphold contracts; and

WHEREAS, the City Council would like to exercise its authority under RCW 35A.11.010 to contract for legal services; and

WHEREAS, The City Council is the contracting authority for legal services as described in the 1997 Attorney General Opinion Number 7 "Manner By Which Optional Municipal Code City Provides For Legal Services To The City Government," and by the firm Talmadge-Fitzpatrick in their May 2016 memo authorized by Council Resolution 16-1091; and

WHEREAS, On October 6, 2016 the Council passed a motion that Kenyon Disend is not recognized as the city attorney and their continued work for the city had the effect of denying the City Council its lawful access to legal counsel; and

WHEREAS, On December 15, 2016, the Council passed Resolution 16-1137 clarifying that serial contracts by the Mayor for professional services without Council approval are prohibited; and

WHEREAS, On May 18, 2017 the Council passed a Resolution to contract with both the firms of Land Use and Property Law and Glenn and Associates for City legal counsel to meet the city's requirement under RCW 35A.12.020; and

WHEREAS, this resolution was introduced and approved by a majority of the whole membership of the city council during a regular meeting of the Black Diamond City Council on June 1, 2017; now therefore,

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

Section 1 KENYON DISEND PUC DISCHARGED. Kenyon-Disend PLLC is hereby discharged from legal services to the City and are not authorized to provide any legal services for the City. Nothing in this paragraph should be construed as the City Council's acquiescence to the engagement of Kenyon Disend PUC as the City Attorney at any point in time.

Section 2. The mayor's \$15,000 limit on Professional Services for the Legal Services line item in the budget is exceeded and the mayor is not authorized to contract for any further Legal Services without Council approval.

Section 3. As necessary, the firms of Land Use and Property Law and Glenn and Associates are authorized to take any legal action including seeking a court order to establish their valid contracts for legal services and the city's requirement to make payments to those firms and honor those contracts.

RESOLVED this 1<sup>st</sup> day of June, 2017.

*majority*  
Invalid - Council has no contracting  
authority,  
or the ability to  
hire ~~of~~ fire.

CITY OF BLACK DIAMOND

ATTEST:

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CITY CLERK, BRENDA MARTINEZ

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

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