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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON (SEATTLE)

SHERMAN PRUITT,

Plaintiff,

vs.

CITY OF EDMONDS, a municipality; VIVIAN
OLSON and her marital community, an
individual, and MIKE NELSON and his marital
community, an individual,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

JURY DEMAND REQUESTED

Police Chief Sherman Pruitt asserts his Complaint against the City of Edmonds, Edmonds City Councilmember Vivian Olson, and Edmonds Mayor Mike Nelson (“Defendants”) under the Washington Law Against Discrimination and 42 U.S.C. Sections 1981 and 1983:



Sauk-Suiattle Police Chief Sherman Pruitt (2023)

I. NATURE OF THE CASE

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2 1.1 Rather than judging Sauk-Suiattle Police Chief Sherman Pruitt based on his
3 outstanding qualifications and skills, Defendants unlawfully judged him based on his skin color.
4 Chief Pruitt is a Black, Native American, Filipino male. In 2020, Edmonds offered him its Police
5 Chief job. He was eminently qualified. And the City Council confirmed his selection. But then,
6 Defendants unlawfully subjected Chief Pruitt to a more exacting hiring process because of his
7 race. When it did, Defendants used falsifications and racist dog whistles to frame the 6'2", 285-
8 pound Pruitt as a caricature: the angry, violent, and dishonest Black man. This inaccurate
9 stereotyping, and the different job application standard than used for white Director-level
10 candidates, led to Edmonds unlawfully withdrawing his job offer.
11

A. In reality, Chief Pruitt was the qualified, best choice for Edmonds Police Chief.

12
13 1.2 Contrary to Defendants' false attacks, Chief Pruitt is a loving father of five and
14 grandfather of five, who has thrived in a 25-year marriage. His family, including two of his sons
15 that followed in his footsteps by joining law enforcement, will help the jury understand the
16 unjustifiable harm that Defendants caused to their father, who they see as their "hero."
17



Sherman Pruitt and son Sherman Pruitt II



Sherman and son Tre' Pruitt



Sherman and many of his family members



Sherman and wife Melody



Sherman and his granddaughter

1.3 Chief Pruitt has served this country honorably for more than thirty years, in both the military and law enforcement. Before being honorably discharged from the Marines, he deployed to Africa and the Middle East; and was awarded 13 commendations and 12 medals.¹



Commendation from Marine Corps (1995).²



Sherman Pruitt during military service.

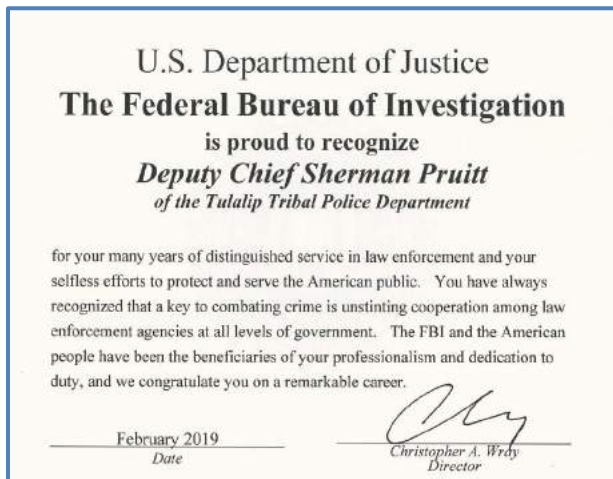
¹ Six Certificates of Commendation, two Meritorious Unit Commendations, a Navy Unit Commendation, three Good Conduct Medals, five Navy and Marine Corps Achievement Medals, two National Defense Service Medals, two Armed Forces Expeditionary Medals, two Service Deployment Ribbons, Southwest Asia Service Medal, and a Global War on Terrorism Medal.

² Attached as Ex. 1; see also Ex. 2 (Chief Pruitt's honorable discharge from the Marine Corps).

1 1.4 His exemplary service continued throughout his 14 years in law enforcement,
2 including roles as a Patrol Officer, Detective, SWAT, and Tulalip and Sauk-Suiattle Police Chief.

