



CITY COUNCIL

SPECIAL MEETING NOTICE

NOTICE IS HEREBY GIVEN that the Carnation City Council will hold a Special Meeting on Tuesday, October 20, 2020, beginning at 6:30 PM, for the purpose of holding an executive session pursuant to RCW 42.30.110(1)(i) to discuss a matter of potential litigation with legal counsel.

Members of the public are invited to visit the links below to join the online meeting.

DATE:**TUESDAY, OCTOBER 20, 2020**

TIME:..... **6:30 PM**

LOCATION:**HELD REMOTELY ON MICROSOFT TEAMS**

<https://bit.ly/201020sm> (direct link)

or visit

<https://www.carnationwa.gov/ccagendas>

or call

(509) 724-0556 or (833) 827-2625 (Toll-Free)

Conference ID: 274 187 51#



CARNATION CITY COUNCIL EXECUTIVE SESSION

Subject: To discuss a matter of potential litigation with legal counsel.

Origin: Mayor & City Manager

Date Submitted: 10/14/2020

Agenda Date: 10/20/2020

Mayor Announces:

Pursuant to RCW 42.30.110(1)(i), the City Council will now convene an executive session for the purpose of discussing a matter of potential litigation with legal counsel. The executive session will last until approximately ___ PM, after which the Council [MAY or WILL NOT] take additional open session action.

For purposes of the executive session, the Council will disconnect from this current, publicly accessible Teams Meeting and will join a new Teams Meeting, the access information for which has been provided only to the Councilmembers themselves. Both the publicly accessible Teams Meeting and the executive session Teams Meeting are each part of the same special City Council meeting. The Councilmembers will re-join this publicly accessible Teams Meeting at the conclusion of the executive session.

RCW 42.30.110

Executive sessions.

- (1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:
- (a)(i) To consider matters affecting national security;
 - (ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;
 - (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
 - (c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
 - (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
 - (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
 - (f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
 - (g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
 - (h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
 - (i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.
This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:
 - (i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
 - (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
 - (iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;
 - (j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;
 - (k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;
 - (l) To consider proprietary or confidential unpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;
 - (m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;
 - (n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;
 - (o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205.
- (2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

[2019 c 162 § 2; 2017 c 137 § 1; 2014 c 174 § 4; 2011 1st sp.s. c 14 § 14; 2010 1st sp.s. c 33 § 5; 2005 c 424 § 13; 2003 c 277 § 1; 2001 c 216 § 1; 1989 c 238 § 2; 1987 c 389 § 3; 1986 c 276 § 8; 1985 c 366 § 2; 1983 c 155 § 3; 1979 c 42 § 1; 1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

NOTES:

Intent—2014 c 174: See note following RCW 28B.50.902.

Severability—Effective date—1987 c 389: See notes following RCW 41.06.070.