

EDMONDS CITY COUNCIL VIRTUAL ONLINE MEETING APPROVED MINUTES January 5, 2021

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Susan Paine, Council President
Adrienne Fraley-Monillas, Councilmember
Kristiana Johnson, Councilmember (joined 7:14 p.m.)
Luke Distelhorst, Councilmember
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Laura Johnson, Councilmember

STAFF PRESENT

Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Jessica Neill Hoyson, HR Director
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Dave Rohde, GIS Analyst

ALSO PRESENT

Brook Roberts, Student Representative

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Councilmember Fraley-Monillas read the City Council Land Acknowledgement Statement: "We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water."

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present, with the exception of Councilmember K. Johnson, participating remotely. (Councilmember K. Johnson joined the meeting at 7:14 p.m.)

4. APPROVAL OF AGENDA

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PAINE, TO APPROVE THE AGENDA IN CONTENT AND ORDER.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AMEND TO ADD ACTON ITEM 9.5, COUNCIL CONSIDERATION REGARDING

ADDITIONAL ROUND OF INTERVIEWS, AND COUNCILMEMBER K. JOHNSON AND SHE REQUESTED ITEM 7.7, RESOLUTION OF APPRECIATION FOR SERVICE AS COUNCIL PRESIDENT - ADRIENNE FRALEY-MONILLAS, BE PULLED FROM THE CONSENT AGENDA.

Councilmember Fraley-Monillas expressed concern with having a topic, brought to the Council for the first time, placed on the agenda as an action item; typically the first time the Council considers something, it is a study item. She will vote in opposition because placing an item on the agenda as an action item does not provide Council an opportunity to study it and/or get new information.

Council President Paine asked the reason for pulling Consent Agenda Item 7.7. Councilmember Buckshnis answered she would like to have a roll call vote. With regard to the new item she proposed, she provided the reasons in an email sent today. She recalled numerous times last year where action items were proposed. The agenda now has Action Items and Study Items instead of Unfinished Business or New Business. She explained the topic was not new, everyone was familiar with it and Councilmembers were made aware of it this afternoon via email.

Councilmember Fraley-Monillas said this was something new coming to the Council for action and therefore she will not support it. She had not had an opportunity to read email because she was in other meetings this afternoon.

Mayor Nelson suggested Councilmember Buckshnis' motion be two motions. Councilmember Buckshnis said she had planned to wait until the Consent Agenda to pull 7.7 but sometimes items were pulled off the Consent Agenda during Approval of the Agenda. She suggested waiting until the Consent Agenda and possibly Councilmember K. Johnson will join the meeting by then.

Councilmember Buckshnis restated the motion:

TO ADD ACTON ITEM 9.5, COUNCIL CONSIDERATION REGARDING ADDITIONAL ROUND OF INTERVIEWS

Councilmember Distelhorst asked for clarification from the City Attorney regarding whether there was any action for the Council to take on that topic. City Attorney Jeff Taraday said he would need further information from the maker of the motion regarding the nature of the action item before he could opine on it. Councilmember Buckshnis recalled she spoke to Mr. Taraday many times last year and this year and sent the email at about 1:00 p.m. today to clarify information approved on November 17th which Councilmember Distelhorst sent to her. Her intent was to provide information and allow the Council to vote again so the citizen are aware of what the Council voted on November 17th and clarifying for transparency what has transpired since then.

To clarify his understanding of the motion, Mr. Taraday paraphrased Councilmember Buckshnis' request to amend the agenda to add Council action with regard to waiving the interview requirement for Police Chief recruitment purposes. He divined that based on communications she has had with him and what she just said. He explained the Council already waived that requirement in November; at that time, the Council essentially took a vote authorizing the Mayor to proceed with interviews of just two candidates and the Council interviewed those two candidates. By taking that vote, the Council essentially cleared the path for the Mayor to appoint either of the two candidates. That was the Mayor's choice then, and is probably still the Mayor's choice now because that vote occurred not long ago. He was unsure that any additional Council action would be necessary. If the Mayor were to ask him whether appointment of the other candidate is still a possibility, as of right now that is probably legally speaking within the Mayor's power. The Council does not have any role to play in waiving any interview requirement now. Having said that, the waiver does not last forever and unfortunately he cannot say how long it lasts because the

code does not say how long it lasts. In his opinion, not so much time has passed that the waiver would have expired at this point. He summarized he did not think any Council action was necessary tonight.

Councilmember L. Johnson questioned why the Council would vote again if they have already voted. Councilmember Buckshnis said her issue was there was a lot of confusion going on out there. In reading the November 17th minutes, it is not structured like normal motions and talks about the safety interests of the community and does not refer to a code number. As a Councilmember, she has every right to restate or put a new motion on, recalling Mayor Nelson did it when he wanted to take the gun issue off the emergency ordinance and the Council has corrected minutes and notes in the past. Her intent was to restate what she believed happened. She envisioned it being a simple vote, something that would only take five minutes.

Council President Paine opined that this has already been asked and answered. She recalled that was a lengthy meeting that lasted close to 11 p.m. She reviewed the November 17th minutes earlier today and did not believe there had been a substantial change in circumstance to put the Council in a position where it needed to vote over again. One of the options is for a Councilmember to address this in their closing comments as well as other opportunities. She noted the minutes and video of the meeting are available.

Councilmember Fraley-Monillas agreed with Council President Paine. She pointed out as the Mayor's office notified, he plans to seek applicants for this position again. If he brings forward only one candidate, "that candidate could be any number of a bunch of people." Her concern was without some way to reverse this and allow three candidates to come forward, the Mayor can bring one candidate forward and if the Council turns that candidate down, the Mayor will need to begin the process again. She was unsure creating this vortex would reach the resolution people are interested in. She relayed her understanding of Mr. Taraday's explanation that the ordinance the Council passed allowed for two candidates which she assumed was better than one. She wanted to ensure the Council understood that if they continued with two candidates, they may end up with something they potentially do not want. Tonight's discussion is related to reaffirming the two candidate principle that was passed in November. She suggested Councilmembers vote down the motion.

Having just joined the meeting, Councilmember K. Johnson requested the motion be restated. Mayor Nelson restated the motion as follows:

ADD ACTION ITEM 9.5 REGARDING ADDITIONAL ROUND OF INTERVIEWS.

Councilmember K. Johnson expressed support for the motion. She said it was clear that Councilmember Fraley-Monillas doesn't like Jim Lawless and will do anything to avoid giving him the position.

Councilmember Fraley-Monillas raised a point of order. Mayor Nelson requested Councilmembers refrain from personal attacks against colleagues on the dais. Councilmember K. Johnson said she thought she was just stating the obvious.

Councilmember Fraley-Monillas said she has nothing against Mr. Lawless and has worked very well with him for 11 years. Her comments were related to the Mayor's ability to bring three candidates forward.

Councilmember Olson said the vote to bring forward two candidates was related to specific candidates who were identified at the time. She did not believe that vote obliged the Council to accept two candidates going forward. She asked the City Attorney to confirm that, expressing concern that inaccurate information had been added to conversation. Mr. Taraday explained in November the Council allowed a waiver to go from three candidates to two candidates; those candidates being Pruitt and Lawless. At the minute that the Council authorized that waiver, it essentially authorized the Mayor to appoint either of those two candidates. That waiver has some lifespan, he could not say exactly how long the lifespan of that waiver is; fairly it is probably still in effect today. If the Mayor conducts another recruitment and that

takes a few months and if he was asked whether the waiver approved on November 17th was still in effect, he would say no because the Mayor has done another recruitment. At that point if the Mayor wanted to bring forward only two candidates for interview, he would have to ask the Council to authorize another waiver. With respect to the two candidates the Council interviewed last time, that waiver is still valid.

Councilmember Buckshnis said she would still like to add this item to agenda. She restated the agenda item for Councilmember K. Johnson:

MOTION REGARDING THE WAIVER OF THREE MEMBER CANDIDATES.

Councilmember Buckshnis explained her intent was to reinforce what happened on November 17th. She wanted to vote on this to see how Councilmembers feel about it.

Councilmember K. Johnson said she understood the motion and asked if would be a Study Item or Action Item. Mayor Nelson advised it would be Action Item 9.5.

Councilmember Distelhorst recalled on November 17th, the Council voted unanimously to interview two candidates. It was his understanding from Mr. Taraday's explanation that if the Mayor would like to appoint the other candidate, he currently has that legal option. Mr. Taraday agreed that was his opinion.

Councilmember Distelhorst said one candidate remains and the Mayor retains his authority to appoint that candidate if he so chooses and Council retains the confirmation authority. If the Mayor wants to do another search for candidates, that is within his authority, and any future waiver and confirmation power still rests with the City Council. Mr. Taraday said that was an accurate summary.