3 1.5 A litany of prominent law enforcement officials endorsed his candidacy for
4 Edmonds Police Chief, including the Tulalip Police Chief, two former Police Chiefs, an FBI
5 Supervisor, a retired FBI agent, the Tulalip Tribe Chair, and an Assistant US Attorney.³

6 1.6 For example, in 2019, FBI Director Christopher Wray recognized that the “FBI
7 and American people have been the beneficiaries of [Chief Pruitt’s] professionalism and
8 dedication to duty, and we congratulate [him] on a remarkable career.”
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17 Commendation from FBI (2019).⁴



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25 Columbia College BA Degree (2019).⁵

18 1.7 Chief Pruitt earned a bachelor’s and master’s degree in criminal justice
19 administration and graduated from both the Chief of Police Command Executive Academy and
20 the Criminal Justice Executive Leadership Management Training.
21
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26 ³ Ex. 3 (excerpts from 12/8/20 Edmonds City Council Meeting Minutes).

27 ⁴ Attached as Ex. 4.

⁵ Attached as Ex. 5.



Graduation Day, Columbia College.

1.8 Based on his wide range of talents, skills, and perspective, Chief Pruitt was the most qualified applicant for Police Chief. In December 2020, Mayor Nelson offered him the Police Chief position, describing Pruitt as the “best person” for the job:

In order to be effective and best serve our citizens, our police department must balance consistency and predictability with adaptation and change. This changing police environment is one we must be able to adapt to quickly, and I believe Sherman Pruitt is the best person for this task.

Excerpt of Mayor Nelson’s December 3, 2020 Press Release.

1.9 A majority of the City Council then appropriately confirmed Pruitt for the Police Chief position. But then it all fell apart.

B. Edmonds unlawfully held Chief Pruitt to a different job application standard because of his skin color and subjected him to racial stereotypes.

1.10 Employers must use the same standards and procedures for all job applicants. Subjecting minority candidates to more scrutiny during the job application process is wrong. When employers do this, it hurts the applicant’s chances of getting a job.

1.11 Following established standards was especially important in Edmonds, as all-white workforces like Edmonds’ senior leadership are particularly susceptible to racial stereotyping.

1.12 Well before Chief Pruitt applied, Edmonds had a long history of excluding minorities from leadership. For example, Edmonds’ Police Force had no Black officers and its

1 leadership—the mayor, the City Council, and each of the eight director-level positions,
2 including Police Chief—were lily-white:



Mayor Mike Nelson



HR Director Neill Hoyson



2020 Edmonds City Council



2020 Edmonds Police Force

26 1.12 When white candidates applied for Police Chief, the City Council trusted
27 Edmonds' Human Resources Department to vet candidate backgrounds, including job

1 reference interviews, criminal history searches, and psychological checks. Indeed, Defendant
2 Olson herself has acknowledged in writing that City Council confirmation hearings are typically
3 a formality—at least for white candidates:

4 **Typically confirmations are a formality**

5 Excerpt from 12/5/20 email from Defendant Olson

6 1.13 Yet, Defendant Olson departed from standard practice for the Black candidate.
7 She targeted and undermined the City's job offer to Sherman Pruitt, who was the *first* Black
8 candidate considered by the City Council for a Director-level position. Olson began an
9 unparalleled investigation of Chief Pruitt's background, holding him to a higher standard than
10 any of the other (white) job candidates.

11 1.14 Defendant Olson did not privately investigate the other finalist for the position,
12 Interim Police Chief Jim Lawless, a white male. Olson knew Lawless was allegedly involved in
13 an inappropriate sexual relationship with a direct report—a violation of City rules—but she
14 looked the other way.

15 1.15 Holding a Black job applicant to a higher standard is particularly dangerous.
16 Whereas white job candidates are often given the benefit of the doubt, it is common for
17 employers to seize on anything that could confirm their implicit bias that Black men are
18 aggressive, angry, and threatening. That is what happened here.

