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MAR 12 2007

EXECUTIVE OFFICE

March 12, 2007

Mr. Richard Leahy
City Manager - City of Woodinville
17301 - 133rd AVE NE
Woodinville, WA 98072



Dear Mr. Leahy,

We all would like to take the opportunity to thank you for your time Thursday. An inventory of attendees unanimously thought our interchange to be engaging as well as candid. These are qualities we are pleased to have on board.

As each of us shared with you, we are acutely aware of the challenges you are facing. It is our intention to be at your service to support our mutual future successes in this community we call home.

In that regard additional information has come to our attention regarding one of the more immediate issues we shared with you at our meeting on Thursday. We feel it important to bring it to your attention as well as to the council and community.

This concern regards the chronic lack of proper legal notice according to WMC 17.11.030 of the Wood Trails and Montevallo Public Hearings originally scheduled on February 28th and March 1st.

We understand from Ms. Fessler's February 26th explanation at approximately 10:35PM during a specially held Woodinville City Council meeting, that the dates had been changed.

This particular city council meeting was not a regularly scheduled city council meeting but rather an additional scheduled special study group meeting. It was a study group on Sustainable Development.

The notice of this meeting was posted on the city website and not generally known by the community as a whole.

No one, including us, could have guessed that this meeting would include an announcement of the change of dates of the Montevallo and Wood Trails hearings from the subject matter of this meeting. Nor was this announcement included in the meeting agenda.

In addition, this announcement was made in the last 5 minutes of this meeting when approximately 70% of the original audience had already gone home to their families.

The placing of the actual notices on the public handout table was done at about the same time, 10:30PM.

There is some question as to whether Ms. Fessler would have engaged the announcement had it not been for a query by Councilmen Stecker just prior to the adjournment of the meeting at 10:38PM.

During our meeting we learned that the actual premise that precipitated the rescheduling of these hearings was due to defects in the legal public notice requirements on the original dates.

We shared with you a March 6th Email thread between Ms. Cindy Baker and Ms. Huso where Ms. Huso, an adjoining property owner to Montevallo, alerted Ms. Baker that the notices had not been updated with the new hearing dates. Further the noticed posted at the Woodinville Post Office had not been updated either.

As you know this is not within the 15 day notice requirement of WMC 17.11.030. At the end of this communication, the property postings were corrected but the post office postings were not. Although Ms. Baker was alerted March 6th, as of this morning, the notice at the post office still shows the hearing dates as 2/28 and 3/1.

Ms. Huso, who was present at our Thursday meeting, also shared that as a property owner within 500 feet of the property, she had never received any notices by mail as required by WMC 17.11.030 on the original hearing dates either nor these subsequent rescheduled hearing dates.

Where the argument exists that Ms. Huso is in fact in possession of knowledge of the hearings at this point, there is no way of knowing how many other property owners are not because of the failure to meet these gatekeepers.

Some absence of community outcry is quite likely a succinct reflection of lack of knowledge due to a result of this defect. This is the purpose behind legislation to prove transparency as for example in the Appearance of Fairness Doctrine.

During our meeting on Thursday we learned that it was believed a "continuation" rather than a "rescheduling" of the hearings relieved city staff of meeting public legal notice gatekeepers as required by WMC 17.11.030.

Further we learned the reason the hearing examiner was to be present to open the hearings on February 28 and March 1st was so the hearing could legally be defined as a "continuance" rather than a "rescheduling" to achieve the relief of these legal notice requirements.

City staff initiated the arrangement that the hearing examiner was to be flown over at city expense so he could officially lower the gavel at the dais although it ended up being facilitated by phone due to a negative response by council to this plan.

As we initially shared with you, we did not agree that this action would relieve city staff of the legally binding notice requirements as stated by WMC 17.11.030 as we feel it clearly states that gatekeepers must be met on a second hearing just as they would on the first.

Since our meeting however, there have been a number of additional and troubling concerns that have come to our attention that we feel you should be made aware of.

In reviewing the videotape of the February 26th meeting (see attached transcript) Ms. Fessler announced that, "We have meeting notices being passed out to you just very briefly. There was a telephonic discussion this afternoon between the city attorney, the hearings examiner and the attorneys representing both the applicant for Wood Trails and Montevallo and the attorney representing the Wellington neighborhood. They all agreed that the hearings on these projects will be rescheduled. Those two notifications lay that out. The hearings examiner will be here on February 28th. He will open the hearing. He will immediately reschedule it to March 14th." (See attached transcript)

Ms. Baker immediately jumped in and corrected Ms. Fessler's script.

Baker: "Continue it (emphasis added) - I'm sorry its us..."

Fessler: "Continue it! Thank you (looking at Baker) and uh he will do the same thing on Thursday uh March 1st continuing that hearing until those later dates March 14th and 15th."

You may notice from the transcript it was never shared with Council during this discussion that there was an intention to avoid requirements of legal notice to the public on this second meeting by facilitating a *continuation* rather than a *rescheduling*. Thus neither the Council nor the public were made aware of this fact.

In addition we have been made aware of a note that Ms. Fessler passed to Mayor VonWald during this February 26th meeting regarding this announcement.

Fessler advises Mayor VonWald that "it may be wise to give me (Fessler) the opportunity prior to public comments to explain the resolution the attorneys (all parties) & the Hearing Examiner reached today, plus pass out the revised hearing notice. This may resolve some of the issues & let it be known all parties have agreed prior to the folks making accusations."

Ms. Fessler goes on to inform Mayor VonWald that "the notices will be available in a few minutes (8:30PM)."

By 10:34PM none of Fessler's suggestions were acted upon by Mayor VonWald.

Our concerns are multiple.

- 1) If the notice requirements on the original dates were agreed upon as defective how is relieving staff from meeting any gatekeepers by employing a *continuance* going to cure that situation a second time?
- 2) The appearance (again) of misdirection, withholding of information, otherwise a technique known as "*steering*" of the city manager and council at the dais sourced by Ms. Cindy Baker is absolutely unacceptable and completely out of scope with her job description.
- 3) It is very clear Ms. Baker has used her position with the city to fulfill an unknown but separate agenda not commensurate with her charge of responsibility to the community, the council and the City of Woodinville
- 4) In doing so Ms. Baker has actively violated her fiduciary duties to the city and the public.
- 5) Given this lack of credibility on Ms. Baker's part, anything she has touched or been involved with should be immediately investigated, reviewed, overturned (if necessary) and/or redone. She has not only demonstrated a clear lack of competence but worse, a complete lack of loyalty, credibility and ethics.
- 6) Her bond should be activated to pay for employment of labor required to correct her actions.
- 7) Given the enormous importance of this issue to the community, the appearance of some active cooperation by Mayor VonWald is also deeply disturbing.
- 8) It remains obvious that the city still has not met proper legal notice gatekeepers of WMC 17.11.030 neither with the first scheduled hearings nor the second.
- 9) It is our intention to place this letter in the public record tonight, Monday March 12, 2007.
- 10) It is also our intention to place this letter in the public record during the Montevallo and Wood Trails public hearings both March 14th and March 15th.
- 11) Upon a possible failing of the Hearing Examiner to act up this information to commence an immediate cure of this defection, we, as a community, will be forced to file an official complaint as a violation under the Appearance of Fairness Doctrine and these violations of public trust against all parties made aware of this issue who failed to take the appropriate actions to correct it.



Again as you are quickly learning, these are only some of the issues facing your tenure at the City of Woodinville. As leaders of a great many community members, we sincerely apologize that you should be faced with such challenges while still acclimating to your new position. It is our hope you will prevail with strength and heart and we look forward to an easier time working together.


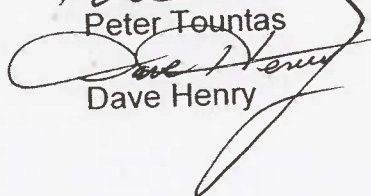
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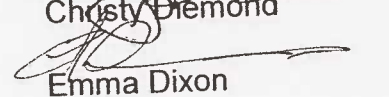
As the City Manager, we believe you may have the authority to either reschedule the hearings or to offer other reasonable solutions to cure this situation. In the absence of those possibilities, we would respectfully request that these hearings are rescheduled again, and ensure that proper notice of the hearings is given as required under WMC 17.11.030.

In view of the City's repeated and inexcusable past failures to give proper notice, we also request that you appoint a panel of community member ombudsmen to act as a check and gatekeeper for all future scheduling matters for the Wood Trails and Montevallo projects.

Yours truly,


Richard Block

Susan Huso


Peter Tountas

Dave Henry


Christy Diamond

Emma Dixon

Attachments:

Transcript of February 26th announcement
February note from Fessler to Mayor

Cc: Woodinville City Council
Woodinville Weekly
Mike Daudt