Councilmember K. Johnson said she believed most of what Councilmember Distelhorst said was correct, but an essential element was missing; it is the Mayor's right to appoint and the Council has the right to confirm. In her opinion, what the Mayor does or does not do is not as important as what the Council does. The Council can override the Mayor at any time with their authority and go directly to appointing Assistant Chief Jim Lawless to the Chief position. She believed that was within the Council's authority.

Council President Paine raised a point of order, stating the discussion was going astray from the motion. Council President Paine suggested Councilmember K. Johnson tailor her comments to the motion. Mayor Nelson ruled point taken.

Councilmember K. Johnson said she was responding to Councilmember Distelhorst's comments on the process and she believed he missed the point that the City Council has the ultimate power. Mr. Taraday clarified the City Council has no appointment authority at all, it has only confirmation authority. In the absence of an appointment, there is nothing for the Council to act on. It doesn't matter how many interviews were conducted or whether prior candidates were rejected or not, under no circumstance does the City Council have the authority to appoint a Police Chief, that is entirely the Mayor's discretion. The Council can only confirm the Mayor's appointment and until there is an appointment for the Council to act on, which right now there is not, there is no action for the Council to take in that regard.

Councilmember Fraley-Monillas commented there seems to be a lot of confusion in emails and comments in local social media that seem to think the Council can force the Mayor to pick a particular person. She wanted to be certain that Mr. Taraday's explanation was loud and clear; the Council does not have the authority to pick anyone. Mr. Taraday agreed, emphasizing the Council cannot hire employees. Councilmember Fraley-Monillas said it was very confusing when there are Councilmembers who do not understand that and bad information was confusing citizens.

Councilmember K. Johnson asked if Council could make a recommendation to the Mayor.

Council President Paine raised a point of order, stating the discussion was astray from the motion. Mayor Nelson requested Councilmembers keep their remarks germane to the motion.

Councilmember Buckshnis advised the Mayor's restatement of the motion was incorrect. She restated the motion as follows:

CONSIDERATION REGARDING WAIVING ADDITIONAL ROUND OF INTERVIEWS FOR THE POLICE CHIEF.

UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCILMEMBERS K. JOHNSON, BUCKSHNIS AND COUNCILMEMBER OLSON VOTING YES; AND COUNCILMEMBERS DISTELHORST, FRALEY-MONILLAS, AND L. JOHNSON AND COUNCIL PRESIDENT PAINE VOTING NO.

COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND TO ADD REVIEW OF THE RETIREMENT OF ROGER PENCE AS ACTION ITEM 9.5.

Councilmember K. Johnson said Roger Pence was appointed to the Planning Board as an alternate; his term expires December 31, 2021 in accordance with ECC 10.40.020(B).

Council President Paine said she made a similar inquiry and it was her understanding that this matter has been internally resolved by Ms. Hope's department and Mr. Pence's Planning Board email has been restored until further action is taken.

Councilmember Fraley-Monillas asked if the Mayor had the authority to do this. Mr. Taraday said nothing was done with regard to Mr. Pence's position. Planning Board terms are what they are and the Mayor does not have the authority to end terms, nor does the Council short of amending the ordinance that codifies the Planning Board's terms. The Mayor's authority is to appoint people to fill positions once their terms expire or a vacancy occurs. His understanding of the agenda item with regard to Mr. Pence in 2020 was an acknowledgement of the end of his term and there was no real action that effected his term. If there is a question whether the term was properly calculated, that was a different matter. Whether the term was or wasn't properly calculated, putting something on agenda acknowledging someone's retirement has no effect on the term.

Councilmember Olson said she had been pursuing this as well and was told within the last few hours that staff is working on it, but she has not been apprised of what that looks like. Mr. Pence's term does not expire until the end of 2021 so for him to be on the retirement list at the end of 2020 was an error. According to the code regarding the Planning Board, the alternate, which is Mr. Pence's position, would fill a vacant position. That is where confusion and conversation about filling positions on Planning Board arose. Mr. Taraday said he was unsure it was accurate that Mr. Pence's term had not expired as it depends on how the code is interpreted. The code identifies the expiration year of the initial term of the various Planning Board positions; it does not say whether it is January 1 of that year or December 31 of that year which obviously makes a difference assuming the terms are intended to be fixed 4-year periods similar to the way City Council terms are structured. By his calculation, it makes more sense to interpret the end of the term as January 1; it would not make sense to say a term expires on December 31 and by virtue of the actual Planning Board terms, while they frankly are messed up, half of them would be consistent with an interpretation of January 1. If that is what was intended by the code, then Roger Pence's term expired January 1.

Councilmember K. Johnson raised a point of order, stating she simply wanted to add this to the agenda, but now it has proceeded into discussion. She suggested placing it on the agenda and then have a more detailed discussion.

COUNCILMEMBER K. JOHNSON CALLED QUESTION.

Councilmember Fraley-Monillas said according to Roberts Rules of Order, it is not appropriate to speak and then call the question.

Councilmember K. Johnson asked Mayor Nelson to rule on her point of order. Mayor Nelson responded point not taken.

Councilmember Fraley-Monillas asked if it was accurate that the alternate fills a vacant position. Mr. Taraday agreed that is what the code says.

Councilmember Distelhorst pointed out it is now 7:36 p.m. His understanding from the statements that have been made was that this was being resolved or something was happening that was different than a couple weeks ago. He suggested moving on as it did not appear action needed to be taken.

AMENDMENT FAILED (1-6), COUNCILMEMBER K. JOHNSON VOTING YES.

MAIN MOTION CARRIED UNANIMOUSLY.

5. INTERVIEWS FOR BOARD/COMMISSION APPOINTMENTS

1. INTERVIEWS OF DIVERSITY COMMISSION APPOINTEES MALFAVON, PENCE AND WEED

Economic Development/Community Services Director Patrick Doherty explained Edmonds Diversity Commission members were originally appointed in October 2015 to staggered 1, 2 and 3 year terms. As of January 1, 2021, positions 4, 5 and 6 became available for full terms that will end December 31, 2023. The position openings were advertised in the media and earlier applicants were also notified. The City received 11 applications and 6 applicants were interviewed by the Diversity Commission at their November 4th meeting. Pursuant to ECC, the new appointments are made by Diversity Commission members and subject to Council confirmation. After interviewing 6 applicants, the Diversity Commission voted to appoint Alberto Orejel Malfavon, Alison Alfonzo Pence, and Ardeth Weed.

Council President Paine welcomed the Diversity Commission appointees. The Council interviewed the following appointees (appointees' answers are in italics).

Alberto Orejel Malfavon

Mr. Malfavon said he moved to Edmonds about a year ago. He currently works in Kirkland and is working remotely.

- (Council President Paine) What would you like your top project to be this year serving on the Diversity Commission? *I have always wanted to get more involved with politics. I am not natively born in the Unities States, but became a citizen in 2014. One of the things I found most appealing about the Diversity Commission, especially coming to a new smaller town, is it is really important to ensure everyone in the community feels heard and accepted. The Diversity Commission is an opportunity to get my foot in the door and be more involved in ensuring people who might not necessarily feel they have a voice, or a place to share their ideas about things they want for the City and the community and to suggest things for implementation.*
- (Councilmember Fraley-Monillas) I am a member of the Diversity Commission and have read Mr. Malfavon's application and do not have any questions.
- (Councilmember L. Johnson) Why do you think it is important for towns to have a Diversity Commission? *Diversity Commissions are extremely important due to the ongoing need for people*

to be exposed to diverse ideas, diverse cultures, and also a safe place for a wide range of ideas to be heard. Although I do not have a lot of knowledge of Edmonds, I wanted to learn ways for someone like me, new to Edmonds and of Latin decent, to get more involved and have their voice heard. Prior to being able to vote, having my voice heard was very important to me. Ever since I earned the right to vote, I have never missed an election. Even if it is not via an election, I want people in the community who are of diverse backgrounds to feel free to come to Diversity Commission meetings, to hear what's being talked about, make comments and be more involved with the community.