19 1.15 Olson, Mayor Nelson, and others repeatedly—and inappropriately—injected race
20 into the application process, including Defendants subjecting Chief Pruitt to racist dog-whistles
21 and race-based attacks. For example:

22 1.15.1 Olson emailed concerns about Pruitt where she directly referenced his race:

23 **I became concerned about THIS black police chief's readiness**

24 Excerpt from 1/14/21 email from Defendant Olson.

1 1.15.2 Olson pressed a false and racist narrative that painted Chief Pruitt as allegedly:
2 not “gentlemanly” enough, not fitting into Edmonds’ “culture,” too “militant,”
3 having his rank “frozen” by the Marines, and thinking he is “above the law.”

4 1.15.3 Olson flatly accused Edmonds of only considering Pruitt’s application because
5 he was Black.⁶ Olson assumed that the only reason to prefer the Black candidate
6 was because of race, not because of his qualifications or lived experience.

7
8 1.15.4 Mayor Nelson fixated on racial issues, such as asking, “what are you going to do
9 about the Blacks around here,” “how are you going to handle the Blacks,” and
10 raising concerns about whether the Edmonds community would accept Chief
11 Pruitt because of his skin color.

12 1.15.5 The City allowed racist hackers to attack Pruitt’s public Zoom interview, which
13 led to a display of a Ku Klux Klan rally and other inappropriate slurs:



Racist images shown during Sherman’s interview.

20
21 1.16 Councilmember Olson’s racial stereotyping went so far that she falsely accused
22 Chief Pruitt of two criminal offenses. First, she pushed the stereotype that Black men are
23 dishonest. She emailed Edmonds’ senior leadership, falsely—and bizarrely—accusing Chief
24 Pruitt of “documented . . . perjury.” Then, she played on tropes about Black men as violent,
25 aggressive, and sexist. She falsely accused Chief Pruitt of domestic violence, even though Chief
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27 ⁶ Ex. 3 (highlighted Meeting Minutes from 12/8/20 City Council Meeting).

1 Pruitt is a loving husband of 25 years, father, and grandfather who has never committed
2 domestic violence. Chief Pruitt has never been charged with, let alone convicted of, domestic
3 violence. He is innocent. Indeed, Chief Pruitt passed Edmonds' self-described "very thorough"
4 background check.⁷ That included a background check by a third-party contractor, a criminal
5 history check, a polygraph examination, a detailed disclosure by Pruitt, a psychological
6 examination, and interviews of 15 references.
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15 Sherman, wife Melody, and grandchildren



16 Sherman and grandchildren

17 1.17 Despite this, Defendant Olson weaponized racist stereotypes to serve her
18 ultimate aim: to prevent the first person of color from becoming Edmond's Police Chief, by any
19 means necessary. To further undermine his right to equal opportunity, Olson leaked these false
20 allegations to the press and members of the public. She knew that the racist stereotypes would
21 take hold. And she did not care if her accusations smeared Sherman's excellent reputation.

22 1.18 Olson's departure from standard hiring practice for the first Black Police Chief
23 was jarring. Four out of seven councilmembers voiced outrage over Olson's racist conduct,
24 including describing Olson's vendetta against Chief Pruitt as a racially biased "witch hunt":
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27 ⁷ Ex. 3 (highlighted Meeting Minutes from 12/8/20 City Council Meeting, with HR Director Neill Hoyson describing Chief Pruitt's "very thorough" background check).

this was a witch hunt.

Councilmember L. Johnson said given that Councilmember Olson did not take or consider taking the same measures when other director positions were vetted, it was hard to overlook the appearance of bias.

Councilmember Fraley-Monillas said she did not see it in that sense; she saw it in the sense that Councilmember Olson was going after this person because they were chosen to be first person of color to be appointed to the position.

Council President Paine explained she received Councilmember Olson’s request for reimbursement. . . . the expenditure was not part of Council’s typical responsibilities as that function was normally done through the Administration. The way this was done puts City at a level of liability and risk.

Councilmember Distelhorst said . . . he did not feel requesting reimbursement in this manner solved the issue and actually increased the potential liability as he understood it.

Excerpts from 3/9/21 Edmonds City Council Meeting Minutes.⁸

1.19 Councilmember L. Johnson also disagreed with Olson’s attack on Pruitt via email. She called one of Defendant Olson’s attacks “potentially slanderous”:

Additionally, I see nothing here to indicate that Chief Pruitt went above the law.

