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March 24, 2020

Sequim City Council Members:

I wish to comment that the Sequim City public records which I have reviewed clearly show that the “group of three” (City Manager Bush, City Attorney Nelson-Gross, and Director Berezowsky) have been actively supporting the rumored MAT Clinic for well over a year now. I discussed the “group’s” March 2019 emails at your City Council meeting earlier this month. I now see that their support was also evident on the very day of the public July 8, 2019 City Council meeting (see attached emails).

That group effort was again on display last evening during the virtual City Council meeting. At approximately audio minute 43 Councilman Ferrell began a discussion suggesting that development matters be delayed for a period of 30 or 60 or 90 days so that full review of all such items could proceed concurrent with the developing COVID-19 crisis. As Councilman Ferrell put it “we need to slow this process down”. During the discussion, Director Berezowsky first attempted to divert the discussion away from the MAT clinic by interpreting Councilman Ferrell’s concern to relate only to projects “not currently in the pipeline”. When that failed, Berezowsky wryly observed that they should address “the elephant in the room”.

City Attorney Nelson-Gross then demonstrated her support for the MAT clinic by stating that while the Applicant could request that a project be delayed, there would be “risk” if the City Council delayed all pending projects. The discussion continued with consideration as to whether any current projects could continue in view of the Governor’s “Stay at Home” Health Order announced just prior to the Council meeting. Finally, Councilman Tenneson moved that all project reviews other than single-family residences be delayed for 90 days, due primarily to the COVID-19 crisis. His motion received a second by Councilman Ferrell, at which point City Attorney Nelson-Gross prevented any Council vote by continuing her repeated attempts to move the discussion into Executive Session. Earlier, at approximately minute 52, she had stated “I would encourage us to go into Executive Session”; now, at the one-hour mark, she first “suggested” Executive Session and then asked “Can we look at going to an Executive Session?”.

Upon a staff member’s suggestion, the Tenneson motion was “left on the table for discussion later” and the Council moved into Executive Session. That Executive Session was improper under RCW 42.30.110 (also attached) which specifies the 15 bases upon which an Executive Session may be called-----primarily relating to personnel issues and/or threatened litigation.

This Executive Session was clearly called to discuss the pending Tenneson motion and second (to delay all project reviews other than single-family residences) which was before the Council, since that motion was withdrawn with unanimous consent immediately following the conclusion of the Executive Session. Considering the 15 items specified in RCW 42.30.110, that was not a proper reason for holding an Executive Session. Additionally, paragraph (2) of RCW 42.30.110 was violated, which states: "Before convening in executive session, the presiding officer...shall publicly announce the purpose for excluding the public...". No such announcement regarding the Tenneson motion was made by Mayor Armacost at the time and all Councilmen agreed to the Executive Session. Obviously, the City Attorney had simply maneuvered the elected City Council into an Executive Session which resulted in rejection of the suggested delay under consideration. The MAT clinic was allowed to continue proceeding with City staff under the Sequim Municipal Code without interruption.

Finally, after a second Executive Session, the "group of three" was reestablished when Manager Bush rescinded his recent announcement to retire as of April 17 and the Council voted to "reinstate" his employment contract.

It is my hope that the Sequim City Council will become fully aware of the many concealed actions taken by this group actively in support of the MAT clinic, beginning likely in 2018.

Respectfully,

A handwritten signature in black ink, appearing to read "Bob Bilow". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bob Bilow

From: Charlie Bush
Sent: Monday, July 8, 2019 5:03 AM
To: Charisse Deschenes; Barry Berezowsky; Sheri Crain
Cc: Kristina Nelson-Gross
Subject: Fwd: MAT questions and concerns

All, please be ready for this tonight. Charisse, please share what you sent to Dennis with the rest of the Council. Barry, please contact the applicant, give them a heads up, and see if they can come to the meeting. Sheri, please be prepared to talk about substance use disorder in Sequim, from a factual perspective. I'm anticipating that we will have a crowd tonight at public comment on this issue. I'm happy to chat with any or all of you with follow-up questions during the day today.

