

MINUTES

PUBLIC SAFETY AND PERSONNEL COMMITTEE MEETING

APRIL 9, 2013

Elected Officials Present: Councilmember Bloom (Committee Chair)
Councilmember Peterson (Committee Member)
Councilmember Johnson
Councilmember Fraley-Monillas
Mayor Earling

City Staff Present: Chief of Police Al Compaan
Fire Marshal John Westfall
Carrie Hite, Parks & Recreation Director /
Human Resources Reporting Director

The meeting was called to order at 6.00 p.m.

A. HR Reporting Director special assignment.

Mayor Earling requested this assignment be extended for another year. The Personnel Committee moved this item forward to the City Council consent agenda.

B. Acting Development Services Director assignment.

Mayor Earling requested this assignment be extended for another year. The Mayor has been working on the customer service on the second floor, and will have further information to bring forward. The Personnel Committee moved this item forward to the City Council consent agenda.

C. Consideration of mandatory bike helmets.

Councilmember Johnson was present at the meeting to address this issue. She noted that March was brain injury awareness month, and prompted this idea/discussion. She provided research in the packet. King County, Pierce County and 30 other cities in Washington currently have a bike helmet law.

Question: Do we consider this for youth, and/or adults?

Issues: Enforcement - cities have been creative in this area. Infractions range from \$10 to \$50. Some cities give authority to the Police Chief; some phase in enforcement (warning, before fines); some cities allow community service to be provided in lieu of payment; and some cities stated this is not the highest priority, so do not enforce it fully (maybe only in case of accidents). This is a public health and safety issue.

Currently Kiwanis, Fire Department, Edmonds Bicycle group all have provided great education and a helmet program.

Chief Compaan talked about the limitations about citing and with court appearances. He prefers voluntary compliance and an education program. This seems to be difficult to enforce with compliance.

Councilmember Bloom asked PR Director Hite for clarification about the recreational immunity law. PR Director Hite clarified the issue with requiring helmets at the skateboard park, and/or in parks, and if the city can't enforce it, it could impact our ability to satisfy the recreational immunity law if someone gets injured.

Councilmember Peterson asked if Cascade Bicycle Club and Edmonds Bicycle Club supports this. He stated that he could support this, but really would emphasize public education.

Fire Marshal Westfall commented regarding the public education aspects of sports and bicycle usage. Fire District #1 has conducted Edmonds community bike rodeos at fire station open houses in the past. All fire stations have available, during daytime hours, bicycle and multi-sport helmets that can be fitted to children. The helmets are offered with a suggested donation that can be mailed to our headquarters later. The helmet fitting is also a great opportunity to discuss safety items with the kids and their parents. Additionally, FD#1 is a member of the Safe Kids Coalition of Snohomish County, part of a worldwide kids' safety network. McDonalds Corporation provided "citations" for uniformed fire and police to encourage safe riding when kids are found wearing helmets. These citations are valid for exchange of a happy meal at local McDonalds.

Councilmember Bloom would also agree to a bicycle helmet ordinance.

Next steps: Committee requests the City Attorney to work on an ordinance and research. Chief Compaan stated he will contact the City attorney and work with him on this.

D. Resolution regarding Robert's Rules.

A presentation to Council on Robert's Rules of Order is on the extended agenda for the April 16 council meeting. Council President Petso will be asked to put the draft resolution adopting Roberts Rules of Order on the agenda for discussion and vote at a council meeting following this (April 23 or later).

E. Code of Ethics

The Bainbridge Island Code of Ethics will be used as the framework for our policy. Councilmember Peterson will email passages from other code of ethics that he thinks should be considered for inclusion. The City Attorney will be asked to draft a policy for Council review. Council will also discuss forming an Ethics Board.

F. Public Comments

Citizen Don Hall stated that when a complaint was filed by an attorney, it was revealed that there is no code of ethics for officials of the City of Edmonds. He was supportive of moving forward with putting a code of ethics in place, noting that it has been in the works for over a year. He is also of the opinion that once we have a code of ethics, we should

go ahead with forming an Ethics Board as well, because it means nothing if there is no means of enforcement.

Citizen Ken Reidy commented that the helmet law for the skateboard park of the city of Milton was repealed in response to legal advice. He questioned whether or not renewal of the Development Services Director position can go on the consent agenda due to necessity of Council approval of the appointment.

Following is the text of the remainder of Mr. Reidy's three minute comments: "I am here to express my strong support for the adoption of a comprehensive Code of Ethics and eventually an Ethics Board. In my opinion, the City Councils' greatest priorities should be the prompt completion of the Code Rewrite, the adoption of a Code of Ethics and the establishment of an Ethics Board.

During his recent State of the City Address, Mayor Earling lamented that in Edmonds, we simply do not trust each other. The City's need to rebuild trust is critical and it requires strong action. The City can't just simply ask for more trust – the City needs to take bold action to earn more trust. Prioritizing the Code rewrite and Ethics must be at the foundation of the City's efforts to regain trust.

Citizens should not receive emails like I have in the past stating that "By the way, Snyder mentioned they think you have been hit hard in the market and may choose not to proceed for financial reasons." Why would the City even consider my financial situation in any City decision making process, including whether or not to employ the tool of government known as Code Enforcement?

A strong commitment to Ethics is absolutely critical at the City. When Ethics don't govern conduct, innocent citizens can be greatly harmed.

In March of 2009, during an alley vacation, the City retained an easement on my property for the sole benefit of a private developer. For years, I have searched online all over the country to try and find a similar easement. I have never found one like the one retained on my property.

The City Council retained the Easement in March of 2009 after Snyder told them the City was trying to balance my interests with the developer's interests. The City Council was told right before their vote that one goal of the City was to save my shed. The City Council was not advised as to the related State (RCW 35.79.030) and City laws.

The City didn't try to balance my interests or save my shed. They immediately Code Enforced against my shed. I was able to get the City to admit that the developer's planned retaining wall ended well before my shed, but the City wouldn't drop its Code Enforcement. Every time I convinced the City their Code Enforcement efforts were improper, they simply replaced it with a new, refined Code Enforcement order. Look at the multiple Code Enforcements I was subject to (Show multiple orders) related to the same shed.

On July 17, 2009, a "Framework for Resolution" was discussed between Snyder and the local developer's attorney in which the developer offered to drop the legal action if Reidys' shed and trees were removed by the Deadline Date of August 6, 2009. I had no knowledge at that time of these private "Framework for Resolution" discussions.

There were no Executive Sessions during the time period but the City actually took steps to get my shed and trees removed by the Deadline Date of August 6, 2009!!

I am a great example of why an Ethics Board is needed. Please adopt a comprehensive Code of Ethics and an Ethics Board.”

The meeting was adjourned at 7:05 PM.