

GOLD BAR “SPECIAL” MEETING – Summary of content for what is discussed in each audio file (MP3) and transcription excerpts

FILE A (5:02 min.)

In the absence of a city employee to take official city notes for this special meeting, C/M Amenn requests that Valerie Norris do so. (Valerie is the wife of Councilmember Richard Norris.) She declines to do so for the reason that she is taking notes for her husband. C/M Amenn then states that he will provide the meeting notes. *(This paragraph has been **corrected** from its original publication on 1/21/06 when it had erroneously identified Valerie Norris as Allyson Sonsteng.)*

CM Wood reads agenda. The following is transcribed from audio: (1) establish rules to govern this meeting; (2) review the purpose of this meeting; (3) review Ally Sonsteng's records request; (4) consider the possibility of no additional attorney time/costs on this request until in-house council review takes place; (5) temporary council liaison to contact attorney directly and speak on this issue or any issue he or she feels necessary directly; (6) the Tuesday meeting we could consider a request that the attorney not attend, but submit any comments in writing by 5 o'clock PM Tuesday to each council member.

Al Robinson (Superintended for Sultan School System and Gold Bar resident) asks whether all the agenda items C/M Wood read were included in the posted notice. Mayor Hill states they were not. C/M Wood explains why he believes the agenda is consistent with the scope of the public notice.

Mayor Hill responds, reads the special notice aloud.

Hill officially calls the meeting to order. On a point of order, L. Storm questions why the notice was not posted on the outside doors of the front and back doors. Mayor Hill states they were posted in the manner described by law. Storm stated that the notice also did not appear in the *Herald* either. Mayor Hill states they were contacted in the afternoon but it was apparently too late for publication of the notice. C/M Wood states there was an another, alternate notice (not done by the city clerk) that was also posted. Pledge of Allegiance.

FILE B (2:51 min.)

Mayor Hill does roll call, request to excuse Norris and Turner due to short notice. RA motion to excuse, seconded by Wood; passed.

Hill states agenda item not reflected on notice, i.e., rules to govern this meeting. Amenn motions that council establish rules for the meeting, Wood (interrupting Mayor's statement that she does not recognize the motion) seconds motion. Hill's question: "Shall the decision of the mayor stand, as well as the council?" Council response: No.

Hill states, "With a Special Meeting, we must stick to the agenda." Amenn states motion overrules. Crosstalk/discussion ensues. Hill's statement, "You cannot leave the agenda.

This was not on any posted agenda.” Amenn stated he would give Hill documentation from the AWC attorney that allows this. C/M Amenn: “I make a motion that we move back to (*sounds like, “number one”*) and that the council’s authority with respect to this meeting be enforced. If the mayor continues to have any objections to it – “ (Hill interrupts, “Motion is not recognized.”) Wood makes a statement re Roberts Rules of Order, which is mostly unintelligible. Amenn states, “We will deal with it as it comes up....Crystal knows her place in the meeting and we’ll hope that she follows it....”

FILE C (5:51 Min.)

Amenn requests moving onto Agenda Item #2. Hill states purpose of meeting as stated in public notice. Amenn states concerns that the citizens truly understand the purpose of the meeting and that their instructions to the city clerk as to what to include in the notice were not followed.

C/M Wood states purpose of the meeting: “Is for the council to research and discuss records requests [*sounds like, “without”*], uh, concerning the issue of, of, of the record requests [*unintelligible*]. That’s the purpose. Is for the council to research and discuss records requests. And, um....this, this time is reserved for that.”

Amenn added, “The motivation [in] doing this is that when this records request, this particular record request came before the council from Allyson Sonsteng in the past, it has cost us thousands of dollars in legal fees. And we want to make sure that this time around, that doesn’t happen again. We’re very concerned about that and that’s the purpose of the meeting, and I think that we can move onto the next agenda item.”