- (Councilmember Olson) You already answered my question. Welcome, you will be a great addition to the Diversity Commission and the community.
- (Councilmember Buckshnis) My sister-in-law is from Mexico, they have very unique, wonderful celebrations. Your resume indicates you are a competitor for West Coast Swing. Your resume looks great, you will be great for the community. It is great you got naturalized and welcome to the Diversity Commission.
- (Councilmember Distelhorst) Have you had an experience in a city you lived in before or in Edmonds during the past year that illustrates how the Council or City can better engage with the Latinx and Spanish speaking populations? *Nothing official, my experience with that has been with my mom who also lives in the area but cannot vote, telling her about what's going on in the news and the community. Regardless of whether a person is able to vote in an election, the Diversity Commission is a place where people who live in the community can have a say. I am is excited to be in a position where I can relate to a time when I could not vote and help those who cannot vote, and may not ever be able to vote, feel like they can have a say in the community.*
- (Councilmember K. Johnson) Welcome to Edmonds and to the Diversity Commission. I support your nomination and thank you for your service to the community.
- (Student Rep Roberts) Do you foresee having any ideas or projects that could intersect with youth or the Youth Commission while serving on the Diversity Commission? *One of the things that came up in one of the Diversity Commission's last meetings was how to spend the extra funds. I was happy to hear the commission had donated books to elementary schools. One of my driving factors for getting involved in the Diversity Commission is the importance of introducing diversity at a very young age. I was interested in politics at a young age but could not do anything. My focus is not just on adults or people who can vote, but a foundation of youth, adolescents, etc.*

Alison Alfonzo Pence

I am third generation American born, my ancestors are from the Philippines and the Islands of Hawaii. I was born and raised in Seattle and have lived in Edmonds for about four years. I retired last year as the executive director of the food bank at St. Mary's in Seattle, the most diverse food bank in the Seattle and probably the state. They serve not only a diverse number of clients, but the staff reflects the diversity of the clients they serve. In June 2020 I was contacted by the Seattle Human Services Coalition to serve as the temporary executive director while the current executive director was on sabbatical. I have been part of the Human Services Commission for about 10 years; one of the main things I have done with them is work with the Justice League, an anti-racism group.

- (Council President Paine) What would be your top project this year serving on the Diversity Commission? *I do not really have a top project but want to ensure people understand and embrace the meaning of diversity, that it is not just the color of a person's skin, their race, or ethnicity, but also age, class, religion, political ideology, disability, etc.*
- (Councilmember Fraley-Monillas) I am a member of the Diversity Commission and am aware of the candidates and do not have any questions..
- (Councilmember L. Johnson) Why do you think it is important for cities to have Diversity Commissions ? *It is important in both small and large cities. Having worked mainly in the Seattle area, it became apparent during the past year with Black Lives Matter, that there are many*

different ideas. I have worked with many people in BLM coalitions as well as different human services trying their best to ensure organizations become anti-racist. It is important for every city and town, large and small, and even in the frontier lands.

- (Councilmember Olson) I was thrilled to hear you bring up political ideology. That is something that hasn't been discussed much by the Diversity Commission in my experience as an attendee, including acceptance, support, open mindedness of those who do not share your political views.
- (Councilmember Buckshnis) We have met previously at Rotary and am thrilled you applied and excited for your wealth of information, experience and maturity.
- (Councilmember Distelhorst) Could you talk about your anti-racism work with the Justice League Task Force in the Seattle Human Services Coalition? *I am still on the Justice League, they won't let me leave, partially because I have ties with many organizations and ethnic groups. It's hard work, there have been many discussions about how to do things depending on what group you are talking to. I have worked with non-profit organizations as well as City of Seattle department heads, the Mayor and City Council on anti-racism and continue that work in Edmonds. I have joined many groups and discussions in Edmonds; it is fascinating how different people articulate themselves. Many people want the same thing; they want to be heard and learn and I feel like I can help.*
- (Councilmember K. Johnson) Welcome to Edmonds I know you have only been here four years but I hope you find it wonderful. Thank you for service to the City of Seattle. With regard to your statement that diversity is not just the color of a person's skin, Councilmember K. Johnson added sexual orientation. She asked how the Diversity Commission can embrace the ADA and include people with those needs in the Diversity Commission. *I've only attended one meeting so I'm not sure what the Diversity Commission has done in the past and they may not have addressed disabilities. I have been the main grant writer for the Edmonds Rotary to raise funds for an all-inclusive playground at Civic Park and am working to get capital funding for that project from the state legislature. It is difficult, especially during COVID, to raise money for something that important. I visited several parks in the area to see what is needed for all children, not just able-bodied children. I welcomed other opportunities to help people with disabilities.*

Councilmember K. Johnson said when the Diversity Commission was established, each Councilmember appointed one person. Her appointee was blind and although she thought he was a valuable member of the commission, he was not reappointed. She encouraged another person with disabilities, Dean Olson, to apply. He is a great resource for anyone who is deaf.

- (Student Rep Roberts) You answered my question in an earlier response. I am glad to have you on the Diversity Commission.

Ardeth Weed

My background is in education, superintendent principal looks impressive, but they were small schools in Northern California where there wasn't a lot of diversity in terms of ethnicity. I began my teaching career in South El Monte and lived in east L.A. My first husband was Hispanic and I was emersed in diversity, something new to me in many ways. My children are half Hispanic. When I came to Edmonds I wanted to be involved in education and learning and was thrilled when the Diversity Commission was started and have attended a lot of their meetings. I was not expecting to get on the Diversity Commission because I'm an old white lady and not very diverse.

With all the things that have been happening in the country, there is unconscious bias in white people and an unawareness of how we've benefitted from being white in society and what happens to other cultures when they come here, welcoming them but unless something happens, those are empty words. I love what the Diversity Commission has done and it is juxtaposition to what is happening in the country. I don't like rioting and do not think it is a good way to get your ideas across, but marches get people's attention and what has been happening is very important and it is even more important to keep up the conversation. I was convinced by a member of the Diversity Commission to apply even though I am white. I will work

hard to use my organization skills and openness to do everything I can to help Edmonds continue to grow, learn and listen. Recently, I have been helping a Pakistani Muslim family become citizens.

- (Council President Paine) What would be your first project on the Diversity Commission? *The most diversity is on the Highway 99 corridor; the City needs to be more prevalent in that area and supportive of diversity. I would like to have a gathering place for people to meet, have parenting classes, community dinners, etc. and possibly the Police Department have an office where people can pay tickets, etc. without coming to downtown Edmonds.*
- (Councilmember Fraley-Monillas) I am a member of Diversity Commission; Ms. Weed attends every meeting and has missed fewer meetings than most member of the Diversity Commission . You understands things well and are usually silent until audience comments. You will make a fabulous addition to the Diversity Commission and are clearly committed to Edmonds and the people in Edmonds. Don't put herself down because you is a white woman because frankly you know more about issues than most. You are a tremendous resource and will lead the Diversity Commission forward in a productive way.
- (Councilmember L. Johnson) Why is it important for cities to have Diversity Commissions? *Without diversity commissions, people end up in their tiny bubble and do not interact, learn and grow. A Diversity Commission offers the City an opportunity to open the window and see each other via discussion, sharing meal, learning games that different cultures play, teaching, learning, listening, growing, laughing.*
- (Councilmember Olson) You have set an amazing example as a listener. I also noticed you attended so many meetings, absorbing it all, a great example for all to emulate. I was impressed by your resume that represented a side of you that I wasn't aware of, an educator extraordinaire and the City is lucky to have you, taking that lens and doing great work on the Diversity Commission. *I'm looking forward to getting to know Councilmembers better.*
- (Councilmember Buckshtnis) I was impressed with your resume; I love teachers because they help make the world a better place. You are extremely well qualified and will bring a wealth of information to the Diversity Commission.
- (Councilmember Distelhorst) How will your role as an educator help in bringing the Diversity Commission's work out to the community? *I'm supportive of any opportunity to open up and present. During the first few years, the Diversity Commission did roundtables on different subjects and I envisioned doing that with adults as well as high school students. I would like to see presentations at businesses, the Rotary, community groups, etc. to have an opportunity to share regarding diversity and open their minds to this project and how it could change/help business, hiring practices, customer service, etc. I am supportive of any way to open people's hearts and minds.*
- (Councilmember K. Johnson) Teachers bring something to table. The City also has a Youth Commission, so if you want to do anything related to teaching school-age students, it could be presented to that group. Councilmember L. Johnson is the Council representative on the Youth Commission. The Rotary Club is working on an a second all-inclusive playground, the first one funded by non-city funds.
- (Student Rep Roberts) In what ways do you see your work on the DC intersecting with youth or the Youth Commission? *I am open to whatever. The Diversity Commission is meeting tomorrow and I will be the new chair. The Diversity Commission has a student representative and I'm looking forward to getting to know him and see if he has ideas for things to do in schools. I'm open to anything that comes from schools, working with schools, talking to staff, etc. and from what I've seen, the Diversity Commission is also open.*
- (Student Rep Roberts) Have your experiences raising mixed children impacted your view on diversity and its importance? I am half Asian and half white. *My first husband and I split when my kids were 2 and 3 and he did not stay in the kids' lives. I moved to Shasta County in northern California which is quite white and conservative. I did not know how to raise them Hispanic because I was busy working full-time and raising kids and did not think about it. I asked my son*

when he was in junior high if he had been teased about his last name (Salazar) and his brown skin. He reported it only happened once and after he punched the kid, he never teased him again. I did not do a very good job keeping their culture in their lives but supported them connecting with their father. As an adult, my son connected with his grandmother, becoming a very solid person in her life and caring for her until she died.