I would caution that if relying on this one document, worry that Chief Pruitt "thinks he and his family are above the law" is not only unfounded, but also potentially slanderous.

Respectfully,

Laura Johnson (she/her)
Edmonds City Council Position #7

Excerpt from 12/3/20 email from L. Johnson to Defendant Olson.

C. Because Edmonds subjected Pruitt to race-based attacks and held him to a different hiring standard than white candidates, it rejected his candidacy.

1.20 Unfortunately, the City and Mayor Nelson allowed Defendant Olson’s racial bias to derail the hiring process. Sadly, and despite Chief Pruitt’s exemplary background and qualifications, these race-based attacks had the desired effect. These falsehoods were widely

⁸ Ex. 6 (highlighted excerpts from 3/9/21 City Council Meeting Minutes).

1 reported in the press. Mayor Nelson finally succumbed to racial stereotypes by withdrawing
2 Edmonds' job offer to Chief Pruitt. Given the racist furor Olson and others had created, it was
3 simply easier to give in to and perpetuate racism than to fight against it.

4 1.21 Mayor Nelson falsely claimed he withdrew the job offer for one and only reason—
5 because Pruitt purportedly failed to disclose a prior job application:

6

7 To: Chief Sherman Pruitt

8 From: Mike Nelson

9 Date: December 15, 2020

10 RE: City's Withdrawal of Conditional Offer

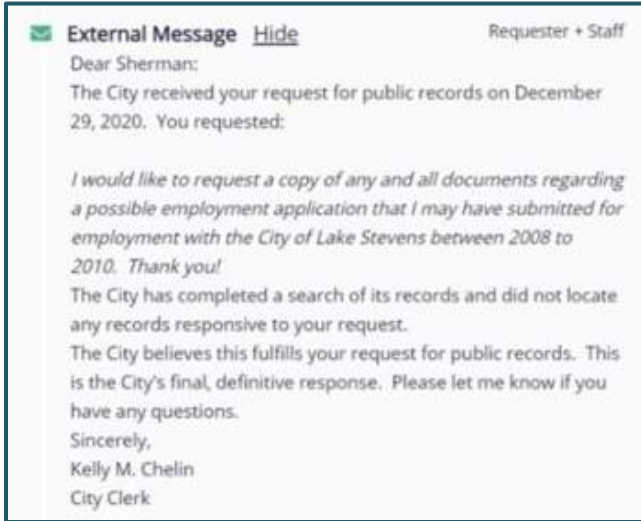
11 It is with deep regret that I write this letter to you.

12 As you know, the City made a conditional offer of employment to you pending
13 successful completion of a legally-required background check. In the course of doing the
background check, Ms. Neill Hoyson learned yesterday that you had applied for a lateral officer
position at the City of Lake Stevens and, after completion of a background check there, you were
not offered the position.

Excerpt from 12/15/20 letter from Mayor Mike Nelson.

14 1.22 In reality, there was no job application to the City of Lake Stevens. As confirmed
15 by Lake Stevens' own records, Chief Pruitt never applied to the City's police department:⁹

16

17  External Message [Hide](#) Requester + Staff

18 Dear Sherman:

The City received your request for public records on December 29, 2020. You requested:

I would like to request a copy of any and all documents regarding a possible employment application that I may have submitted for employment with the City of Lake Stevens between 2008 to 2010. Thank you!

The City has completed a search of its records and did not locate any records responsive to your request.

The City believes this fulfills your request for public records. This is the City's final, definitive response. Please let me know if you have any questions.

Sincerely,
Kelly M. Chelin
City Clerk

Excerpt from Chief Pruitt's public records request to Lake Stevens.

26

27 ⁹ See also Ex. 8 (1/25/21 PRA Request to City of Lake Stevens).

1 overcome a presumption that they are ill-suited for leadership, are dishonest, or are merely a
2 “diversity hire.”