Hill states, “As of this point, though, I would like to give, one caution to the council. I can only give this once, I will only give this once: You are responsible for your own [*unintelligible*]. When we are discussing litigation, we can discuss it in an open public forum, however, if it appears in way, shape or form that we’re attempting to, uh, assist somebody in litigation against the City, you do step outside the bounds of the coverage that AWC liability does provide to you as a council member. You are then working on your own. You are then open for liability for any attorneys’ fees that are incurred, and you are also open to litigation as well. Wood “Yeah, that won’t be a problem.” Hill states, “So that is the, uh, that is the caution I will give to the council.”

Wood states, “So in the past, we spent a lot of money on this particular item, and we just want to stop spending money. That’s, that’s really the concern here, is stop spending attorney costs and lawyer fees, legal fees.”

Hill asks, “Are you inferring that you believe that continuing legal fees will come out of this records request, which appears to have already been filled?” Wood states, “That’s what we need to determine.”

[Transcriber’s note: It is at this point that we decided to do a word-for-word transcription for much of the remaining audio of this meeting. Wherever word-for-word transcription was done, that section is identified with the following notation – “(Transcription Excerpt follows:)”

(Transcription Excerpt follows:)

Amenn: We want to make sure that the strategy that the City took on behalf of – the strategy that the City Clerk took on behalf of the City is a sound strategy and that it doesn't lead to any potential liability on the City's part. And that's what we're interested in, in just reviewing that because, 'cause of the fact that in the past we've had, we've, the last two years we've gone over our legal budget twice and we want to be very cautious, particularly about this particular record request [which] cost us a tremendous amount of money last time. And that's in just reviewing that strategy and determining if there's a better strategy for us to follow.

Hill: Okay. I would like to go ahead and get some information to the council, then, if they're gonna discuss this in open public forum rather than into an executive session."

Amenn: Can I make a motion to see if the council wishes to have that information at this point in time?

Hill: Since it deals with information that *[unintelligible; she is interrupted by Amenn, "I made a motion. Do I have a second?"]* Seconded by Wood.]

Hill: All due respect –

Croshaw: I would like to just add I would like to hear what Crystal has to say.

Hill: This letter was reviewed by myself, and by the city attorney, and was primarily drafted by the City Attorney in conjunction with prior litigation, prior restraining order and prior Stay already issued on this. A determination has already been made in court with the prior litigation. There was a Summary Dismissal with Prejudice, uh, of the Sonsteng's, uh, excuse me, litigation against the City. So it would appear to me on the face of this, that there's not likely to be intense litigation. And that it would also appear to me that since this particular, um, excuse me, records request has already previously been dealt with in the courts and with the attorneys, that fulfilling it a second time should not be a question of litigation. I, in fact, the council feels that additional records should have been, um, released, I guess I need to know that.

Wood: I'd like to make a comment. The term, "litigation" has come up several times. It's come up from, from you with (sic) the mayor. Which is fine. But we have not mentioned the word litigation so far. However, you did bring it up, and it is a poss—you know, it is a possibility we need to consider. But I, I'm not going to, uh, specifically get into details of litigation. I don't think we should.

Hill: I'm going to assume that this was a very emergency-based thing since --

Wood: It is [an] emergency.

Hill: -- we have a council meeting in three days that the attorney's going to be present at. So if we can get to the, uh, point of the matter?

Croshaw: I think they, um, they had the restraining order on, and didn't it end December the 5th?

Hill: I'm glad you're so well informed. Yes, it did.

Croshaw: Okay.

Hill: However, the records request was already addressed in the court hearing, um, in the court proceeding and *[unintelligible]* be appropriate at all.

Croshaw: For the second re—for the second restraining order? Or the — initially they had a (re)straining order on that was to be effective until December the 5th, correct?

FILE D (6:09 min.)

(Transcription Excerpt follows:)

Hill: We're dealing with two separate issues here. One was a restraining order, prohibiting them from making contact, I believe with the City of Sammamish--

Croshaw: Right.

