



CITY OF KIRKLAND
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MEMORANDUM

To: Houghton Community Council
From: Nancy Cox
Date: June 17, 2010
Subject: HCC Use of Attorneys

At your meeting in April during our discussion of HCC Review Procedures, several members commented about using an attorney if there is a disagreement with the City Council. This situation may come up during quasi-judicial cases because back and forth communication is restricted between the groups. After the meeting I remembered a case called "Sammamish Community Municipal Corporation and East Bellevue Community Municipal Corporation v. City of Bellevue" July 30, 2001. I sent Rick and email about it and he asked that I pass the information on to the whole group.

The case notes that:

...Community Councils empowered to approve or disapprove land use regulations in city sought declaratory ruling that city was obligated to fund councils' requests for independent experts and independent legal counsel. The Superior Court, King County, Glenna Hall, J., granted summary judgment for city. Councils appealed. The Court of Appeals, Coleman, J., held that: (1) city had statutory authority to determine councils' necessary expenses, and (2) city's arrangement with councils regarding legal representation did not violate Rules of Professional Conduct governing conflicts of interest. Affirmed.

Trial Court entered summary judgment for the City stating:

...it appearing (sic) that the community councils have not been given the authority by law or statute to set their own budgets or hire independent staff or attorneys, and that the city council of the city of Bellevue has the discretion to determine all aspects of the city budget, and that therefore, it is the city council, not the community councils, that has the legislative discretion to determine what are the necessary expenses of the community councils...

I checked with Robin Jenkinson who said the Washington Supreme Court ultimately denied review of this case. The City of Kirkland could still choose to provide an outside attorney for HCC when the budget improves, but this case is saying that the City is not obliged to.

cc: Robin Jenkinson