3 4.4 A second concrete pattern of discrimination is the pervasive reliance on racial
4 stereotypes. When white people have less contact with Black people, they are more likely to
5 rely on stereotypes when judging Black individuals, both in general and in the workplace.
6 Black men often face a range of stereotypes, including that they are more prone to violence.
7

8 4.5 It is as if there remains an invisible escalator in the American workplace allowing
9 white male employees to rise to positions of power, while racial minorities and women struggle
10 to keep up despite working harder to prove themselves. This was Chief Pruitt’s experience too.



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18 4.6 Chief Pruitt endured each of these forms of workplace discrimination during his
19 job application with the City of Edmonds. Edmonds forced him to prove his competence again
20 and again while they poisoned his job candidacy with racial stereotyping. The result was
21 Edmonds treating job applicants for the Police Chief position differently because of their race.
22 After subjecting him to more scrutiny during the hiring process than white applicants, the City
23 withdrew Sherman Pruitt’s job offer because of his race.
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V. FACTS

5.1 Plaintiff incorporates the facts in the Nature of the Case section as if fully set forth herein.

A. Edmonds’ all-white leadership has historically excluded people of color.

5.2 In September 2020, Chief Pruitt applied to become the Chief of Police for the City of Edmonds.

5.3 Edmonds has historically excluded people of color from leadership positions.

B. Chief Pruitt brought a lifetime of public service and a strong familial background.

5.4 Chief Pruitt was honorably discharged from the Marines in 2004.

5.5 He continued to serve in the Washington Air National Guard until receiving an honorable discharge in 2013 and retiring with 20 years of honorable service.

5.6 Since 2005, Sherman Pruitt has excelled as a Police Officer.

5.7 At Tulalip Police Department (2005-2019), his roles included Interim Police Chief, Deputy Chief, SWAT, and Detective Commander. Chief Pruitt also served as a Task Force Member with the FBI and U.S. Marshall’s Office.

5.8 In 2019, he became Sauk-Suiattle Police Chief.

5.9 His reputation and online presence were one of community service and honor:



5.10 But then he applied for the Police Chief position with the City of Edmonds.

1 **C. During his application process, Chief Pruitt was subjected to race-based attacks**
2 **and stereotyping. Despite this, the City initially selected him as the most qualified**
3 **candidate and confirmed him as Police Chief.**

4 5.11 Chief Pruitt proceeded through rounds of interviews with the Law Enforcement
5 Panel, the Community Panel, the Mayor, the City Council, and in live public forums.

6 5.12 Despite being subjected to racist and homophobic hacking during his job
7 interview, Chief Pruitt maintained his composure throughout the interview process.

8 5.13 Unfortunately, his job application was marred by a hyper-focus on race. For
9 example, both Neill Hoyson (HR) and Mayor Nelson made race-based comments and asked
10 racially motivated offensive questions:

11 5.13.1 Neill Hoyson (HR) questioned Chief Pruitt's wife (who is white) about how
12 Chief Pruitt might deal with the majority white community in Edmonds.

13 5.13.2 Neill Hoyson (HR) questioned how Chief Pruitt would address the "Black and
14 white issues" in Edmonds.

15 5.13.3 Mayor Nelson questioned whether the Edmonds community would accept
16 Pruitt, given its largely white population.

17 5.13.4 Mayor Mike Nelson also questioned Chief Pruitt, stating something to the
18 effect of, "what are you going to do about the Blacks around here? How are
19 you going to handle the Blacks?"
20 you going to handle the Blacks?"

21 5.14 Additionally, as detailed above, Olson objected to Pruitt's candidacy using
22 coded, race-based language.

23 5.15 Mayor Nelson extended Chief Pruitt an offer of employment as Police Chief. As
24 is typical, the City conditioned its offer on a psychological assessment and background check.

25 5.16 Chief Pruitt satisfied the conditions of his job offer after passing all the City's
26 background checks and psychological assessments.
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1 5.17 But Defendant Olson began her own investigation to target Chief Pruitt.

2 5.18 Defendant Olson began her racially charged campaign because of her own
3 discriminatory bias and racial prejudice.

4 5.19 Defendant Olson lacked training or skills to conduct an unbiased investigation.

5 5.20 Defendant Olson had never before privately investigated a candidate for a
6 Director-level position in Edmonds City government, other than Chief Pruitt.