Council President Paine thanked the appointees for their responses, commenting they gave the community insight into the members of the Diversity Commission. The appointments will be approved on the Consent Agenda later on the agenda.

6. AUDIENCE COMMENTS

Mayor Nelson invited participants and described the procedures for audience comments.

Ann Jacob, Edmonds, pastor of Edmonds United Methodist Church on Caspers Street, said she spoke with three Councilmembers during the past week and emailed all of them with a request from an organization of transwomen of color to park four buses on their property. It would require an interim ordinance or other measure. During a time of pandemic when so many people of color and transwomen of color in particularly face enormous challenges of housing instability beyond the racism they face anyway, she envisioned the City would want to be allies. She recognized Councilmembers are all well intentioned, and had generous and kind hearts and would want to practice anti-racism and anti-transphobia. She invited the City to partner with them and help pass an interim ordinance. She recognized there were questions around the ordinance and how narrowly it could be written. There were challenges with adding this to the agenda this week and she hoped it could be on next week's agenda and if not, that the City find a way to permit four buses to park on their property. She assured they will be talking with their neighbors and following any other City codes. The church will not be worshipping in person for the foreseeable future and for the next six months when people are fairly sheltered and quarantined, it would be a neighborly thing to do, practice anti-racism and anti-transphobia and afford this amazing group of transwomen space to park four buses out of sight on their property. People coming up Caspers from the ferry would not see them; they would be parked in the church's upper lot. The buses would also not interfere with people's view of the water. She thanked the Council for considering adding this to the agenda next week. She anticipated the community and Council's support.,

Mark Haroldson, Edmonds, recalled turning on the evening news last month to learn that the community he has lived in for the last three years is so filled with racism that the only cure was to hire a Black Chief of Police. As he dug deeper, the optics from the outside were stunning. When disqualifying information from the candidate was about to surface, it appears the Mayor and four Councilmembers conspired to move the confirmation vote up a week. Then one week after the rushed vote, the Mayor rescinded the offer to the candidate. Open letters from the Mayor and four Councilmember raised more questions than answers. In the end, two professional law enforcement officers have had their lives turned upside down and a City employee has resigned. The good news is this got his attention. He should be asking how the City Council investigates candidate backgrounds and how individual qualities are ranked amongst different candidates, instead he is forced to talk about how the Mayor and four Councilmembers violated his trust. He appreciated each of them taking the time, energy and intelligence to serve the community of Edmonds. However, when they conspire to hire a candidate with several disqualifying attributes, they have crossed the line and are no longer serving the community but acting in their own self-interest which he found unacceptable. Last August Councilmember L. Johnson proposed a revision to the code of conduct with the stated purpose of increasing accountability among Councilmembers. He wondered if she was willing to hold herself accountable to the ideal of her own words. In that spirit, he demanded she step down from her position as Council President Pro Tem. As a citizen of Edmonds, he questioned how a citizen of Edmonds could trust Council President Paine to lead the City Council as an impartial public servant. He demanded she step down as the Council President. In Mayor Nelson's open

letter to the citizens, he described a vision for transforming community safety. Although he likes visions, he reminded that transformative change in the public sector is never achieved via an authoritative agenda. Instead, great public leaders know how to communicate a problem, work with leaders in the municipality to shape and mold a transformative solution. He suggested Mayor Nelson take time to study the principles of non-authoritative leadership. Although he did not know Jim Lawless, reading his qualifications he sounds like an excellent partner to help shape Mayor Nelson's vision. He demanded Mayor Nelson hire Jim Lawless as Chief of Police.

Tom Mesaros, Edmonds, referred to the agenda item that Councilmember Buckshnis attempted to bring forward to allow the City Council to make a statement, noting that would have been an important statement. The resolution that was passed in November talked about approving two candidates to come forward. Now that the Mayor has declared he wants to do a further search, this is a chance for the Council to make a statement to the Mayor that they would be happy with one qualified candidate. The Council had a chance to make that statement tonight and chose not to. But what surprised him was the extraordinary amount of time the Council spent discussing the merits of the two proposed agenda items rather than allowing a fellow Councilmember to put the item on the agenda. Putting the items on the agenda allows the public to hear a thorough discussion. Instead, the Council chose to disrupt the flow of the meeting and not allow fellow Councilmembers to put an item on the agenda for others to hear, grow and understand. He encouraged the Council in the coming year to allow one another to have slots on the agenda. Councilmembers may not want to vote yes on an item on the agenda, but will have that opportunity when the agenda items moves forward. Meetings will go much smoother and there will be more collegiality. He thought he was listening to Mitch McConnell and how he stalls in things in the Senate, something he did not want in Edmonds. He wanted a more collegial approach to discussing issues and then when the vote comes, it is voted up or down, noting people will honor and respect the Council for that.

RJ Schick, Edmonds, referred to Councilmember Buckshnis' motion at the beginning of the meeting which a number of Councilmembers pushed aside and the fact that there is a very qualified candidate in Jim Lawless as Chief of Police. He recalled Mayor Nelson saying that he is the most qualified candidate for the position. It is important to address this because Jim Lawless' acting chief role expires on January 22nd. He asked Mayor Nelson why all of a sudden Acting Chief Lawless was not qualified to be the Chief of Police, what happened in the interim to make him not qualified to be the Chief of Police, recalling Mayor Nelson's praise of Acting Chief Lawless on April 29th as the best candidate. The citizens of Edmonds are concerned about this and about public safety and do not understand why Mayor Nelson and four Councilmembers chose to take the actions they did when they had information to make an informed decision and bypassed that information, just like they did tonight with Councilmember Buckshnis' motion. As he understood from Mr. Taraday, the Council has the power to limit the number of applicants to one which means Jim Lawless is the only candidate left for Mayor Nelson to nominate. He has also heard from other Councilmembers who told him in confidence that there are issues with Acting Chief Lawless but they cannot disclose what those are. If there are issues with Acting Chief Lawless, like there were with Chief Pruitt and Chief Pruitt's dirty laundry was aired for everyone to see, he asked what was different about Acting Chief Lawless. He suggested if there were issues with Acting Chief Lawless those be made known to the public so everyone can move on and have a Chief of Police. He asked what Mayor Nelson's plan was before January 22nd. The citizens voted him in to run the City and expect to have a Chief of Police.

Fred Gouge, Edmonds, a resident since 1962 and former elected Port of Edmonds Commissioner for 18 years, referred to the racist, disgusting comments made by Councilmember Fraley-Monillas toward the citizens of Edmonds. She then said it was taken out of context in her interviews and in the paper. She has been calling people bullies all year long during Council meetings, looking down at citizens, and shutting down other Councilmembers from talking. He signed a petition asking Mayor Nelson to resign. He referenced a comment by Councilmember Fraley-Monillas that states, "Serious? No surprise with that

pack of downtown rich white people.” He came from a foreign county and is a naturalized citizen; it is disgusting for a Councilmember to say that about anyone in this community, nevertheless people who have support the community for years. He wanted Councilmember Fraley-Monillas to not get an award tonight, to be censured and taken off all committees because she no longer represents the citizens of Edmonds.

Jay Grant, Edmonds, said he completed his term as the Salary Commission Chair and looked forward to the next Salary Commission. With regard to Edmonds public safety, he has worked with police departments in the United States and internationally for nearly 20 years, specifically working with chiefs and their government bodies and did not recall ever seeing such a fiasco. Many citizens are taken aback by the Council not only accelerating the nomination by a week, but once learning of several facts and sworn testimony from a federal district court pertinent to the individual being confirmed, the Council was deferential to the facts and uninterested in finding out more relevant information and in the end, the facts were relevant. From the beginning, in his professional opinion, the individual was not qualified to be a candidate, especially when compared with the current Acting Chief. The City’s public safety is at stake, rank and file police officers are upset over this issue, an officer has accepted a lateral move to a different department and the stability of personnel retention could be jeopardized, especially with upcoming vacancies in senior positions. The Edmonds Police Department has a stellar reputation, which doesn’t mean that things cannot be done to make it better, but nothing should be done to diminish an outstanding agency and especially the state accreditation. The community is disappointed in the actions and question how they can trust the direction being taken. So many questions need to be answered. An example of the political mess is the fact that the Washington State Association of Sheriffs and Chiefs of Police do not want to engage with the City to assist with the search. He feared Edmonds’ reputation may be tarnished and may affect who applies for the position. When the Council confirms a person who cannot even be hired as a police officer due to domestic violence and several other actions, he wondered what they were looking for. He recalled Mayor Nelson praising Acting Chief Lawless who has an excellent background. He did not understand what Mayor Nelson was looking for and he certainly has not communicated that to the citizens.

