

The lawsuit filed by Mr. Rimmer was based on a “takings rule” concept (<https://pacificlegal.org/case/rimmer-housing-forever-trees/>).

The City has now appealed this Case.

Dear City Council President Neil Tibbott (Full Council, Planning Board and others blind cc'd),

What will the Edmonds City Council do now that it is known that an appeal was filed on January 8, 2025, without the Edmonds City Council voting during an Open Public Meeting to appeal? Will you inform Division 1 of the State of Washington Court of Appeals that the Notice of Appeal was filed before Edmonds City Council voted during an Open Public Meeting to take this action?

Please recall your comments made during the November 12, 2019 City Council Meeting, an Open Public Meeting, and prior to Council’s 4-3 vote to appeal a lost court case.

Please note the representation by City Attorney Jeff Taraday on November 12, 2019 that “*The decision for the Council is whether to appeal or not*”.

Why would this situation be different? Isn't it still the decision for the Council *whether to appeal or not*?

Ken Reidy

Individual Citizen of Edmonds

From: Ken Reidy <kenreidy@hotmail.com>

Sent: Monday, January 27, 2025 5:06 AM

To: Neil Tibbott <neil.tibbott@edmondswa.gov>

Cc: Mike Rosen <Mike.Rosen@EdmondsWa.Gov>

Subject: Re: Rimmer Case and My Edmonds News Comments

Dear City Council President Neil Tibbott (Full Council, Planning Board and others blind cc'd),

The Edmonds City Council has yet to vote on whether to appeal the December 9, 2024 Ruling by Snohomish Superior Court Judge George F. Appel. I believe it is now too late for the Council to do so as more than 30 days have passed since December 9, 2024.

I am puzzled why you think you are not able to comment. Edmonds City Council has not conducted a vote to appeal.

Please recall your “no” vote on the following Motion made during the November 12, 2019 Special Meeting of City Council:

2. APPEAL OF COURT ORDER RELATED TO FIREARM SAFE STORAGE ORDINANCE

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City Attorney Jeff Taraday explained the City Council adopted Ordinance Nos. 4120 and 4131 in 2018 which are now codified in ECC Chapter 5.26. A lawsuit was brought against the City asserting that the safe storage and unauthorized access provisions of these ordinances are preempted by the provisions of state law, specifically RCW 9.41.290. On October 18, 2019, a Snohomish County Superior Court Judge ruled that Section 020, the safe storage provision, violates the preemption provision of state law and that the plaintiffs did not have standing to challenge Section 030, the unauthorized access provision. A copy of the court’s order is included in the packet. The City has 30 days from October 18, 2019 to file an appeal. He said he would not get into the merits of the matter as those have been discussed confidentially. The decision for the Council is whether to appeal or not.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO ADOPT ORDINANCE NO. 4162, TO APPEAL THE RULING.

Please recall your comments made during the November 12, 2019 City Council Meeting prior to Council’s 4-3 vote to appeal:

Councilmember Tibbott agreed with Councilmembers Johnson and Teitzel regarding the authority that rests with the state. With regard to safe gun storage, he pointed out the importance of voluntary storage by responsible gun owners. The reality is even with a trigger lock on a gun, it can be removed by a criminal after they are stolen. A friend told him it took him 12 minutes to lock up his gun and 2 minutes to unlock it using a bolt cutter. He was unsure what was envisioned would be as effective as what is being portrayed. He would prefer to give the state law an opportunity to work, an opportunity for citizens to abide by the rules of that law. The City is being represented with pro bono legal services but he questioned how much it

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was costing the City with legal presentation in court and being sidetracked from issues that are considerably more immediate now that the state gun law is effective. He did not support appealing the court ruling and would like to see the state law fully in effect and prove that it is doing its work.

Please note above the representation by City Attorney Jeff Taraday on November 12, 2019 that *“The decision for the Council is whether to appeal or not”*.

That representation is consistent with what CP Vivian Olson said in her email dated June 24, 2024 at 3:49 AM:

When it is time to make decisions regarding next steps, it will be a whole council decision.

Please answer the following:

What will the Edmonds City Council do now that it is known that an appeal was filed on January 8, 2025, without the Edmonds City Council voting during an Open Public Meeting to appeal? Will you inform Division 1 of the State of Washington Court of Appeals that the Notice of Appeal was filed before Edmonds City Council voted during an Open Public Meeting to take this action?

Ken Reidy

Individual Citizen of Edmonds

From: Tibbott, Neil <Neil.Tibbott@edmondswa.gov>

Sent: Sunday, January 26, 2025 4:49 PM

To: Ken Reidy <kenreidy@hotmail.com>

Subject: Re: Rimmer Case and My Edmonds News Comments

This is my response... I'm not able to comment on an ongoing legal case.

Neil Tibbott

Council President- City of Edmonds

Council Liaison -

Officer - Snohomish County Cities Exec Committee

Phone: 425-478-4565

Council Office - 425.771.0248

121 - 5th Ave N, Edmonds, WA 98020

From: Ken Reidy <kenreidy@hotmail.com>

Sent: Saturday, January 25, 2025 2:34 PM

To: Tibbott, Neil <Neil.Tibbott@edmondswa.gov>

Cc: Rosen, Mike <Mike.Rosen@EdmondsWa.Gov>

Subject: Re: Rimmer Case and My Edmonds News Comments

Council President Neil Tibbott (full council, others blind cc'd),

I am still waiting for a response.

What will the Edmonds City Council do now that it is known that an appeal was filed on January 8, 2025, without the Edmonds City Council voting during an Open Public Meeting to appeal? Will you inform Division 1 of the State of Washington Court of Appeals that the Notice of Appeal was filed before Edmonds City Council voted during an Open Public Meeting to take this action?

The citizens of Edmonds have every right to know whether **each** individual councilmember supports appealing this lost case. The city has significant financial problems. I believe citizens deserve to know who wants to spend money appealing this lost case.

Please appreciate the following Legislative Declaration from RCW 42.30:

RCW [42.30.010](#)

Legislative declaration.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process.

[[2022 c 115 s 2](#); [1971 ex.s. c 250 s 1](#).]

Ken Reidy

Individual Citizen of Edmonds