7 5.21 Defendant Olson did not similarly investigate the white applicants for the Police
8 Chief position.

9 5.22 Next, Olson made a series of false accusations against Pruitt. These false attacks
10 are evidence of Defendant Olson holding a Black job candidate to a higher standard.

11 5.23 First, Olson falsely accused Chief Pruitt of “think[ing] he and his family were
12 above the law.”

13 5.23.1 In fact, Pruitt’s family filed an unrelated federal lawsuit based on the alleged
14 wrongful arrest of a family member, an incident where Chief Pruitt was not
15 present. This was not evidence of being “above the law.”

16 5.23.2 On December 4, 2020, Defendant Olson submitted a Public Records Act
17 Request again accusing Chief Pruitt of “think[ing] he and his family were
18 above the law” because they had brought a civil rights lawsuit.

19 5.23.3 The City posted Defendant Olson’s slanderous allegation that Chief Pruitt
20 was “above the law” on Edmonds’ website.

21 5.23.4 Based on information and belief, Defendant Olson also established an
22 online pseudo-name “Sam Walker,” and began spreading this allegation.

23 5.24 Next, Defendant Olson falsely accused Sherman Pruitt of “perjury.”
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1 5.24.1 As part of her own background check, Olson obtained and paid for Chief
2 Pruitt's prior testimony in the civil rights lawsuit.

3 5.24.2 Olson did not search court records or incur costs investigating the white
4 candidate Lawless.

5 5.24.3 In a December 2020 email, she publicly accused Chief Pruitt of committing
6 "documented" "perjury."

7 5.24.4 Chief Pruitt has never committed perjury. This is a very serious accusation to
8 make against a police officer and carries potential for career-ending
9 consequences. The accusation is completely false.

10 5.24.5 Olson's false accusation and reckless disregard for Chief Pruitt's reputation
11 and career reflect her failure to see him as human. This is further evidence of
12 racial bias targeting one Black job candidate.

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14 5.25 Worse still, Olson falsely accused Sherman Pruitt of domestic violence.

15 5.25.1 Olson accused Chief Pruitt of "domestic violence against two different
16 wives."

17 5.25.2 She made this false accusation in an email to the Mayor, City Council, and
18 the City's HR Director.

19 5.25.3 As with her other accusations against Chief Pruitt, Defendant Olson's
20 accusation of domestic violence was false.

21 5.25.4 Black people are five times more likely to be arrested than whites and nearly
22 half of Black men will be arrested by age 23. This was Chief Pruitt's
23 experience too. He knows that, because he is a large, passionate Black man,
24 others frequently perceive him as intimidating or threatening.
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1 5.25.5 In fact, more than 20 years ago, following a verbal argument between
2 Sherman and his wife, an investigation resulted in authorities *rejecting*
3 criminal charges for domestic violence against Chief Pruitt.¹⁰

4 5.25.6 During a contentious child custody dispute, his ex-wife raised false concerns
5 about Sherman. The Court awarded Sherman full custody, and his loving
6 son, who is now an FBI agent, will testify at trial.

7 5.25.7 Defendant Olson knew that Sherman had passed his background check and
8 had never been charged or convicted of domestic violence. He is innocent.

9 5.25.8 Despite this, Defendant Olson deliberately leaked false allegations of
10 domestic violence to the media, hoping to stir up controversy to kill Pruitt's
11 job offer. She succeeded.

12 5.25.9 Olson worked to spread false accusations of violence, relying on racial bias
13 to target one Black job candidate.

14 5.25.10 Defendant Olson's accusation of domestic violence was false. But it
15 played on racial stereotypes about Black men as violent and sexist.

16 5.26 Defendant Olson also falsely claimed Sherman Pruitt had his rank frozen by the
17 Marines.

18 5.26.1 To have Olson attack his military service was especially hurtful to Chief Pruitt.
19 He is proud of his military service. He served honorably and with distinction.
20 He was repeatedly promoted and received numerous awards and medals
21 during his service in the U.S. Marines Corps and Washington Air National
22 Guard.
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27 ¹⁰ Ex. 7 (2/22/00 Order from San Diego Prosecutor's Office "rejecting" criminal charges against Chief Pruitt).