(Written comments submitted to PublicComment@Edmondswa.gov are attached.)

7. APPROVAL OF THE CONSENT AGENDA ITEMS

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PAINE, TO APPROVE THE CONSENT AGENDA.

Councilmember K. Johnson requested Item 7.7, _Resolution of Appreciation for Service as Council President - Adrienne Fraley-Monillas, be removed from the Consent Agenda and added to the agenda as Action Item 9.5.

MOTION AS AMENDED CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- 1. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF DECEMBER 10, 2020**
- 2. APPROVAL OF COUNCIL MEETING MINUTES OF DECEMBER 15, 2020**
- 3. APPROVAL OF CLAIM, PAYROLL AND BENEFIT CHECKS, DIRECT DEPOSIT AND WIRE PAYMENTS**
- 4. ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM JOSEPHINE NAPOLI (\$1,529.25) & WILLIE RUSSELL (\$500,000)**

5. **CONFIRMATION OF DIVERSITY COMMISSION APPOINTEES MALFAVÓN, PENCE AND WEED**
6. **TREE BOARD APPOINTMENT TO ALTERNATE POSITION**
8. **PRESENTATION**
 1. **RESOLUTION OF APPRECIATION FOR SERVICE AS COUNCIL PRESIDENT - ADRIENNE FRALEY-MONILLAS**

Council President Paine read a resolution thanking Councilmember Fraley-Monillas for her service as Council President.

Councilmember Fraley-Monillas thanked Council President Paine for the resolution, recognizing this has been a difficult year, probably the most difficult of the 11 years she has been on Council. There have been a lot of successes in the last two years and she hoped the successes would continue in the future. She expressed her appreciate for the Council's efforts.

9. **ACTION ITEMS**

1. **APPOINTMENT OF BOARD AND COMMITTEE REPRESENTATIVES FOR 2020**

Council President Paine clarified Councilmember K. Johnson is the representative to Community Transit and she is the alternate. That was not reflected on the list of appointments in the packet.

Councilmember Buckshnis pointed out in the past the Council approved resolutions appointing representatives to Community Transit and to the Snohomish Health Board. City Attorney Jeff Taraday advised there are resolutions in the packet that will allow the Council to take those votes. City Clerk Scott Passey advised Item 9.1 is the appointments that the Council President has the discretion to make. The resolutions making appointments to Community Transit and the Snohomish Health District are the next two agenda items.

Councilmember Buckshnis agreed those appointments were next on the agenda; appointments to Community Transit and the Snohomish Health District are approved by resolution, and are not selected by the Council President. The appointments to Community Transit and the Snohomish Health District were removed from the list of appointments.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE APPOINTMENT OF BOARD AND COMMITTEE REPRESENTATIVES FOR 2021 WITH THE EXCEPTION OF THE SNOHOMISH HEALTH DISTRICT AND THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION (COMMUNITY TRANSIT). MOTION CARRIED UNANIMOUSLY. The appointments approved are as follows:

Committee of the Council	Representative
Public Safety, Personnel & Planning Committee (2)	Kristiana Johnson & Adrienne Fraley-Monillas
Parks & Public Works Committee (2)	Laura Johnson & Luke Distelhorst
Finance Committee (2)	Vivian Olson & Diane Buckshnis
Outside Boards/Commissions/Advisory	Representative(s)
Affordable Housing Alliance	Luke Distelhorst
Alternate	Adrienne Fraley-Monillas
Disability Board (Edmonds) Mayor appoints (2)	Susan Paine & Vivian Olson

Diversity Commission	Luke Distelhorst
Economic Development Committee	Vivian Olson
Historic Preservation Advisory Commission (Edmonds)	Kristiana Johnson
Housing Commission Alternate	Luke Distelhorst Vivian Olson
Lake Ballinger Work Group	Diane Buckshnis
Lodging Tax Advisory Committee (Edmonds)	Kristiana Johnson
Mayor's Climate Protection Committee (Mayor appoints)	Laura Johnson
PFD Oversight (Edmonds)	Adrienne Fraley-Monillas
Port of Edmonds	Vivian Olson
Seashore Transportation Forum	
Salmon Recovery – WRIA 8 Alternate	Diane Buckshnis Laura Johnson
SNO911	Kristiana Johnson
Snohomish County Tomorrow Alternate	Luke Distelhorst Adrienne Fraley-Monillas
Tree Board Liaison (Edmonds)	Diane Buckshnis
Youth Commission (Edmonds)	Laura Johnson

2. **APPROVAL OF RESOLUTION APPOINTING A COUNCIL REPRESENTATIVE TO THE SNOHOMISH HEALTH DISTRICT BOARD**

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE A RESOLUTION OF THE CITY OF EDMONDS, WASHINGTON, APPOINTING COUNCILMEMBER FRALEY-MONILLAS TO THE SNOHOMISH HEALTH DISTRICT BOARD. MOTION CARRIED UNANIMOUSLY.

3. **APPROVAL OF RESOLUTION APPOINTING A COUNCIL REPRESENTATIVE AND ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION (COMMUNITY TRANSIT)**

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON, TO APPROVE A RESOLUTION APPOINTING COUNCILMEMBER K. JOHNSON AS THE COUNCIL REPRESENTATIVE AND COUNCIL PRESIDENT PAINE AS ALTERNATE TO THE SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION (COMMUNITY TRANSIT).

Councilmember L. Johnson said as the outgoing alternate, she wanted to ensure the resolution read correctly, Edmonds is an alternate to the Board. Councilmember K. Johnson said that is a board decision; there is a primary board representatives and the other is an alternate. Councilmember L. Johnson was an alternate to the board which is different from the City being an alternate.

MOTION CARRIED UNANIMOUSLY.

4. **JERRIE BEVINGTON 6 MONTH EMPLOYMENT AGREEMENT**

HR Director Jessica Neill Hoyson explained Jerrie Bevington is the administrative assistant in charge of audio and video recording. This was typically a two-year employment agreement; she was proposing it be a six month agreement because she was unsure why this position was on a contract and was not classified as an hourly employee. There may be historical reasons for this in the past that no longer exist. A six month contract would allow staff to bring it to committee and then to Council to discuss whether it makes more sense to have this position be an hourly employee versus a contract.

Councilmember Buckshnis said she sent Ms. Neill Hoyson some of the history regarding Ms. Bevington taking over when Jana Spellman had knee replacement. She recalled this was a Council employee which was the reason it was a contract. She asked if Ms. Bevington was an hourly employee, whether she would report to the City employee pool instead of Council. Ms. Neill Hoyson said interestingly enough, the contract does not give management of the position to Council. She recalled one of reason the Council executive assistant remained a contract position was because that was the only way for the Mayor to give authority over that position to the Council. Ms. Bevington's contract specifically states the Mayor has control over the position. One of the items for discussion would be where does it make sense for this position to live so it can be appropriately managed. It needs to be in a department so someone can manage that person's work.

Councilmember Fraley-Monillas pointed out Ms. Bevington actually works for several departments. Ms. Neill Hoyson said Ms. Bevington does video and audio recording for the Council, Planning Board and others via a contract and also has an hourly position as a front desk assistant. She has done work for the Clerk's Office, Planning, HR, etc. She is paid at two different rates for those different jobs. Moving her to 1-2 hourly positions would also provide for better tracking, management and budgeting of her hours.

Councilmember K. Johnson asked if there were different in benefits for an hourly employee versus a contract employee. Ms. Neill Hoyson said the benefit to the City is the ability to better track and budget her hours; the benefit to Ms. Bevington is she would receive the wage adjustments that hourly employees receive. Councilmember K. Johnson said her question was related to health benefits. Ms. Neill Hoyson said as an hourly employee, she would not qualify for health benefits.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON TO APPROVE JERRY BEVINGTON 6 MONTH EMPLOYMENT AGREEMENT AND DURING THE SIX MONTHS, RETURN TO COMMITTEE FOR A RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

Mayor Nelson declared a brief recess.

