

Legal Advice or Political, Financial or Developmental Fodder?

It was a typical Tuesday night in 2023 with a long agenda, with one being the evaluation of the contract attorney. Rather than move into executive session to discuss their yearly evaluations, when the item came forward, the Council did something remarkable: they approved a five-year contract sight unseen—no terms, no conditions, no meaningful review. Carte blanche. I sat there dumbfounded.

Over time, our contract attorney—Lighthouse—has become less a legal advisor and more an eighth council member. As he occupies that dual role—part legal advisor, part legislative partner—employee disputes have multiplied, settlements have mounted, and whistleblowers like Ross Hahn and employees like Debi Human, Sherman Pruitt, David Levitan, and Pamela Randolph have raised claims of retaliation, privacy violations, and defamation. You know the pattern: an allegation surfaces, staff are quietly put on leave with pay, and eventually a severance package appears on the consent agenda. The details are wrapped in “personnel confidentiality,” but the taxpayers’ checks clear all the same.

Meanwhile, one of the most basic protections in public law—the executive session—has shifted from guardrail to afterthought. State law (42.30.110) sets out when sensitive personnel issues must be discussed behind closed doors so rights are protected and councilmembers retain the veil of the executive session. Yet in at least one very public case, involving police chief candidate Sherman Pruitt, when veteran councilmembers Kristiana Johnson and I asked to move a personnel discussion started by Councilmember Vivian Olson into executive session as the law requires, it did not happen. Rather than citing the law and immediately directing Council into executive session, the attorney left it to the body and allowed the conversation to continue in open session. Lawsuits against the City, Mayor Nelson, and Councilmember Olson followed, and once again, despite whatever legal rationale was offered, taxpayers picked up the tab.

Then came a different kind of meeting: the Planning Board, made up of citizen volunteers with no final policymaking power and little grounding in executive-session law. They were ushered into an executive session that, in my view, never should have occurred. A Planning Board member later explained that the topic was the Critical Aquifer Recharge Area (CARA) code and that “pending litigation” was cited—despite there being no pending litigation. The 2023 CARA recommendation had gone through a year of vetting and two public hearings. Its core protection was simple: prohibit underground injection control wells in the aquifer recharge area within the Deer Creek watershed. After the 2024 executive session, that recommendation was changed to allow such wells, supposedly to avoid a potential “takings” claim. That fear was driven in part by a recent case where the City’s aggressive tree-retention requirements collided with the Constitution.

You might have heard of that one: the Rimmer case. On a small Edmonds lot, a single ornamental tree stood between a homeowner and a building permit. The City demanded extra replacement trees and a permanent conservation area as conditions of approval. A state court later ruled that those conditions were unconstitutional, and the outcome cost the City roughly \$400,000. Once again, regardless of explanations, taxpayers are paying for that mistake. The City is now appealing the decision, extending the fight and the expense, even as legitimate questions linger over whether the Council ever clearly authorized continuing to spend public funds on an appeal they might well lose. So, we’re still paying for that one too.

By now, you may also be thinking of Landmark—the Burlington property along Highway 99. Mayor Nelson and Council President Tibbott publicly announced an intent to purchase it, despite not having clear Council authority or having discussed the purchase agreement in advance in an executive session. This massive project involved a tangled agreement and a projected public price tag in the millions. Yet the very firm hired to guide the City through contracts and risk

management—Lighthouse—was not visibly front and center in crafting that deal, nor did it insist on the executive-session process the law envisions for such negotiations.

A similar story played out in Perrinville. There, a resident challenged the City's State Environmental Policy Act (SEPA) determination of "no significant impact" in a sensitive area. That citizen spent more than \$50,000 pursuing the appeal. The City, drawing on its attorneys, staff time, consultants, and the hearing examiner, likely spent ten times that amount. In the end, the hearing examiner remanded the decision back to the City, raising serious questions. The City then applied for an emergency permit that effectively bypassed SEPA review altogether. It was an expensive, five-day, taxpayer-funded ordeal, after which Council did little publicly to answer the community's concerns.

All of this brings us back to Lighthouse and the larger question: is our contract attorney acting as a guardian of the public interest, or as a silent partner in political, financial, and developmental decisions? Despite yearly "attorney evaluations," there has been no independent, big-picture review of the cumulative legal costs, risks, and outcomes. When you add up the disputes, settlements, appeals, and high-stakes projects, we are easily past a million dollars in legal spending. Lighthouse's contract runs through 2028, but the City can issue a new Request for Qualifications this year.

There is something you can do. You can ask hard questions in public comment. You can request that Council open up the process, bring in independent legal perspectives, and scrutinize whether current representation truly serves Edmonds taxpayers. Many public records requests have already been filed; the fragments of the story are there. What's missing is a public decision to change course.

Edmonds needs a new legal partner—one who defends taxpayers and the rule of law without personal opinions. You can voice your opinion.

And now you know... the rest of the story.