Thanks,

Charlie

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From: Charlie Bush
Sent: Monday, July 8, 2019 4:59:51 AM
To: Dennis Smith; Ted Miller
Subject: Re: MAT questions and concerns

We will see what we can pull together for tonight. I would prefer to have the applicant describe their project, if they are available on short notice. We can talk about the permitting process (including public comment), zoning, and address the reality of substance use disorder present in our community, with the help of the Police Department. There is not a policy question in front of the Council at this time, nor do we expect phase 1 to involve any policymaking. We will also share the information that we provided to you Dennis with the rest of the Council.

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From: Dennis Smith
Sent: Monday, July 8, 2019 4:48:34 AM
To: Ted Miller; Charlie Bush
Subject: Re: MAT questions and concerns

Charlie,

I agree with Ted. I believe there is a movement just getting organized against this facility in the Sequim area. Note that I got an e-mail about this same subject from a lady in Sunland. I did respond to her.

It appears that this movement is operating with limited accurate information which I have no idea where it is coming from. My response to the lady last week did suggest that she refer her questions about the operation of the facility to OMC and/or Jamestown Tribe.

I also received an e-mail (this morning) that was sent yesterday afternoon; inviting me to a meeting last night at the Big Elk restaurant regarding this subject. I did not receive the e-mail in time to attend that meeting and I would not have attended anyway.

Needless to say, I believe we should take action ASAP to deter this movement which seems to be based on inaccurate information.

Thank you
Dennis

From: Ted Miller
Sent: Sunday, July 7, 2019 11:11 AM
To: Charlie Bush
Cc: Dennis Smith
Subject: Fw: MAT questions and concerns

400 beds?? Can you address this Monday?

-- Ted

From: DB <dcbbbooks@gmail.com>
Sent: Saturday, July 6, 2019 4:49 PM
To: Ted Miller
Subject: MAT questions and concerns

Dear Mr, Miller,

Please take action to relocate the planned 400-bed meth-opioid rehab facility currently in progress for downtown Sequim.

The heavily populated location of this Klallam Tribe-OMC joint venture is raising concerns among many Sequim residents.

Will law local enforcement be reinforced, and who will pay for that? As of now we are told by the Sheriffs dept that there are only 2 squad cars on the best between Sequim and PA. Last year there was suspicious activity at night in my community east of downtown and the concerned resident was told they would have better luck with a patrol car response if they called after 7am!

Please help our community to plan well or our sleepy retirement town will be overwhelmed with many unfavorable consequences from a lack of planning and forward-thinking.

Along with local law enforcement (Sequim PD, Clallam County Sheriff) will you please do your best to investigate the plan in progress and advocate for the wellbeing of your constituency?

Many realize that a rehab facility can help those addicted who are motivated to be helped. It can do nothing for those in a drug habit that do not wish to escape it. But a location in downtown Sequim?

How will this affect tourism? Families? Schools? Local small business?

A local real estate agent, Karen Willcutt, who is also a recovered addict that has described having a prior \$100k per year drug addiction, says that addicts follow other addicts. No one wants to be addicted and alone. She says it will draw an addict presence to Sequim, including those who have no intention to seek rehab. Ms. Willcutt also says that dealers follow addicts. As of yet there is no clientele in Sequim, but with the rehab facility, there will be. And, she says that relapsed patients will quickly accrue a drug bill with dealers that they cannot pay, which will coerce them into crime and drug drops in exchange for their due bill and drug habit.

Moreover, as the Mayor pointed out, there will be no overnight patients, and the PDN reports there will be no loitering on the 19.5 acre property. So, between fixes, where will the patients be located? Will the city of Sequim taxpayers, OMC, or Klallam tribe be required to provide low income housing for patients?

Surely those who are not within local distance will not live the main part of their day on roads (or buses) commuting to and from for treatment.

What is to guarantee that any patient arriving on public transit for treatment will return to the public transit to depart once more? Many could likely live on the streets.

What is the likelihood that the MAT patient program will be successful? How can we protect the community from a migration of dealers who will drive more addicts into our area to grow their own business?

Please help. Your urgent action is required.

Thank you.

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 nonpublished 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.