

RESOLUTION NO. 18-1222

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON RESCINDING RESOLUTION NO. 17-1196 AND DENYING THE REQUEST OF COUNCILMEMBER PEPPER TO HAVE THE CITY PAY THE LEGAL DEFENSE COSTS SHE INCURRED IN CONNECTION WITH THE RECALL EFFORT

WHEREAS, Councilmember Pat Pepper presented Resolution No. 17-1196 at a regular meeting of the Black Diamond City Council on November 16, 2017; and

WHEREAS, Resolution No. 17-1196 requested that the City Council approve payment of an unspecified amount of legal expenses to be paid to an unspecified attorney or law firm for unspecified legal services associated with the defense of Councilmember Pepper in judicial proceedings related to the recall petition filed against her; and

WHEREAS, Councilmember Pepper failed to attach invoices for this legal work and refused to answer questions of her fellow Councilmembers regarding the Resolution or the legal services performed for her benefit, or the reasonableness of the expenses for which she demanded payment; and

WHEREAS, Councilmember Pepper refused to abstain from voting on Resolution No. 17-1196, which directly and material benefitted her financially; and

WHEREAS, the City Council's Rules of Procedure (§§ 8.3, 8.5) call for councilmembers to abstain from voting on matters in which they have a conflict of interest, and provide a means of disqualifying conflicted members; and

WHEREAS, it is the sense of the City Council that ethical considerations and financial conflicts of interest should have compelled Councilmember Pepper to abstain from voting on Resolution No. 17-1196; and

WHEREAS, the vote on Resolution No. 17-1196 was 3-2 in favor, when counting Councilmember Pepper's vote in favor of passage; and

WHEREAS, RCW 4.96.041(3) authorizes payment of an elected official's necessary legal expenses associated with a recall petition if the request for payment is approved by both the City Council and the City Attorney; and

WHEREAS, the City Attorney has not approved payment of Councilmember Pepper's legal expenses associated with the recall, and the vote on Resolution No. 17-1196 was tainted by ethical conflict; and

WHEREAS, the City Council has determined that payment of Councilmember Pepper's legal expenses associated with defending the recall charges would not be in the City's best interests, and that Resolution No. 17-1196 does not accurately reflect the will

of the City Council or the people of Black Diamond, especially given the reckless and intentional acts of Councilmember Pepper that led to the recall effort;

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

Section 1. Rescission of Resolution No. 17-1196. The Black Diamond City Council hereby rescinds Resolution No. 17-1196 in its entirety.

Section 2. No Defense or Indemnification of Councilmember Pepper. Pursuant to RCW 4.96.041(3) and BDMC 2.66.040, the Black Diamond City Council determines that Councilmember Pat Pepper is not entitled to have the City pay the costs of her defense or other legal expenses incurred in connection with the judicial proceedings brought to determine the sufficiency of the recall charges against her. Her request for payment of her legal expenses is denied. No City funds may be used to pay the invoices of any attorney or law firm representing Councilmember Pepper in connection with the recall effort against her.

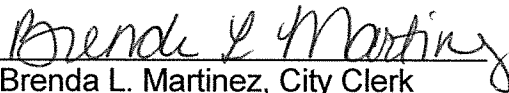
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF JANUARY, 2018.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk