

RESOLUTION NO. 18-1219

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON REPUDIATING THE LAWSUIT FILED BY ATTORNEY ANNE BREMNER AGAINST MAYOR BENSON AND DEMANDING HER IMMEDIATE WITHDRAWAL AS COUNSEL

WHEREAS, the Black Diamond City Council passed Resolution 17-1182 on August 17, 2017, which purported to authorize the City Council to retain attorney Anne Bremner of Anne Bremner, PC, under a legal services contract that was signed solely by Councilmember Pat Pepper, with such contract describing a limited scope of services to be provided to the City Council; and

WHEREAS, in October 2017 attorney Anne Bremner filed a lawsuit in King County Superior Court, Cause No. 17-2-26654-0 KNT ("Bremner Lawsuit"), purportedly on behalf of the Black Diamond City Council; and

WHEREAS, the Bremner Lawsuit makes numerous unfounded, meritless, and improper claims against Mayor Carol Benson; and

WHEREAS, the Bremner Lawsuit was filed without the approval or authority of the Black Diamond City Council; and

WHEREAS, the Black Diamond City Council opposes the Bremner Lawsuit and desires that all claims and actions asserted against Mayor Benson be immediately dismissed with prejudice; and

WHEREAS, the Black Diamond City Council demands that attorney Anne Bremner immediately withdraw from the case and advise the Superior Court that she has no authority to represent the City of Black Diamond or the Black Diamond City Council; and

WHEREAS, the City Council finds that Mayor Benson should be indemnified under BDMC Chapter 2.66 against all costs and expenses associated with the defense of the Bremner Lawsuit, to the extent any such costs have not been (or will not be) paid by the City's risk pool, AWC-RMSA; and

WHEREAS, to the extent that the contract with attorney Anne Bremner (via Resolution No. 17-1182) was ever a binding obligation of the City, attorney Bremner has failed to fulfill the terms of the contract, by, among other things, failing to conduct the "investigation" described therein; failing and refusing to inform members of the City Council of the results of her alleged "investigation"; refusing to communicate with certain Councilmembers, despite her purported representation of the City Council as her "client"; and instituting a lawsuit in Superior Court without a valid vote of the City Council in an open public meeting; and

WHEREAS, the Black Diamond City Council desires that City Attorney David Linehan of the Kenyon Disend law firm file an appearance on behalf of the Black Diamond City Council in the Bremner Lawsuit for the limited purpose of immediately filing a voluntary dismissal with prejudice, and any other related filings necessary to terminate the Bremner Lawsuit as soon as possible;

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

Section 1. Repudiation of Lawsuit. The Black Diamond City Council hereby repudiates the Bremner Lawsuit. The Black Diamond City Council desires that the Bremner Lawsuit be dismissed immediately, with prejudice.

Section 2. Termination and Withdrawal of Attorney Bremner. To the extent that attorney Anne Bremner purports to represent or has ever purported to represent the Black Diamond City Council in King County Superior Court Cause No. 17-2-26654-0 KNT, Ms. Bremner is instructed to immediately file a Notice of Withdrawal informing the Superior Court that she has no authority to represent the Black Diamond City Council or the City of Black Diamond. Ms. Bremner has no attorney-client relationship and no valid contract with the Black Diamond City Council, and to the extent she perceives otherwise, Ms. Bremner is hereby notified that such relationship and contract are terminated, effective immediately.

Section 3. City Attorney to Appear as Counsel. City Attorney David Linehan is requested to enter a Notice of Appearance in the Superior Court, Cause No. 17-2-26654-0 KNT, on behalf of the Black Diamond City Council and the City of Black Diamond for the limited purpose of obtaining a voluntary dismissal of the Bremner Lawsuit, and to file such related papers and pleadings as are necessary to accomplish same.

Section 4. No Payment of City Funds to Bremner. No City funds may be paid to attorney Anne Bremner. She has not fulfilled the terms of her purported contract with the City Council. Moreover, Ms. Bremner appears to have been acting at the instruction and for the benefit of Pat Pepper, Erika Morgan, and perhaps one or more other private citizens—not the City Council as a whole. Ms. Bremner should look solely to those individuals for payment, not the City.

Section 5. Indemnification of Mayor Benson. Pursuant to BDMC 2.66.020 and 2.66.040, the City shall indemnify Mayor Benson for any legal expenses she has incurred in defense of the Bremner Lawsuit, to the extent not covered by the City's risk pool, AWC-RMSA.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4th DAY OF JANUARY, 2018.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:

Brenda L. Martinez
Brenda L. Martinez, City Clerk