5. RESOLUTION OF APPRECIATION FOR SERVICE AS COUNCIL PRESIDENT - ADRIENNE FRALEY-MONILLAS (Previously Consent Agenda Item 7.7)

COUNCIL PRESIDENT PAINE MOVED, SECONDED BY COUNCILMEMBER L. JOHNSON, TO APPROVE THE RESOLUTION.

UPON ROLL CALL, MOTION CARRIED (4-1-1), COUNCILMEMBERS DISTELHORST, FRALEY-MONILLAS, AND L. JOHNSON AND COUNCIL PRESIDENT PAINE VOTING YES; COUNCILMEMBER BUCKSHNIS VOTING NO, AND COUNCILMEMBER OLSON ABSTAINING. (Councilmember K. Johnson was not present for the vote.)

10. STUDY ITEMS

1. TEMPORARY POLICY EXTENDING EMERGENCY SICK LEAVE

HR Director Jessica Neill Hoyson explained this is a resolution that extends the emergency sick leave provision of the Families First Coronavirus Response Act (FFCRA), an act that the federal government put in place last year that required employers of a certain size to provide 80 hours of emergency sick leave for absences related to COVID such as isolating due to COVID, staying home sick due to COVID, or staying home with a child because their school was closed. It also required employers to provide public health emergency leave, an extension of FMLA, 400 hours of leave specifically for parents or guardians to stay home with children if their school or daycare was closed. That legislation expired December 31,

2020 and the federal government has taken no action to extend this requirement. The federal government has put in place the relief an employer can get from paying Social Security and up to the amount provided. That does not impact the City of Edmonds because the City does not pay into Social Security and has the MEBT program as an alternative. The resolution proposes the City extend the emergency sick leave portion of the FFCRA through June 30, 2021. This would allow employees to isolate or quarantine if they have been exposed or have symptoms and not have their actions motivated by whether they have leave or need to use their own leave. It is a public health issue because the more employees are incentivized to stay home and isolate, the more impact there is on mitigating the spread of COVID.

Councilmember Buckshnis asked if the FFCRA was in effect last year. Ms. Neill Hoyson answered it was in effect from April 2, 2020 to December 31, 2020. Councilmember Buckshnis asked if the City would get any federal funding for this. Ms. Neill Hoyson answered while not required, the approval process for obtaining this leave mimics the process for tax relief such as documentation from the requester before approval. That was done in hopes at some point the federal government may decide to provide the same relief and the City would have the documentation in place. That is unknown at this point, but the City's approval process is the same so if the federal government ever did, the City is prepared to ask for those funds.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT PAINE, TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, TO CONTINUE THE EMERGENCY SICK LEAVE BENEFITS OF THE CITY'S FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY THROUGH JUNE 30, 2021. MOTION CARRIED UNANIMOUSLY.

Ms. Neill Hoyson pointed out this was a study item so she was unsure whether the Council needed to first move to take action. Councilmember K. Johnson preferred to move it the Public Safety, Personnel &, Planning (PSP) Committee that is meeting next week. Mayor Nelson observed the Council had already approved the resolution. City Attorney Jeff Taraday said he interpreted the motion to approve the resolution in the packet. The Council has the ability to do that even if an item is categorized as a study item. Unless someone wanted to move for reconsideration, that was the vote.

COUNCILMEMBER K. JOHNSON MOVED FOR RECONSIDERATION.

Councilmember K. Johnson said this was a poor practice; items are supposed to first go to committee and then to Council.

Council President Paine said she appreciated following rules to the extent it makes sense. The City is in a pandemic with escalating virus counts in the community. The sooner this gets into place, the safer City staff and their families will be and the City can provide the limited resources necessary. She was concerned with the new virulent strain of the COVID, wanted to ensure staff was comfortable taking off the time they need and was eager to have this provision in place.

Councilmember Buckshnis said she also appreciated process, this was just extending what had already been in place. She found no reason to study it because it was already approved in April.

COUNCILMEMBER K. JOHNSON WITHDREW THE MOTION.

2. WAIVING RENT PAYMENTS FOR THE CHAMBER OF COMMERCE FOR JANUARY-JUNE 2021

Councilmember Fraley-Monillas commented the Chamber has suffered greatly over the last year with the loss of events that generate money. The Chamber has done some fundraising but it is not enough. She

suggested the City continue to waive their minimal rent, \$713/month for the next six months. It is important to keep the Chamber running. They have already laid off most of their staff except for one person and are considering reducing that person's hours. If something doesn't happen, the City will lose the Chamber. The Chamber is a huge part of the City's history and brings all the events into the City. Waiving their rent for the next six months would relieve a little of the pressure on them and allow them to continue operating a little longer.

Councilmember Olson expressed support, recalling during the budget process she proposed providing funds to the Chamber. This small amount will perhaps make a difference for the Chamber.

COUNCIL PRESIDENT PAINE MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO WAIVE RENTAL PAYMENTS FOR THE CHAMBER OF COMMERCE FOR JANUARY – JUNE 2021.

Councilmember K. Johnson raised a point of order, asking if this was a study item. Mayor Nelson agreed it was on the agenda as a study item. Councilmember K. Johnson asked if it was appropriate to take action on a study item or should it be moved to committee. She pointed out the Council President is in charge of setting the agenda and it is inappropriate to take action. The Chamber can pay their rent this month and the Council can take action after a proper process of review by the committee and action by the Council. She did not like the process Council President Paine has started.

Council President Paine said this was a continuation of what the City has done for at least the last six months. She recognized it may be a bit out of order but the City was continuing a practice that helps a community organization. It would still be out of order if it were on the agenda as an action item. It is a study item and the Council has the opportunity to make it an action item.

Councilmember Fraley-Monillas said the code does not say things should be done one way or another; things happen with four votes. If Councilmember K. Johnson is concerned about this, she should draft code that defines what does and does not go to committee. Past practice is not necessarily accurate considering the Council "jumps all over the plate here on stuff."

Councilmember Distelhorst recalled there was a resolution when the Council waived the rent for Frances Anderson Center tenants at the April 21st City Council meeting.

COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO HAVE STAFF DEVELOP A RESOLUTION TO PUT ON THE CONSENT AGENDA FOR THE JANUARY 12TH CITY COUNCIL MEETING WAIVING THE RENT FOR THE EDMONDS CHAMBER OF COMMERCE FOR 6 MONTHS.

Councilmember Buckshnis asked why a resolution was needed when the Council could just vote yes or no. City Attorney Jeff Taraday recommend he and staff draft a resolution; given the nature of these types of things, it is good to document the way in which helping the Chamber constitutes a fundamental purpose of government. During the pandemic, it allows the Council to articulate the rationale for doing so in a way that is more fully development than can be done in a motion.

Councilmember L. Johnson asked if the resolution needed to consider the possibility of future reimbursement. She recalled some actions that had been taken that resulted in the City being unable to seek reimbursement. Mr. Taraday asked if her question was whether approving the waiver without an identifiable source of reimbursement funds could jeopardize the ability for reimbursement from a third party. Councilmember L. Johnson said drafting a resolution would provide time to ensure the resolution was worded in such a way that the City did not miss out on reimbursement if that was a possibility. Mr. Taraday said he could look into that if the motion passed.

COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO PUT IT ON THE JANUARY 12TH COMMITTEE AGENDA FOR REVIEW AND THEN BRING IT BACK TO THE CITY COUNCIL ON JANUARY 19TH.

Council President Paine asked whether an amendment to an amendment was proper. Mr. Taraday advised it was proper because Councilmember K. Johnson's motion was to refer to committee which is proper even after a motion to amend.

Councilmember Fraley-Monillas said there was no rule that required things go to committee and in her opinion, sending this to committee would not do anything. She agreed preparing a resolution for Council consideration next week was appropriate. She encourage Councilmembers to vote against Councilmember K. Johnson's amendment. The rent waiver needed to be done and she did not want to make the Chamber come up with money they may or may not have to pay rent while the Council focused on policies and procedures.

Councilmember K. Johnson disagreed with Councilmember Fraley-Monillas' suggested willy-nilly approach and that there is nothing in writing saying what the Council should or should not do. That was the practice last year and it was not appropriate based on her nine years on the City Council. In the past when there was a committee process, the Council used it and the Council President referred appropriate items to committee. A new example has been set that she did not want followed. She asked if the Chamber had paid their January rent and if not, how much the monthly payment was and whether the waiver for January could be retroactive if the decision were made on January 19th.

