



Working for Justice Since 1967

Columbia Legal Services advocates for people who face injustice and poverty. We seek to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities we serve.

columbialegal.org

April 5, 2017

Ms. Dulce Gutiérrez
129 N. 2nd Street
Yakima, WA 98901

Mr. Bill Lover
129 N. 2nd Street
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Ms. Holly Cousens
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Ms. Carmen Méndez
129 N. 2nd Street
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Ms. Maureen Adkison
129 N. 2nd Street
Yakima, WA 98901

Dear City Council Members:

Columbia Legal Services represents working families all over our State and has had a longstanding presence in the Yakima Valley, asserting the rights of farm workers and their families in employment and civil rights issues. The safety of our clients is paramount to their ability to work, support their families, and grow our food and region's economy. We write to express our concern that the Council's vote last night to terminate discussion of a safe city ordinance was in violation of our state's Open Public Meetings Act, RCW 42.30 *et seq.*

The Open Public Meetings Act requires that the actions of public councils be taken openly. RCW § 42.30.010.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Id.

Basic Human Needs Project • Children and Youth Project • Institutions Project • Working Families Project



THE ALLIANCE
for Equal Justice

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(888) 201-9735

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711 Capitol Way S, Suite 304
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Wenatchee, WA 98801
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6 South Second Street
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No governing body shall adopt any directive except in a meeting open to the public. RCW § 42.30.060. Any action taken at a meeting failing to comply with this subsection is null and void. *Id.* Last night's meeting was not open to the public because the Council's proposal to terminate discussion of the safe city ordinance was not on the agenda. See Agenda attached.

First class cities, like Yakima, are required by law to notify the public of the agenda for forthcoming council meetings. RCW § 35.22.288. The purpose of a meeting notice is to "fairly apprise the reader of actions that will be taken at that meeting." *Port of Edmonds v. Northwest Fur Breeders Coop.*, 63 Wn. App. 159, 166, 816 P.2d 1268 (1991). Here, the public was not fairly apprised that the Council would be taking action to terminate discussion of the safe city ordinance because the issue was not included on the agenda. The action was not "otherwise legal action" pursuant to RCW § 42.30.077 because the action was contrary to the spirit and intent of the Open Public Meetings Act, the failure to comply with preliminary agenda notice requirements prevented the meeting from being open to the public, and the Council's action may violate the Washington Law Against Discrimination. Accordingly, the action taken violates the Open Public Meetings Act.

We encourage you to review the action taken last night and take appropriate remedial action. We are available to meet with you or your counsel to discuss our concerns.

Sincerely,

COLUMBIA LEGAL SERVICES

[Lori Jordan Isley](#)

Lori Jordan Isley
Attorney at Law

cc: Bob Ferguson, Washington State Attorney General
Yakima City Attorney