

RESOLUTION NO. 1261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, CENSURING COUNCILMEMBER DJ WILSON FOR 1) ATTEMPTING TO MEDIATE A PERSONNEL DISPUTE BETWEEN THE CITY OF EDMONDS AND A CITY EMPLOYEE WITH WHOM HE HAD A PERSONAL, POLITICAL AND PROFESSIONAL RELATIONSHIP, 2) WITHOUT COUNCIL DELEGATION MEDIATING A CONTRACT OBLIGATING THE CITY OF EDMONDS TO PAY HIS PERSONAL, POLITICAL AND PROFESSIONAL COLLEAGUE KIMBERLY COLE \$65,000 AND A YEAR OF HEALTH INSURANCE, AND 3) MISLEADING THE RESIDENTS OF EDMONDS BY CONCEALING HIS ROLE IN THE MATTER.

Whereas, the citizens of Edmonds should trust in the truth and honesty of their City Council members;

Whereas, Councilman DJ Wilson has a personal, political, and professional relationship with Kimberly Cole, an aide to the Mayor of the City of Edmonds;

Whereas, Kimberly Cole has recently asserted that she has claims against the City of Edmonds related to her employment as an aide to the Mayor of the City of Edmonds;

Whereas, a document entitled CR2A Agreement attached hereto as Exhibit A was signed by Edmonds Mayor Mike Cooper and Kimberly Cole on September 22, 2011;

Whereas, Everett Herald reporter Bill Sheets wrote on October 6, 2011 that "City Councilman D.J. Wilson said he was asked by Cooper and Cole to mediate the settlement agreement to reduce the chances of the city being sued";

Whereas, Everett Herald reporter Bill Sheets quoted Councilman DJ Wilson on October 6 as saying "Getting the opportunity to help limit the city's liability was in everyone's best interest";

Whereas, the agreement mediated by Councilman DJ Wilson was not in the best interest of the City of Edmonds for the following reasons: 1) it obligated the city to pay his personal, political, and professional friend Kimberly Cole \$65,000 and the full cost of health care benefits for a one-year period; 2) it provided that "all rights to a future legal remedy for claims against the city of Edmonds are reserved by Kimberly Cole," and thereby obtained for the City of Edmonds no benefit; and 3) it provided that the City would "not ... contest any application for unemployment benefits by Kimberly Cole."

Whereas, the City Council has never delegated Councilman DJ Wilson to mediate any settlement agreement resolving any employment disputes with any city employees;

Whereas, on October 4, 2011 the Edmonds City Council considered a resolution to repudiate the settlement mediated by Councilman DJ Wilson between the City of Edmonds and Kimberly Cole because it had not been properly authorized by the City Council;

Whereas, at this same City Council meeting Councilman DJ Wilson publically announced – prior to voting to repudiate the agreement he had mediated – *only* that he had a personal, political and professional relationship with Ms. Cole but that relationship did not in any way cloud his judgment.

Whereas, prior to voting on the motion Councilman DJ Wilson failed to inform the City Council and the public that he had mediated an agreement between Mayor Cooper and Kimberly Cole;

Whereas, Councilman DJ Wilson failed to disclose his involvement in the matter and thereby deceived and misled the people of Edmonds while intentionally concealing his role;

Whereas, Councilman DJ Wilson has not yet voluntarily recused himself from Council deliberations and decisions surrounding the dispute between the City of Edmonds and his personal, political and professional colleague, Kimberly Cole;

Whereas, on October 20, 2011, fifteen former City of Edmonds officials wrote that they were “concerned about the current dysfunction apparent in both the legislative and administrative activities in our city” and that “It is important that they understand and observe the separation of power between the mayor and the council while performing their respective obligations.”

