

<b>Respondent Name(s)</b>
Marianne Klaas
<b>Complainant Name(s)</b>
Scott Moore
<b>Complaint Description</b>
<p><u><a href="#">Scott Moore</a></u> reported via the portal (<i>Fri, 22 Jul 2022 at 11:16 AM</i>)</p> <p>Scott Moore Clyde Hill City Council Position 2</p> <p><u><a href="#">Clyde Hill City Council Agenda for July 26</a></u> <u><a href="#">Mayor's memo re city finances and ballot initiative</a></u></p> <p>City Council Special Meeting - 26 Jul 2022 - Agenda.pdf 98.83 KB</p> <p>Mail - City Attorney memo of July 1.pdf 216.28 KB</p> <p>Mayor_s Memo re The Finances of Changing Government 07-19-22.pdf 235.16 KB</p>
<b>What impact does the alleged violation(s) have on the public?</b>
<p>I serve on the City Council for the city of Clyde Hill. A petition in support of a ballot initiative to consider changing Clyde Hill's form of government was circulated by residents and was recently certified by King County elections. The Clyde Hill Council voted unanimously to adopt a resolution placing the question on the November ballot. We were warned on July 1 by the City Attorney in an email about the prohibition against using public facilities of any kind to support or oppose a ballot initiative. The Mayor, Marianne Klass has now added a memo indirectly opposing the ballot initiative to the Agenda for a Council study session next Tuesday evening. Her memo alleges (without specific evidence) the change in government, should it pass will result in higher operating costs for the city. Her memo closes with the sentence "The above content should give insight that this cost will be significant." Not only is the Mayor's memo improper, it was added to the Council agenda and published to the City's website without a vote or prior notice to the Council.</p>
<b>List of attached evidence or contact information where evidence may be found</b>
<p>I am attaching the memo the Mayor added to the Agenda, the Agenda itself, links to the appropriate pages on the city website and the email sent by City Attorney Brubaker on July 1 specifically warning all elected officials not to violate RCW 14.17A.555</p>
<b>List of potential witnesses with contact information to reach them</b>
<p>City Attorney, Tom Brubaker, all members of the Clyde Hill City Council, the Mayor of Clyde Hill and City administrator Dean Rohla.</p>

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



# AGENDA

## City of Clyde Hill Council Special Session

City Council Special Meeting  
Tuesday, July 26, 2022 - 6:00 PM  
Clyde Hill City Hall - HYBRID

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Page

### 1. CALL TO ORDER & ROLL CALL

Time Estimate - 2 Minutes

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- 1.1. Information regarding Public Participation  
[Hybrid Meeting Notification](#)  
[Hybrid Meeting Login Information 7-26-22](#)

### 2. APPROVAL OF AGENDA

Time Estimate - 2 Minutes

- 2.1. Consideration of a motion to approve the Agenda of **July 26, 2022** as presented.

### 3. PUBLIC COMMENT

**Time Estimate: Up To 30 Minutes**

- 3.1. Opportunity for brief comments to the City Council.

“Public Comment” must be limited to items on the agenda. For persons attending the meeting in city hall, please use the sign-up sheet, and we will call your name in that order; if you are attending virtually, use the “raise your hand” function on your screen, and the mayor will recognize you. Each speaker will be given three minutes to speak. This is a one-way opportunity to comment to the full city council, not to Q&A the mayor, the council, or individual councilmembers. We most likely will not respond directly at the meeting, but we may ask staff to research and report back on an issue. Speakers must show respect to the forum and its elected officials. Speech and actions that lead to any disruption will not be tolerated. When called upon, please state your name and if you are a resident of Clyde Hill for the record.

### 4. DISCUSSION ITEMS

**Time Estimate: 90 Minutes**

- 7 - 10      4.1.    Discussion re: Cost of Change in Form of Government  
[Mayor's Memo re The Finances of Changing Government 07-19-22](#)  
[Discussion re Cost of Changing the Form of Government - email CM DH 07-18-22](#)
- 4.2.    Discussion re: Public Comment on Agendas  
*NOTE TO THE PUBLIC: This is a Council discussion item; comments from the public should be provided under [Item #3.1](#).*
- 11 - 35     4.3.    Discussion re: 2022 Budget Amendment & Staffing Update  
[Budget Amendment Memo 07-22](#)  
[Big Picture 07-22](#)  
[Budget Changes 07-22](#)  
[Line Item Budget 07-22](#)  
[DRAFT Budget Ord 07-22](#)
- 37 - 43     4.4.    Discussion re: 2023 Budget
- Budget Calendar
  - Process
  - Goals & Priorities
- [2023 Budget Memo 07-22](#)  
[2023 Budget Calendar](#)  
[2022 Budget Process](#)  
[2022 Target Issues](#)

**5.    UPCOMING MEETINGS**

**Time Estimate: 10 Minutes**

- Tuesday, August 9th Regular Session
  - Budget Amendment
  - Stormwater Bids
- Thursday, August 18th BAC Meeting
- Tuesday, September 13th Regular Session