Hill: -- for the purpose of obtaining information. The second one is a records request, um, to obtain items and emails. Uh, it was determined that the emails that were released when this records request was fulfilled, were the only ones that were, um, subject to public disclosure. So I'm not sure, with all due respect, where the council is going, since the records request was filled, it was filled in a timely manner and it was filled according to the attorney's(s') direction and there was a very well-written letter to accompany it to well explain the procedure there.

Croshaw: I don't have a problem with that, Crystal. What I'm having a problem with is that the request was made a second time. After December 5th, this *[unintelligible]* made the request with Sammamish again to have those emails released. So now *[unintelligible]* no problem. They say no problem. But the City of Gold Bar put another restraining order on them again and they won't release them. They have nothing to do with Gold Bar, they have nothing to do with any of the staff, they have nothing to do with the prior mayor or they have anything to do with anything except...they are, they are refusing something that was happening with no staff involved, no council members involved. This person asked for them. Sammamish said they were willing to release them, but Gold Bar says no. They're putting another straining, restraining order on them.

Hill: I'm not an attorney. And that's why I wish that, uh, you guys could hold this off until Tuesday until the attorney could be here. But, uh, in my understanding – (Wood interrupts, stating they wish to limit attorney costs). Well, she's going to be here anyway. So to explain my understanding of the situation, we're dealing with two separate issues. One is the City of Sammamish. With the City of Sammamish records request to them was based on fulfilling records that were kept(?) onto their system. And during that period of time were considered *potentially disclosable* and had to be *[sounds like, "distributed"]* in court. Uh, [the] City of Gold Bar, though, falls under a different set of standards, the standard being whether or not the, um, records were actually created during the time and the tenure of the person who, who, uh, drafted or received them, and whether or not they were discoverable -- excuse me, disclosable under state law. It's been determined that all disclosable records are present and provided to Ms.

Sonsteng they second time. So, again, I, I'm not quite sure what the council is digging for.

Croshaw: Well that – this hearing will state differently.

[long pause while they read information]

Hill: Okay. It was 2003, in September of 2003, July 2003 are the periods of time that they were requested?

Amenn: Yes.

Hill: Okay. Our attorney has reviewed this records request specifically and I believe determined that this was prior to the, uh, the C. Hawkins, Ms. Hawkins taking office. They are not disclosable. And the attorney has already made his opinion. Unless either of you *[unintelligible – C/M. Amenn interrupts and talks over]*.

Amenn: Can I make a point here? I was on the council at this time that we took these actions, and the council was not kept in the loop at all and, and *[unintelligible]* during that discretion it was not, he did not justify to the council, from my perspective, uh, any motivation for why he should reclud—re—refuse that record request. And that's, that's – we may have a disagreement, but what we'd like to do is work together and try to come to some understanding to make sure that what we're doing is correct. Because we don't want to spend –

Hill: So are you looking to cover *[sounds like, "our findings"]*? Are you looking to assist them in obtaining emails which may be used in litigation?

Amenn: We – as, as I said, the purpose of the meeting is to limit the cost of an attorney. Right now, this records request came to us and we don't know how many hours of attorney time has been spent on it.

Hill: *[Talking over C/M Amenn]* Well, certainly *[unintelligible]* the cost of an attorney by getting everything altogether and let *[unintelligible; interrupted by C/M Wood]* --

Wood: I'd like to hear what Robert has to say.

Hill: -- half, but –

Amenn: I would – I'd make a motion –

Hill: -- the attorney has evaluated this situation.

Amenn: But I, I, I *[unintelligible]* evaluation. I'd like to be able to understand, because he did not explain to me – he refused to explain to me why, what is our reason for resee—refusing the records request? If he has a valid motivation, we're going to support it. That's not our job as council. When we write the – *[simultaneous comments between Hill and Amenn]*.

Hill: I'm going to caution you about when you step outside the role as a council member –

Amenn: I'm not stepping outside the role as a council member, Crysti. Council members do need to make sure that our—we have all rights in terms of lawsuits. We, we approve lawsuits. You may suggest the lawsuits. You may cha—suggest action. We have quite a bit of policy-setting capability. And I'm not interested in debating that.