Whereas, the actions of Councilman DJ Wilson have exposed the City of Edmonds to greater financial risk than if he had not become involved, and

Whereas, the City Council finds that the actions and comments of Councilman DJ Wilson have brought disrepute to the City Council; and

Whereas, the purpose of a censure motion is to denounce misdeeds;

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. Councilman DJ Wilson is hereby censured for attempting to mediate a separation agreement without first obtaining authority from the City Council to do so.
2. Councilman DJ Wilson is hereby censured for participating in a course of conduct directly resulting in an agreement obligating the city of Edmonds to pay \$65,000 and health insurance premiums to a person with whom he has a personal, professional and political relationship and providing nothing of value to the City of Edmonds in return.
3. Councilman DJ Wilson is hereby censured for failing to reveal his role in mediating a settlement agreement between the City of Edmonds and Kim Cole prior to voting on whether to nullify the agreement.
4. Councilman DJ Wilson is hereby censured for violating the public trust by acting as a mediator in a dispute involving the City of Edmonds and a person with whom he has a personal, political, and professional relationship and by concealing his role as mediator between Kimberly Cole and the City of Edmonds when called upon to disclose it during a public meeting of the Edmonds City Council.
5. Council members are reminded that in order to avoid future incidents like this, no member of the Edmonds City Council should attempt to negotiate resolution of disputes or separation

agreements between the City of Edmonds and employees of the city of Edmonds who are their personal, political, or professional colleagues.

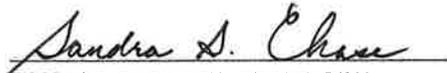
6. The City Council recommends the City Council President remove Councilman DJ Wilson from all committee assignments for a period of 60 days.
7. Notice of this Resolution of Censure shall be sent to all media outlets to whom the City of Edmonds sends official notices of public hearing.
8. Notice of this Resolution of Censure shall be posted for a period of sixty days on the public notice bulletin board outside city hall.

RESOLVED this 1st day of November, 2011.



STROM PETERSON, COUNCIL PRESIDENT

ATTEST:



SANDRA S. CHASE, CITY CLERK

FILED WITH THE CITY CLERK: 11/01/2011
PASSED BY THE CITY COUNCIL: 11/01/2011
RESOLUTION NO. 1261.

CR2A Agreement Between the City of Edmonds and Kimberly Cole

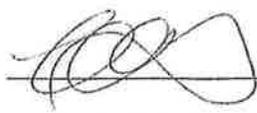
The parties signed hereunder agree to the following:

1. The two parties will agree on the separation of Kimberly Cole from the City of Edmonds effective upon signed.
2. Neither party agrees to speak to the press regarding any matter related to her employment at the City of Edmonds for 1 year from the point of this agreement and separation.
3. Within 30 days of separation, the City of Edmonds will compensate Kimberly Cole \$65,000 in a one-time lump sum payment. The City of Edmonds will be responsible for the costs associated with a continuation of the current level of health care benefits to Ms. Cole for a period of 12 months from the date of this agreement.
4. Kimberly Cole will be allowed 30 minutes to clean out her office with the appropriate supervision in place, and will be escorted at all times while on City of Edmonds premises.
5. All rights to a future legal remedy for claims against the City of Edmonds are reserved by Kimberly Cole.
6. The City of Edmonds agrees not to contest any application for unemployment benefits by Kimberly Cole.
7. The parties agree to release the following statement to the City of Edmonds staff:

“By mutual agreement, and unrelated to any disciplinary action, Kimberly Cole is no longer employed by the City of Edmonds.”

8. The City of Edmonds commits to complete the current work load assigned to Kimberly Cole in a timely manner, and will produce a memorandum explaining the reasons for any lack of timely work product completion and not a function of Kimberly Cole’s work performance.

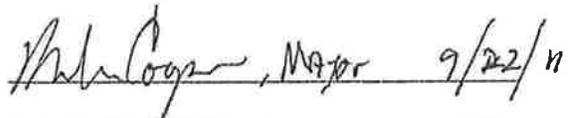
Signed by:



For Kimberly Cole

9/22/11

Date



For the City of Edmonds

Date