

# Memo

To: **The Gold Bar City Council, City Clerk**  
From: **Mayor Crystal D. Hill**  
CC: **Gold Bar City Attorney**  
Date: **January 26, 2006**  
Re: **Resolutions passed January 17, 2006.**

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Please be advised that I am hereby exercising my right of veto on the following resolutions passed by motion of the majority of the Council on January 17, 2006. My specific objections to each resolution and reasons are included in this notice to the Council.

I hereby veto the resolution titled: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, TO ESTABLISH THAT IT WISHES TO PREPARE THE PRELIMINARY AGENDA FOR ALL OF ITS COUNCIL MEETINGS AND ESTABLISH A MECHANISM FOR ITEMS TO BE ADDED TO THE COUNCIL'S AGENDA.**

I hereby set forth my objections to the above-stated resolution:

1. Any regular meeting of the council must be set by ordinance. A resolution is not sufficient to accomplish this. The resolution by language indicates that the Council has agreed in advance to meet periodically and in practice requires the setting of regular meetings of the Council.
2. Requiring written requests for inclusion into the agenda hinders staff time for usual and routine items and handicaps the Mayor and city staff from effectively and efficiently communicating with the Council. Additionally, the resolution does not set a method for agendas to be set should the Council not meet or take an active role on a given agenda and has the effect of denying city staff from preparing agendas outside of the Council's direction.
3. The resolution appoints the Mayor Pro Tem to take specific actions, however, the Mayor Pro Tem acts only in the absence or unavailability of the Mayor and only within the duties of the Mayor when required to fill that role. It is not within the Council's discretion to give direction to the Mayor Pro Tem until such time as they are actively taking Mayoral responsibilities. It is not within the Mayor Pro Tem's discretion to act independent of the office of Mayor, or outside of the Mayor's duties when acting on behalf of the Mayor. In short, the Mayor Pro Tem may not be assigned to this task unless the scope of action falls within the Mayor's duties, or by Council direction at the Mayor's discretion. The current Mayor Pro Tem is not acting on my behalf at this time.
4. The resolution requires staff and Mayor's reports to be made in writing to the Council. This again, hinders the ability for meaningful interaction between staff, executive, and Council and reduces the efficiency and effectiveness of all involved.

5. Councilmember Amenn, the author and informal sponsor of the resolution, stated during the Council discussion regarding the resolution that this resolution was temporary in nature; however, there is nothing contained within the resolution which would make this resolution temporary. I feel that the temporary character of the resolution was misrepresented prior to adoption by the Council.

I would like to note that I agree that the Council sets the Council's agenda. Input from staff and executive branches are also critical to this process. Further, the Council should carefully consider the impact of this resolution on staff and Mayor and the consequences of severely constricting communication between the staff and Council on this level. I would encourage the Council to seek alternative ways in which to accomplish their goal of directing the agenda without creating an environment that lessens communication and cooperation between staff, Mayor and Council for the accomplishment of city business. Please also consider that if the Council desires to set a regular meeting for this purpose, it must be done by ordinance.

I hereby veto the resolution titled: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, TO ESTABLISH TEMPORARY POLICY TO LIMIT LEGAL EXPENDITURES.**

I hereby set forth my objections to the above-stated resolution:

1. The resolution states that there is free legal advice that the city can take advantage of. The Council should understand that the free legal services are limited in nature and time available, and are used by the city staff and Mayor whenever possible; however, it is not sufficient for most of the day to day matters of the city. MRSC and AWC can provide some legal resources for our city, but they are limited to specific issues and to one hour per week for each issue. In addition, advice provided by these agencies is usually general in nature and not tailored to the specifics of the City of Gold Bar.
2. The resolution requires that no legal expenditure no matter how small be incurred without approval of the majority of the Council. This provision absolutely paralyzes the city staff from accomplishing their required tasks. Staff and Mayor access the city attorney on regular and routine items dealing with such things as permits, public disclosure requests, billing issues, resolutions, staffing and employment matters, requests or demands from citizens and the Council, etc. This has always been the case, and it cannot be stated that these contacts resulted in the overages or perceived overages in the legal budget which the resolution specifies as occurring in the last two years. Our city currently has many projects and issues which need occasional legal guidance relating to development, grants, urban growth areas, staffing contracts, to name only a few. To wait until council meetings to address these items will result in extensive time at council meetings to review administrative issues, particularly since the Council has indicated a desire for all of the staff comments to be in writing. This is over burdensome to staff and the workings of city hall and creates an untenable legal liability to the city should the staff not be able to do their jobs in a timely manner, or if they are not granted access to the attorney based upon the whim of the Council. As one example, the resolution would result in all legal issues, including potential or ongoing litigation to be discussed in open forum and would pose a further threat to the city. By law and, an executive meeting cannot be called to discuss these legal issues unless attorney the city attorney is present. However, the Council would have to discuss the reason and need for the executive session in the public view, and then wait for the next regular meeting to have the executive session after approval is gained for the city attorney to spend time on the matter. This would

result in a several weeks' delay for any given issue and potentially endanger the city's position. The fiduciary role and duties of the Council are at odds with the enactment of this resolution.

3. The city currently uses the city attorney to prosecute infractions and other matters on behalf of the city. The resolution would prohibit the city from beginning or continuing enforcement of ordinances and prosecution of some criminal offenses from within the city without prior approval of the city council. Again, this is not reasonable and gives the perception that the council itself is directing when and against who enforcement is taken upon, which leans into another area of legal liability. Additionally, due to the delay in obtaining Council approval for each action, it will likely result in the inability of the city to prosecute or act on enforcement at all in some cases. I believe my objection to this should be self explanatory.
4. The resolution places the responsibility of communicating and interpreting this resolution to and for the city attorney. As stated above, the Mayor Pro Tem acts only in the absence or unavailability of the Mayor and only within the duties of the Mayor when required to fill that role. It is not within the Council's discretion to give direction to the Mayor Pro Tem until such time as they are actively taking Mayoral responsibilities. It is not within the Mayor Pro Tem's discretion to act independent of the office of Mayor, or outside of the Mayor's duties when acting on behalf of the Mayor. In short, the Mayor Pro Tem may not be assigned to this task unless the scope of action falls within the Mayor's duties, or by Council direction at the Mayor's discretion. The current Mayor Pro Tem is not acting on my behalf at this time. Lastly, I do not believe that it falls within the Council's discretion to presume that any member of the Council has the right or ability to give what amounts to legal direction or legal education to the city attorney.
5. Lastly, this resolution summary states that it is temporary, however it does not set forth a date of termination within the body of the resolution to support that it is temporary. I believe that the summary is misleading or that the resolution is incomplete on this issue.

Please note that I agree with the Council's desire to avoid excessive legal expenditures, however, Council has the ability to set reasonable procedures to ensure that extraordinary or unusual use of the city attorney or the legal budget be reviewed as needed. The city should not be exposed to liability and administrative gridlock by the passing of this resolution.

I ask that the Council and Council members take my objections under advisement for consideration in future action. Thank you.

Crystal D. Hill  
Mayor, City of Gold Bar