All I'm saying to you is that if, if the attorney can explain it to us and say, "Hey, this is why we refused it," and it makes sense to us and it passes the smoke test, we're going to back him 100% because we don't – we don't want to hurt the city at all.

Hill: Okay –

Amenn: And, and, and, but, but at the same time we want to make sure -- this is the second around (sic) for this records request costing us hundreds of dollars, if not thousands of dollars in legal fees and we want to make sure that we do this as cheaply as possible.

Hill: Have you seen the letter that accompanied the response to the records request?

Amenn: Yes, I have.

Hill: You have? *[pause]*

Croshaw: No.

Hill: No?

[one or two unintelligible words, phrases]

Wood: I might even have it here....

Amenn: Do you want to read it her?

Wood: I don't know if I have it *[unintelligible]*.

Croshaw: Is that the one that *[unintelligible]*?

Hill: *[unintelligible]* council member.

[several basically unintelligible/inaudible verbalizations]

[extended pause]

Hill: Do you need a *[unintelligible]* recess so that the council can *[unintelligible]* a response?

Amenn: That would be nice.

Croshaw: Would you? Thank you?

Hill: *[unintelligible]* a five-minute recess. *[bangs gavel]*

FILE E (8:34 min.)

MOTION, DISCUSSION & VOTE TO HOLD IN-HOUSE COUNCIL REVIEW OF REDACTED EMAILS

FILE F (2:53 min.)

Amenn makes motion: "I make a motion that until the council has an in-house review and has the opportunity to have in-house review, I'd like to make a motion that no other

attorney time is spent on this issue.” (Wood seconds) Hill responds that the city attorney is considered the staff of the mayor.

Amenn responds: “I have, I have an email right now. We’re making a motion – Crystal, I understand that you may ignore the motion. The motion’s a valid motion. We’d like to have a discussion. If, if you think that we’re out of order you can address that – *[Hill taps gavel twice]* – with the attorney. But the attorney has to have documentation in an email from the MRSC [.org] that allows us to take this position *[unintelligible]* right now.”

Wood restates that no attorney time should be spent on this request. Hill recaps her understanding of the motion, that no legal review should be made on a legal issue until the council can make their *[unintelligible—wood interrupts, Amenn says that is not correct; Wood reiterates that they simply wish to avoid addl. legal fees]*.

Amenn states that he has done research on this subject: Council can set policy on how staff is used, and that is all the council is attempting to do, that they are trying to set a policy that allows “us” to control how much money they spend. Hill asks whether this was policy-setting or just “cheap politics”? Amenn states it is policy, in that they do not wish to spend one more penny on this records request unless council gives its approval.

Amenn states his desire is to make sure that the city doesn’t go over on budget in legal again and it costs us “tons of money.”

File G (6:39 Min.)

Wood states, “I’d like to appoint some kind of a temporary – I suppose the word temporary – council liaison to contact the attorney directly and speak on this issue, or any issue here she feels is necessary for directive – “

[simultaneous comments]

JW continues that it would be far cheaper to use this method. Amenn seconds motion. Hill states that the council is attempting to pass two contradictory motions and states she does not recognize the motion. Council majority appeals; unanimously approved.

Discussion ensues.

(Transcription Excerpt follows:)

Amenn: Yesterday we spent a tremendous amount of attorney fees trying to get this meeting established. In that case, we don’t want void that. So in a sense that we want to stop spending on this—this—on this item, but at the same time we don’t want to be kept in the dark. We’ve been kept in the dark for too long. And keeping us in the dark on these issues and going through staff, like staff had given us two contradictory items yesterday. Staff said that at first this meeting we could not have, and, and, and, and then we have—we have a -- spend hours of people’s time, folks convinced that, that this meeting can happen and it’s legal. And if we had direct access to the attorney on that account, we would have saved a tremendous amount of money. What is was for her to