Councilmember Fraley-Monillas said the agenda memo stated the rent was \$713/month. Councilmember K. Johnson asked if it was paid for January. Mayor Nelson was uncertain there anyone was present to answer that question. Councilmember K. Johnson suggested reimbursing the Chamber for the first 19 days of January if the January rent had been paid. Mr. Taraday said if Council articulates its basis properly, the Council can support the Chamber in various ways either via a direct grant, waiver of rent or a combination. Councilmember K. Johnson suggested the item go to committee, the City Attorney provide documentation and return it to Council for approval. She recalled the Council did not generally have meetings on committee meetings night.

Council President Paine raised a point of order, pointing out a change was made at the last meeting in 2020 to have a regular meeting on the second Tuesday.

Councilmember Buckshnis agreed with review by a committee. Although she had not supported having a special meeting on committee meeting night, the committee could move the agenda item to the special meeting agenda. She recommended the Council utilize committees or return to committee of a whole because she did not like spending her Tuesday from 4:00 p.m. on committees followed by a special meeting. Mayor Nelson clarified the meeting on committee night was a regular meeting.

Councilmember K. Johnson restated her motion:

MOVE THIS ITEM TO COMMITTEE ON JANUARY 12TH AND THE COMMITTEE WILL REFER TO FULL COUNCIL ON JANUARY 12TH.

Councilmember Fraley-Monillas encouraged the Council to approve waiving the rent tonight; it is not a lot of money, \$4200 over 6 months. If Councilmembers K. Johnson and Buckshnis want to form a committee to discuss what is brought to committee, she highly encouraged that.

Council President Paine asked which committee would consider this. Councilmember Buckshnis suggested the Finance Committee.

COUNCILMEMBER FRALEY-MONILLAS CALLED THE QUESTION.

UPON ROLL CALL, MOTION TO REFER TO THE FINANCE COMMITTEE ON NOVEMBER 12, 2020, CARRIED (4-3), COUNCILMEMBERS K. JOHNSON, BUCKSHNIS, AND OLSON, AND COUNCIL PRESIDENT PAINE; AND COUNCILMEMBERS DISTELHORST, FRALEY-MONILLAS AND L. JOHNSON VOTING NO.

Mayor Nelson advised action on the prior motions was unnecessary given the motion to refer.

Council President Paine recommended this also be scheduled on the January 12th regular meeting. Mr. Taraday said as the Council President she has the ability to do that.

11. MAYOR'S COMMENTS

Mayor Nelson announced he had appointed Audrey Lim to the Youth Commission.

With sadness, Mayor Nelson announced the passing of Dick Van Hollebeke, a former City Councilmember, former Edmonds College Board Trustee, co-founder of the Creative Age Festival, Edmonds Food Bank Board Member, longtime community activist and tireless advocate of the unique and growing sport pétanque. He will be missed.

12. COUNCIL COMMENTS

Councilmember Olson expressed her sympathies to the Van Hollebeke family. She commented everyone has enjoyed the holiday lights and suggested it was okay to rename them pandemic lights and leave them up until the pandemic is over or the weather gets nice. The lights make her smile when walking in the evenings especially when it gets dark so early. People should feel free to leave their lights up this year without being shamed by their neighbors for being lazy when they are actually giving something to their neighbors.

Councilmember Olson said it was not material that things are messy starting this year. The City can still start on the right foot by focusing on all they experienced and learned in 2020 to do better in 2021. These lessons include following and enforcing the codes, keeping promises to employees and citizens, working in the best interest of employees and citizens and when a mistake is made, taking action to fix it as soon as the mistake is realized, communicating and collaborating with each other, not necessarily being friends but for the sake of good policy outcomes for citizens, and valuing diversity of thought. After ruminating on the past year, those are the cornerstones that can result in a better year ahead. She looked forward to working with Councilmembers and the Mayor.

Councilmember L. Johnson expressed her condolences to Van Hollebeke family; Dick will be missed.

Councilmember Buckshnis expressed her deep sympathy to Monda and the Van Hollebeke family. Dick was a great person and was always upbeat when he called or had a question. She reported having a wonderful Edmonds kind of Christmas this year, she has always gone to either Oregon or Wisconsin and was in Edmonds this year. It was enchanting and many people thanked her, said hello and introduced themselves even in a pandemic and wearing masks. She urged everyone to be conscientious about wearing masks in public. We are in this together, there is hope on the horizon, and she hoped people see joy in their days, start collaborating and working together with the Administration and Council.

Councilmember Fraley-Monillas expressed her condolences to Monda and the Hollebeke family, recognizing it was hard to lose a parent. She remarked it was easy to tell it was an election year because

she had been assaulted during public comment regarding something she allegedly said or did. This particular person supported her opponent 3 of her last 4 elections and she expected nothing less from some of the folks in town when they had the opportunity to make comments like that on the public airwaves. She was sorry everyone had to listen to it, but clearly there was a backstory to this that will come out eventually. She had a great holiday and was glad to have a couple weeks off to relax.

Councilmember K. Johnson expressed her sympathies to Monda and the family. She too is of Dutch decent, the Van Swearingen branch. She has lost both her parents and had great sympathy for the family. She wished Edmonds citizens a Happy New Year and a prosperous and effective year for Council President Paine and Council President Pro Tem L. Johnson. Council President Paine was selected unanimously and she supported her as Council President. She urged everyone to be safe, stay calm, wear masks, and social distance so we can beat this pandemic.

Council President Paine wished everyone Happy New Year. There is a new year ahead and she hoped it was a little better. Last year was challenging for many reasons. She appreciated the time the Council took to interview the new Diversity Commission members. The applicants, who are part of the City's diligent volunteer core, brought forward the nature and the inside workings of the Diversity Commission. She appreciated the thoughtfulness of their answers and looked forward to the Diversity Commission's work this year. She relayed her deepest sympathies to the Van Hollebeke family. She announced the appointment of Ross Dimmick as the Tree Board alternate; she looked forward to what he will bring to the Tree Board.

Councilmember Distelhorst expressed his sympathies to the Van Hollebeke family. He relayed there have been 140 deaths in the last 5 weeks in Snohomish County due to COVID. He urged people not to go out even if they were wearing masks and meeting outside. He encouraged those who were able to hunker down; the case rate is 12 times the target in June when moved Snohomish County moved to Phase 2. Governor Inslee announced a new restart program today. He urged people to take extra precautions, noting it is not worth losing more Edmonds or Snohomish County residents especially as people are beginning to receive vaccinations. It is time to start the year off being extra vigilant in health and safety practices. He looked forward to working with the Council, Mayor, staff, commissions, boards and external groups he represents Edmonds on. He wished everyone a Happy 2021.

Student Rep Roberts expressed his condolences to the Van Hollebeke family, commenting it is always unfortunate to lose a family member. He shared that two years ago his father was hospitalized and spent weeks in ICU at Swedish Edmonds. Having his father in that state took a major toll on him and his family. It was traumatizing imagining a world without him and what he would do if he passed away. Luckily he didn't, but he reminded the public that COVID is serious. It is still unsure how the virus impacts infected individuals even if they recover. He urged everyone to wear a mask, stay home if you can, make safe choices, and think of others because this is a community issue.

Student Rep Roberts reminded the citizens and artists of Edmonds that the Arts Commission is offering grants between \$1,000 and \$10,000 for artists to produce work that strengthens the community's sense of cohesion and Edmonds' unique cultural identity in the Puget Sound region. Applications are due January 28th. He extended best wishes for 2021 and looked forward to what's to come this year.

13. ADJOURN

With no further business, the Council meeting was adjourned at 9:45 p.m.

MICHAEL NELSON, MAYOR

SCOTT PASSEY, CITY CLERK

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SCOTT PASSEY, CITY CLERK

Public Comment for 1/5/21 Council Meeting:

From: Kathers

Sent: Tuesday, January 5, 2021 12:33 PM

To: Council <Council@edmondswa.gov>; Public Comment (Council) <publiccomments@edmondswa.gov>

Subject: Tonight's City Council Agenda

To Edmonds City Council Members,

Please amend the Jan. 5, 2021 City Council Agenda and waive any additional rounds of interviews for Chief of Police. Do the right thing -- appoint Chief Lawless.

From: Rod Schick

Sent: Monday, January 4, 2021 5:24 PM

To: Paine, Susan <Susan.Paine@edmondswa.gov>; Council <Council@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>; Taraday, Jeff <jeff@lighthouselawgroup.com>; Public Comment (Council) <publiccomments@edmondswa.gov>

Subject: Please vote to waive additional interviews for Chief of Police

Council President Susan Paine and Councilmembers,

Council does not have the legal option, per ECC 2.10.040 B, to extend Jim Lawless as Acting Chief of Police for another six months. That means that the position will legally be vacant before the end of January 2021.