**6.    ADJOURN**

## Prohibition on use of city facilities to support or oppose change in government election ballot issue

Tom Brubaker <tom@lighthouselawgroup.com>

Fri 7/1/2022 2:44 PM

To: Councilmember Friedman <council1@clydehill.org>; Councilmember Moore <council2@clydehill.org>; Councilmember Muromoto <council3@clydehill.org>; Councilmember Jones <council4@clydehill.org>; Councilmember Hachamovitch <council5@clydehill.org>; Mayor Klaas <Mayor@clydehill.org>

Cc: Dean Rohla <Dean@clydehill.org>

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Everyone—At our last council meeting, I briefly referenced the prohibition on using city facilities to promote or oppose a candidate or an election issue. The upcoming election on the potential change of government falls under this prohibition. Here's the statute:

### **RCW [42.17A.555](#)**

#### **Use of public office or agency facilities in campaigns—Prohibition—Exceptions.**

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW [42.52.010](#).

The state Public Disclosure Commission also has a very useful website that goes into further detail on the practical application of this prohibition. You can access it [here](#). Also, MRSC has some information on election issues, too. That link is [here](#).

Again, on your own as a Clyde Hill resident, you may participate in supporting or opposing the election issue; you just cannot use city facilities in doing so. If you have any other questions or comments, please do not hesitate to reply or call. Regards, --Tom



**Tom Brubaker**

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Seattle, WA 98101

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**TO: City Council**  
**FROM: Mayor Marianne Klaas**  
**DATE: July 19, 2022**  
**RE: The Finances of Changing Government**

One of the many questions that has arisen is, “How much would this change in form of government cost Clyde Hill?” There is no singular resource that specifically answers this question. There is a useful online resource: [MRSC - City and Town Forms of Government](#).

Recent examples of cities who changed their form of government show some key financial areas, but rarely an actual dollar amount attached. Direct and indirect costs for changing the form of government are going to vary on individual city circumstances. You can theoretically add up the costs below, but it will be significant:

1. Legal costs associated with drafting resolution and making final amendments based upon feedback and approval language.
2. City staff costs to expend time organizing the election—forming committees for and against, etc.
3. Costs to add resources to manage the city and the projects amid current changes and structure.  
For example:
  - a. Presently Clyde Hill operates with 4.5 city admin staff, 5.5 public works/building staff, and 10 staff in the police department for a total of **20** FTEs. Clyde Hill *contracts* with Blueline Group to assist with planning efforts such as with the Comprehensive Plan and associated Title 17 land use changes.
  - b. In contrast, Medina has its 7 council member team and city manager. All in all, they operate with a total of **25.7** city staff and police. They have a specific development division and hired staff for planning, a separate clerk, additional finance and dedicated IT resources.
4. Election-related costs for the County to place resolution on the ballot
5. Legal costs associated with updating the City’s Municipal Code to meet the new form of government needs
6. Legal costs associated with related ordinances
7. Costs associated with re-negotiating/amending/terminating the City Administrator; AND/OR (depending upon the outcome of the last item); there will be costs associated with hiring an executive search firm (optional) and finding a new City Manager. Some of these might be considered direct costs and some of these might be considered indirect costs.

8. Costs associated with advertising, interviewing, and selecting 1-2 more city councilmembers as it is required to operate with 7, not 5, in a Council-Manager form of government.
9. Costs associated with defining the process and procedures regarding:
  - a. Selecting the Mayor and Mayor Pro Tempore from councilmembers
  - b. Administrative transition from current Mayor to new Mayor
  - c. Reestablish clear roles and responsibilities
  - d. Define committee/task force structure
10. Create and request the Salary Commission to review salaries for the Council and Mayor to reflect the Council-Manager form of government
  - a. Adopt an ordinance setting those salaries
  - b. Please note: the present Mayor is paid \$100 per meeting (minimum of 3 a month) plus city benefits as if an exempt employee. Currently, since the Mayor already is employed with full benefits, the salary reflects being paid the \$880/mo cafeteria plan. This is about \$1,300 per month. In contrast, city councilmembers are paid \$50 per meeting, but are not allowed to capitalize on the city benefits. Councilmembers will be increased from 5 to 7, so more to pay, but mayor costs would be deleted. All elected officials are eligible to participate in the Public Employees Retirements System (PERS).
11. Amend the budget accordingly. Remember these are operational expenses and as of December 31, 2021 we have \$3.65M unrestricted dollars out of our \$12.4M overall fund balance.
12. Develop communications and reporting methods to keep Council and public informed of city operations
13. Develop and conduct a public outreach program that can begin to address broader concerns from the community that surfaced during the campaign to change form of government

All the costs to change the form of government would come out of operating costs. Clyde Hill has limited revenue streams. Property taxes are the main source of funds, but remember, even though property taxes increase, the City only receives five percent (5%) of the total amount you pay to King County annually. Medina, for example, barely passed a Levy Lid Lift in order seek additional revenue to fund their operational city's expenses. The money we receive from real estate excise taxes are restricted to capital expenses. Clyde Hill will need to amend its budget and budget for 2023 appropriately to accommodate the costs associated with changing its form of government. Our residents are asking how much will the change in form of government cost the City of Clyde Hill. The above content should give insight that this cost will be significant.