

From: Ken Reidy <kenreidy@hotmail.com>

Date: June 26, 2024 at 6:12:26 AM PDT

To: Mike Rosen <Mike.Rosen@edmondswa.gov>, Vivian Olson <Vivian.Olson@edmondswa.gov>

Cc: Jeff Taraday <jeff@lighthouselawgroup.com>

Subject: Executive Sessions

Dear Mayor Rosen and City Council President Vivian Olson (Full Council, Planning Board, others blind cc'd),

Last night, I believe City Attorney Jeff Taraday used the word “mechanics” as he discussed the laws governing Executive Sessions found in RCW 42.30.110. It reminded me of the following:

Kernen Lien disclosed the following during the June 2, 2015 City Council Meeting:

“The City Attorney felt there was no substantive effect of missing the 60 day timeline and should not affect the validity of the ordinance.”

As I stated back on September 30, 2015, I can't imagine that doing something on the 77th day would ever be considered *substantial compliance with a statute requiring something to be done in 60 days*.

Please appreciate that even though we kept the same City Attorney around, problems continued. Please see my Public Comments for the June 22, 2021 Council Meeting in the P.S. Section below.

The laws governing Executive Sessions found in RCW 42.30.110 are not mechanics. They are also not rules, policies, procedures, or suggestions. They are laws and they must be complied with.

RCW 42.30.110(2) states: ***Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded.***

The word ***shall*** means that what RCW 42.30.110(2) states is mandatory. What state law says is mandatory did not take place during the June 27, 2023 Council Meeting when the Council suddenly entered Executive Session during the middle of a Council Meeting. **Will anybody be held accountable?** Or are City Officials just going to look the other way and gush about how long we've had the same City Attorney – as if that is a good thing.

I encourage City Council to consider amending our Code to require an RFP be issued for City Attorney Services at least once every four years.

Ken Reidy

Citizen of Edmonds

P.S.

From: Ken Reidy <kenreidy@hotmail.com>

Sent: Monday, June 21, 2021 6:42 AM

To: PUBLICCOMMENTS@EDMONDSWA.GOV <PUBLICCOMMENTS@EDMONDSWA.GOV>; publiccomment@edmondswa.gov <publiccomment@edmondswa.gov>

Cc: Shane Hope <shane.hope@edmondswa.gov>; Phil Williams <phil.williams@edmondswa.gov>; Jeff Taraday <jeff@lighthouselawgroup.com>; Michael Nelson

<michael.nelson@edmondswa.gov>; Council@edmondswa.gov <Council@edmondswa.gov>; Judge, Maureen <Maureen.Judge@edmondswa.gov>

Subject: Public Comments for the June 22, 2021 Public Hearing related to Chapter 17.75 ECDC

Ordinance 4210, passed by City Council on December 15, 2020 states that ***pursuant to RCW 36.70A.390, this interim ordinance may be adopted on an emergency basis without first holding a public hearing.***

RCW 36.70A.390 requires the City Council to hold a public hearing on an emergency interim zoning ordinance within at least **sixty (60) days** of adoption.

Therefore, a public hearing on interim zoning Ordinance 4210 was required by February 13, 2021.

Please inform all those impacted by the City Council's failure to hold a public hearing on interim zoning Ordinance 4210 by February 13, 2021.

Packet Page 417 of the December 15, 2020 City Council Agenda Packet did state: "Both ordinances are subject to having a public hearing and further consideration by the City Council within the time required under state law." "Both ordinances" refers to Emergency Ordinances to allow Streateries in ROW(4209) plus the Emergency Ordinance involving Outdoor Dining without CU permit(4210).

I haven't had time to research Ordinance 4209 yet but there is reason to fear the required public hearing within at least **sixty (60) days** did not take place. Ordinance 4209 clearly states it is an "interim zoning ordinance".

What needs to happen now? How many zoning code violations have taken place and are taking place? What a mess.

Why was the following included in Ordinance 3992 but not in Ordinance 4210?:

“WHEREAS, the City of Edmonds may adopt an interim zoning ordinance for a period of up to six months pursuant to RCW 36.70A.390, provided that the City Council holds a public hearing on the interim ordinance within sixty days of adoption;”

Why is holding ***a public hearing on this interim regulation within sixty (60) days of its adoption*** mentioned in Ordinance 4217 but not mentioned in Ordinance 4210?

What a mess. How does this type of thing happen and who is responsible?