I am writing to urge you to add "Waiving of additional interviews for Chief of Police" to the agenda of the January 5, 2021 meeting. My hope is that Council will vote unanimously to waive additional interviews. You have the authority to take this action, and the responsibility to the citizens of Edmonds to ultimately confirm a Chief of Police before the Acting Chief of Police designation expires.

Hopefully, all of you have read Ken Reidy's LTE, "Council has the authority to waive additional rounds of interviews for Chief of Police." Here is a link to that article:

<https://myedmondsnews.com/2021/01/letter-to-the-editor-city-council-has-authority-to-waive-additional-rounds-of-interviews-for-chief-of-police/>

Here is an excerpt from a comment by Ken Reidy in response to Rebecca Anderson's comment to the LTE.

"Now we have the Acting Directorship created via loophole set to expire in less than 3 weeks. The Mayor will NOT be able to request City Council extend the Acting Directorship this time because ECC 2.10.040(B) states the Mayor can only do so "If, during that six-month period, the administration has not been able to generate sufficient interest from suitable candidates to satisfy the city council interview requirement".

The administration was able to generate sufficient interest from suitable candidates during that six-month period and City Council conducted a round of interviews. As a result, extension of the Acting Directorship is not a legal option."

Here is the code referenced:

2.10.040 Terms and extensions of terms.

B. The authority to hold an appointive office on an acting basis (an acting directorship) shall expire and be deemed vacant six months after the date of the acting appointment. If, during that six-month period, the administration has not been able to generate sufficient interest from suitable candidates to satisfy the city council interview requirement (see ECC 2.10.010(D)), the mayor may request an extension of acting directorship authority from the city council, in increments of no more than six months at a time, to allow the recruiting process to continue. After the initial six-month term, each extension of the acting directorship shall be subject to city council confirmation.

Edmonds City Code and Community Development
Code

Please, please take this action. You must see the divisiveness that your actions related to Chief of Police have created in the electorate. You must recognize the enormous amount of anger that is being expressed towards you and Mayor Nelson by those you represent. It saddens me to see the divisiveness that is evident in every Council meeting.

Please vote unanimously and take a step towards healing the anger, pain, anxiety and divisiveness that you have caused.

Thank you,

Rod J Schick

Edmonds, WA

From: Joan Bloom

Sent: Monday, January 4, 2021 10:55 AM

To: Paine, Susan <Susan.Paine@edmondswa.gov>; Council <Council@edmondswa.gov>

Cc: Nelson, Michael <Michael.Nelson@edmondswa.gov>; Taraday, Jeff <jeff@lighthouselawgroup.com>; Public Comment (Council) <publiccomments@edmondswa.gov>

Subject: Please vote to waive additional interviews for Chief of Police

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Please, please take this action. You must see the divisiveness that your actions related to Chief of Police have created in the electorate. You must recognize the enormous amount of anger that is being expressed towards you and Mayor Nelson by those you represent. It saddens me to see the divisiveness that is evident in every Council meeting.

Please vote unanimously and take a step towards healing the anger, pain, anxiety and divisiveness that you have caused.

Regards,
Joan Bloom

From: Michael Murdock <mikmur@icloud.com>
Sent: Monday, January 4, 2021 7:57 AM
To: Public Comment (Council) <publiccomments@edmondswa.gov>
Subject: Chief of Police

Mike Murdock

Sent from my iPhone

Begin forwarded message:

From: Michael Murdock <mikmur@icloud.com>
Date: January 4, 2021 at 7:33:34 AM PST
To: Michael Nelson <michael.nelson@edmondswa.gov>
Subject: Chief of Police

Good Afternoon,

4 council members chose to not listen to Ms. Olson, Buckschnis, and Kristiana Johnson when they requested more time to discuss candidate Pruitt. It is now very apparent that Ms. Monillas is not a good role model.

This choice has proven to be a grave error fueling racism in our community and a complete lack of trust in city government.

You now once again have the opportunity to help heal the community and move to appoint Lawless now and waive the process.

The choice is either to help heal the community, restore some public trust and appoint Lawless or continue this path of distrust.

One is either part of the solution or part of the problem. How do you want to be remembered?

Mike Murdock

Sent from my iPhone

From: Helen

Sent: Sunday, January 3, 2021 9:35 PM

To: Public Comment (Council) <publiccomments@edmondswa.gov>

Subject: Request for Addition of Agenda Item January 5, 2021

Please add January 5, 2021 Agenda Item for Edmonds City Council Meeting to Waive additional round of interviews for Police Chief position. The following provides the background and Council's ability to put this issue to a Council vote, thus giving the Mayor the ability to appoint Candidate #2

Edmonds City Council approved Ordinance No. 3959 on Jan. 21, 2014 allowing City Council to waive additional rounds of interviews. Following are two excerpts from the Jan. 21, 2014 City Council meeting minutes:

-Mr. Taraday explained the language above would give the Council additional flexibility by allowing the Council to confirm the appointment of someone that was recently interviewed and allow the position to be filled much more quickly.

-Reporting Human Resources Director Carrie Hite commented it is a common Human Resources practice to return to a previous recruitment cycle if it occurred within a year.

Code, precedent and the process were established at that time for Council to waive additional rounds of interviews for an Appointive Officer position.

City Council meeting minutes of Feb. 18, 2014, pg. 10, include the following:

COUNCIL PRESIDENT BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PETERSON, THAT THE CITY COUNCIL WAIVE ADDITIONAL ROUNDS OF INTERVIEWS FOR THE FINANCE DIRECTOR

POSITION AND AUTHORIZE THE MAYOR TO BRING FORWARD CANDIDATE #2 FROM THE PREVIOUS RECRUITMENT CYCLE FOR CONFIRMATION. MOTION CARRIED UNANIMOUSLY.

This established Step 1 in the process, City Council voting to waive additional rounds of interviews per ECC 2.10.010.D.

Step 2 in the process is Mayoral Appointment.

Step 3 in the process is City Council Confirmation of the Mayor's Appointment.

History established the above process. In 2014, Steps 2 and 3 took place on Feb. 25, 2014, one week following Step 1. Adoption of Code allowed the process to occur.

Edmonds City Council provided evidence on Dec. 8, 2020 that they can amend the City Council Agenda at the last second and take related action the very same evening.

Thank you,

Helen L. Hall
Edmonds, WA 98020

From: Jim & Shanna England

Sent: Wednesday, December 30, 2020 9:52 PM

To: Buckshnis, Diane <Diane.Buckshnis@edmondswa.gov>; Olson, Vivian <Vivian.Olson@edmondswa.gov>; Monillas, Adrienne <Adrienne.Monillas@edmondswa.gov>; LaFave, Carolyn <Carolyn.LaFave@edmondswa.gov>; Johnson, Kristiana <kristiana.johnson@edmondswa.gov>; Johnson, Laura <Laura.Johnson@edmondswa.gov>; Distelhorst, Luke <Luke.Distelhorst@edmondswa.gov>; Nelson, Michael <Michael.Nelson@edmondswa.gov>; Public Comment (Council) <publiccomments@edmondswa.gov>; Paine, Susan <Susan.Paine@edmondswa.gov>

Subject: Re: Please appoint Jim Lawless as permanent Chief of Police

(Sorry - resending to include Mayor Nelson's email address)

On Wed, Dec 30, 2020 at 9:41 PM Jim & Shanna England <chelsea99england@gmail.com> wrote:

Please right the ship and appoint Mr Lawless and put an end to this fiasco.

As you have been hearing from our citizens many times, Edmonds already has the best candidate we could ever dream for, background, training, experience and knowledge of the City of Edmonds.

I also wish to commend Council Members Vivian Olson, Kristiana Johnson, and Diane Buckshnis for your attempts on Dec 8th for more time and to review and discuss the details of nominee's resume and record that you all had access to, but ignored in your 4-3 vote. I am especially proud of Vivian Olson questioning Pruitt's background with HR, before Mr Nelson shut off and unjustifiably reprimanded her.

Mayor Nelson and Council Members Monillas, Paine, Laura Johnson and Distelhorst: I am beyond disappointment in your bullish and blindfolded process with your 1 + 4 pact attempting to ramrod the confirmation with contingency Pruitt's appointment. Vivian Olson was doing her job and had every right to question HR on Pruitt's background, as the HR director is not doing her job either. Put your activist hats away and start representing Edmonds. Let's not become "Little Seattle by the Sea" !

Let's stop spending more taxpayer money for a meaningless search. Do the right thing, it's Mr Lawless.

I am willing to discuss in more detail with any of you.

Jim England, taxpayer and resident of Edmonds