call the attorney and say, "Listen, are we right or wrong?" and it would have been simple. So the issue here is not about spending money, it's about giving us access to the city attorney which we do not have now because we put in a resolution preventing us from having access and normally council does have access, so that we can avoid spending, talk *[unintelligible]* and the attorney must have spent two, three hours on yesterday, just on this *[sounds like, "leading"]* request alone, and then we would have spent another five hours on Tuesday night because we can't talk to the attorney. So the issue before us in, in passing this motion is not for us to have unlimited access to the attorney, but to pick one of us so that in the case that we find ourselves – the case we found ourselves *[in]* yesterday, we can call up and get a clear qualification instead of having to talk to three or four different attorneys at the MRSC, talking, trying to talk to the AWC and going through this tremendous waste of time, just to get a meeting that is rightfully ours.

Wood: I was told we couldn't have a meeting.

Hill: I contacted you at 9 o'clock in the morning, Ms. Croshaw, and Mr. Wood shortly after and Mr. Amenn also, to inform you how you could legally have this meeting and to give you some guidelines *[unintelligible- interrupted by Amenn]*.

Amenn: *[interrupting]* No, you told us we couldn't have it at all. You told me – *[simultaneous comments]*

Hill: I apologize if you took it that way, but my – I did, in fact, contact all three of you to inform you how you could appropriately and legally have this meeting. So that, that is a non-point at this time –

Amenn: It is not a point. It's a valid point in this regard: We're spending a tremendous amount of money. If you look at the money that we spent on legal bills in the last two years, when you do an analysis of it, is because council is not being kept informed. And then council has to go through other methods of getting it. So, like, for example, case in point. We have a set of rules that we work on in this council. And, and you're ignoring those rules. Now we have to go to the MRSC, get a ruling from MRSC and pass that ruling over to our attorney and then their attorney has to tell you because you're ignoring the rules. So that's the case in point –

Hill: Mr. Amenn –

Wood: Roberts Rule of Order *[unintelligible]* -- *[simultaneous comments]*

Hill: *[unintelligible]* directly at you because, quite honestly, I informed you of how you could legally have this meeting.

Amenn: It's not an issue *[interrupting]*.

Hill: *[unintelligible]* stick to the agenda.

Amenn: The agenda is this. The agenda is that we'd like to have this motion have, not to expend money, and then hopefully council will trust the person that they pick that over---expend too much. We will not expend much. We'll get clarification on the city's opinion, because staff is no longer giving us accurate information. At least, in this

particular meeting. And we want to go straight to the source, eliminate all that time and get a quick answer and, in fact, appropriately.

Unanimous VOTE on motion.

(Transcription Excerpt follows:)

Hill: My response as mayor, this is a city employee, the attorney's the city employee. I will be directing the city attorney that you've, uh, directed that no additional attorney time be spent on this request, and that includes, um –

Amenn: *[interrupting]* Without council approval *[unintelligible]*?

Hill: -- not to speak with council members. The city attorney works for the mayor, not for the council.

Wood: Nominates Robert Amenn to be the attorney liaison. Wood expresses his concern that the attorney's time be curtailed, asked for Amenn's comment.

Amenn: Yes, I do. I will do my best to make sure that we don't spend any time – because I'm very concerned about the time that we spend, and if I really use this time egregiously, I will, would probably donate my monthly salary back to the City to cover it and totally cover any expenditures that I expend on the attorney that is egregious.

Wood: *[unintelligible]* You'll have to pay for it.

Amenn: I will. I give you my word on that. I have no issue of donating my city salary – it's 100 bucks a month.

[simultaneous comments]

Wood: Okay, I, I nominate, uh, I make a motion that Robert be appointed to liaison to the attorney.

Croshaw: I'll second it.

Hill: This item was not addressed on the agenda. I don't believe it's appropriate in a special meeting since it was not *[unintelligible]* on the agenda.

Amenn: Can you call for the Vote, please?

Hill: All those in favor?

(Vote unanimous)

Audio File H (5:17 min.)

Hill reads agenda item, which is a motion to ask attorney not to attend the Council's regular Jan. 17th council meeting, as this item was not on the special meeting's agenda and not a part of the discussion, and states it will not be considered.

