

RESOLUTION NO. 18-1220

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REPUDIATING INVALID CONTRACTS WITH ATTORNEYS KOLER AND GLENN, DENYING PAYMENT, AND REQUIRING COPIES OF PUBLIC RECORDS

WHEREAS, on May 18, 2017, three members of the Black Diamond City Council passed Resolution No. 17-1171, which purported to approve the execution of two contracts with attorney Jane Koler of Land Use and Property Law, PLLC ("Koler Contract") and attorney Daniel Glenn of Glenn & Associates, PS ("Glenn Contract"), to provide legal counsel and attorney representation to the City Council, separate and apart from the legal services being provided by the City Attorney; and

WHEREAS, Resolution No. 17-1171 was contrary to state law and therefore invalid, because, among other reasons, the narrow conditions that would authorize the City Council to retain separate legal counsel were not present;

WHEREAS, despite the invalidity of Resolution No. 17-1171, and without lawful authority, Councilmember Pat Pepper purported to exercise the executive powers of the City government by negotiating and executing both the Koler Contract and the Glenn Contract on behalf of the City and City Council; and

WHEREAS, attorneys Koler and/or Glenn have purported to offer legal advice to the City and City Council without ever consulting with City Staff to obtain relevant information necessary to render informed opinions, and further appear to have consulted with and/or taken direction from private citizens who are not City officials (nor even City residents) and who lack relevant knowledge of City business;

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

Section 1. Resolution No. 17-1171 is hereby rescinded in its entirety. The Koler Contract and the Glenn Contract are invalid and of no force or effect, having been unlawfully approved by Resolution No. 17-1171 and unlawfully executed by Councilmember Pat Pepper.

Section 2. Attorneys Koler and Glenn are directed to cease holding themselves out as providing legal representation or legal advice or opinions to the City or the City Council.

Section 3. Attorney Koler and Attorney Glenn are directed to provide to the City Clerk in native format a copy of all communications, correspondence, and any other documents transmitted, shared, or communicated by any means between or among either of them and any Black Diamond City Councilmember, that pertain in any way to the business of the City of Black Diamond or the functioning of its government and that

were not sent to, received from, or copied to an official City of Black Diamond e-mail address. Attorney Koler and Attorney Glenn are further directed to provide to the City Clerk in native format a copy of all correspondence, communications, or documents shared or communicated by any means with any person who is not an official or employee of the City of Black Diamond, that pertain in any way to the business of the City of Black Diamond or the functioning of its government. Providing the following public records to the City Clerk is essential for the City to remain compliant with its obligations under state law.



Section 4. No City funds may be paid to attorney Koler or attorney Glen or their respective law firms. The City Council requests that any invoices that are received by the City from Land Use and Property Law, PLLC, or Glenn & Associates, PS, be forwarded to the signor of the contracts, Councilmember Pat Pepper, for payment.

Section 5. Notwithstanding the foregoing, the City Council hereby approves of the prior payment of \$5,600 to attorney Koler in 2017 in connection with her work for Councilmembers Morgan, Weber, and Pepper in responding to the arbitration claim filed by Oakpointe with The Hon. Steve Scott (Ret.) of Judicial Dispute Resolution, LLC.

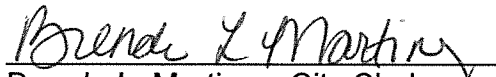
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF JANUARY, 2018.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk