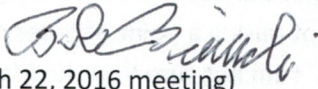


Date: March 28, 2016

To: City Council

From: Councilman Bob Bianchi

Subject: Council Conduct (March 22, 2016 meeting)



In our last council meeting, I was disturbed by the conduct and direction the meeting took during the public presentation. I understand that the council is relatively new but our conduct, including my inaction, was inexcusable. The council should have been temporarily shutdown and adjourned into executive session (RCW 42.30.110). A councilperson cannot react or should not allow a meeting to become a debate or worst accuse any individual.

Our council March 22th meeting forces me to remind our members that as councilpersons we must reserve our opinions until all the facts are presented. Glenn Bell's citizen appeal to look into someone within the City who has slandered his reputation was an appropriate appeal and the City should have investigated the claim. However, the council interrupted the presentation and accused the City's Manager as being the source. The RCWs and our Personnel Policies cover the handling of a hearing process. An accused individual is not considered guilty until the evidence is presented and the accused is able to defend himself and questioned the individual making the accusation. Hearsay, if admissible, depends upon the truthfulness and accuracy. There was no affidavit provided nor any indication when the accused was contacted or what was the reason and when the meeting occurred between the accuser and accused. Since the hearsay was neither under oath nor available for cross-examination, this hearsay accusation should not be considered. To cloud the investigation further the acting chairman indicated having knowledge of the accusation prior to meeting. The acting Chair implied that the City Manager was guilty prior to hearing the City's Manager position. To receive and evaluate complaints or charges brought against a public officer or employee, the council must handle the process in accordance with the City's Personnel Policy and not indicate any decision until the hearing process is performed.

As council member we are elected to a position of authority. The council meeting is not an appropriate court or inquest setting. The council should have temporarily adjourned into executive session and then followed the procedures indicated in the Section 300 of the City's Personnel Manual. By accusing the City Manager without the opportunity to provide evidence, the council tainted the procedure by accusing someone without real evidence and bias public input and Bell's testimony. I suggest we review the Association of Washington Cities' Mayor and Councilmember Handbook and reread Chapters 8 and 9 in particular. It is the responsibility of the Mayor to determine if any improper procedures occurred not the council. By accusing the City Manager of being the offender without a clear understanding of the actual circumstances by collecting both sides of the issue, is grounds for a libel suit. I suggest that our attorney advise what defamation of Character is. In my book, defamation is criminally punishable under various statutes, but to be criminally punishable it must be such as would provoke a breach of the peace or in some other way directly prejudice the public interest. I believe that the council has come close to meeting both criterion. Ignorance of the policies and procedures is not appropriate defense in a libel suit. Not only can the individual be held accountable but also the City.



I realize that the Mayor pro tem is new and that the Robert's Rules are guidelines but I am ashamed how the meeting was handled. I am at fault for not raising a point of order objection and insisting that the meeting go into executive session. I apologize. I am not sure that the Mayor can obtain unbiased testimony to determine what actually occurred because of the manner the council handled this issue. I hope that in the future, the members of council, remain neutral until the council checks the proper procedures and these procedures are followed to determine if there was any improper action. Judgment must be made on the accuracy and truthfulness of testimony, and both sides must be given the opportunity to have a say. If there is any doubt, the accused is considered innocent. I am not an attorney. I would like attorney to advise the council the meaning of hearsay, defamation, and slander; and provide a brief on the potential consequence of a libel suit.

I feel that until all the facts are collected and the investigation is completed, the council members who implied guilt or accused the City Manager publically apologize and if they have made any electronic or written accusations, they correct them.