(Transcription Excerpt follows:)

Amenn: Can I make a motion? I make a motion that we specifically request the city attorney as, as for not to spend any more time on this issue and not attend the Tuesday meeting to save attorneys' fees.

Hill: That was not advised on the agenda –

Amenn: *[talking over]* Can I have a second?

Hill: -- *[unintelligible]* on the posting.

More discussion ensues.... Hill restates that the attorney will be present on Tuesday, and Amenn once again interrupts, asking for a second.

(Transcription Excerpt follows:)

Amenn: Can we vote on it? We just want to make it on the record. It doesn't matter, but we'd like to vote, please.

Wood: I make a motion that the attorney not attend the meeting Tuesday to spend any more time on this particular item.

Hill: I will not, on the agenda motion, not recognize –

Amenn: I make a motion that we overrule the mayor's *[unintelligible]*.

Wood: It is on the agenda because the agenda – it is on the announcement to the public that we were going to talk about *[unintelligible]* request and potential policy-setting on records request. And that's what this policy *[unintelligible]* to do.

[simultaneous comments]

Hill restates her position that is not part of the agenda or the posting. Discussion ensues. Amenn says he does not wish to get into a debate but feels the council has the authority to do it; if incorrect, they will back off, but if they are correct, hopefully Crystal will support us. Hill thanks C/M Amenn for his monologue, asks whether she can continue.

Amenn states, "Yes. I, I make—I sec—I make a motion that we overrule the, the, the appeal –overrule the ruling on the....these....chair with respect to Jerry's motion, and accept the motion. Wood seconds; unanimously approved."

Discussion on the motion ensues. Hill restates her position that she does not recognize the action as it was not included on the agenda.

(Transcription Excerpt follows:)

Amenn: So the point here is that we specifically requested the city clerk to put in the *[unintelligible]* for us to make policy decision[s] with respect to limiting the attorney's expenditures on legal bills. And we wish to act on that *[unintelligible]* motivation for *[unintelligible]* on the agenda. And we believe that and other legal backing allows us to take this position to request the city attorney not to come Tuesday to save us over \$500. We're – it is – there are other, more cheaper mechanisms for them to communicate the information that they need to communicate to us. The can talk directly to the liaison, which we set up, and the liaison can do it cheaply, where they don't have to *[sounds like*

he says, “tell”] time, as well as sit through a council meeting that’s unnecessary. They’re going to come and speak with [unintelligible]. And the other issue is that we do not want to spend city attorney time. We’d like to be creative about how we get our attorney things done. We’d like to use the MRC (sic; “MRSC”) when we can, and we’d like also to avoid this kind of expenditure when it can be done very cleanly through a writing (sic), that the city attorney can address us in writing very crisp—crisp—and succinctly. It, it shouldn’t be no problem in that regard. And that’s our motivation for specifically asking the city attorney not to spend the expense of co—to come out here and speak to us on an issue that they[re] addressing in a more cheap and efficient manner.

Wood: I’d like to clarify the announcement by reading it. “Any citizen that wanting (sic) to attend...a discussion of a record request renewal that has cost a high legal expenditure. The city strategy in the past, strategy of the options open to the City concerning this records request; potential policy-setting on record request which might be a nex—legal expenditure.” This was a public announcement that was posted in the post office in two places, posted out here in city hall. It was on the counter, it was on the bulletin board.

Amenn: And we also communicated that to the city attorney, the mayor herself and the staff, that we wanted to be able to make policy –

Hill: The notice –

Amenn: -- on this meeting. It was very clear.

Hill: The notice reads, “Policy regarding records request.” We cannot set policy regarding [unintelligible] my staff.

Amenn: Can we call for a discussion, please?

Hill: It’s open for discussion.

Wood: Call for the question [unintelligible].

(Unanimously approved.)

Hill again states that she does not recognize the motion. Amenn Motions to adjourn. Meeting adjourned at 2:50 PM. (A male citizens states something about there being no public input allowed.)