1 5.26.2 Like many military veterans who served in Africa and the Middle East, Chief
2 Pruitt saw things no human being should see, leading to PTSD.

3 5.26.3 He worked to overcome the symptoms, including going through group
4 sessions with other military veterans and learning important coping
5 mechanisms. He faced the hard transition back to civilian life.

6 5.26.4 How Chief Pruitt navigated past experiences, learned from them, and grew
7 as an individual helped mold him into the person he is today.

8 5.26.5 He is at peace and has dedicated himself to public safety for the
9 community.

10 5.26.6 Once again, Olson's false attacks on his military service and reckless
11 disregard for Chief Pruitt's reputation and career reflect her failure to see him
12 as human. This is further evidence of racial bias targeting one Black job
13 candidate.

14 5.26.7 Defendant Olson intentionally played on racial stereotypes of Black men as
15 untrustworthy and unqualified.

16 5.27 Initially, Defendant Olson's effort to undermine Pruitt's job offer fell on deaf ears
17 at the City and City Council. Her overt racist attacks and dogged commitment to target the one
18 Black job candidate was alarming—but unpersuasive.

19 5.28 The City Council scheduled a December 8, 2020 meeting for a confirmation vote
20 on Sherman Pruitt's appointment as Chief of Police.

21 5.29 During the December 8 meeting, Human Resources Director Neill Hoyson
22 reported that Chief Pruitt had passed his background check.

23 5.30 Chief Pruitt passed his background check with Edmonds.
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1 5.31 During the December 8 meeting, Human Resources Director Neill Hoyson
2 reported the City found “no issues” with Chief Pruitt’s psychological assessment.

3 5.32 Chief Pruitt passed his psychological assessment.

4 5.33 During that meeting, Human Resources Director Neill Hoyson accurately
5 reported that Chief Pruitt exceeded all job requirements for Chief of Police.

6 5.34 Yet, during the City Council meeting, Defendant Olson once again used race-
7 based language to attack Pruitt’s candidacy. In addition to conduct described above:

8 5.34.1 Despite a thorough vetting and a blue-ribbon panel of references, Olson
9 claimed Chief Pruitt lacked the correct “temperament” to be Police Chief.

10 5.34.2 Questioning only a Black job candidate’s “temperament” can be an indicator
11 of racial bias because it appeals to racial anxieties without explicitly
12 mentioning race.¹¹

13 5.35 The Edmonds City Council voted on December 8, 2020 to confirm Mayor Mike
14 Nelson’s choice of Sherman Pruitt to serve as the Chief of Police, despite Olson’s outrageous
15 conduct. But, eventually, her race-based attacks had the desired effect.

16 **D. Edmonds withdrew the job offer based on a false reason. The real reason was race
17 discrimination.**

18 5.36 On December 14, 2020, HR Director Neill Hoyson asked Chief Pruitt whether he
19 had applied for a job with the City of Lake Stevens, eleven years earlier, in 2009.

20 5.37 Chief Pruitt had no memory of applying for a police officer position at the City
21 of Lake Stevens, as he honestly disclosed.

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25 _____
26 ¹¹ Sue, Derald Wing, et al. "Racial microaggressions in everyday life: implications for clinical practice."
27 American Psychologist 62.4 (2007): 271); Haney-López, Ian. "Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class." Oxford University Press, (2014).

1 5.38 Neill Hoyson had no further questions for him about this alleged job application.

2 5.39 The next day, Mayor Nelson withdrew the offer of employment.

3 5.40 Based on information and belief, Chief Pruitt would have been the first Black
4 person to hold a Director-level position in Edmonds City government.

5 5.41 Edmonds and Mayor Nelson claim the one and only reason that Mayor Nelson
6 withdrew Chief Pruitt's job offer was because he had allegedly omitted a job application to
7 Lake Stevens.

8 5.42 Losing out on the Police Chief job was devastating. Especially after all the stress
9 and rancor surrounding his race, Sherman was humiliated.

10 5.43 Confused and reeling, Chief Pruitt submitted public records requests to Lake
11 Stevens, seeking any documents related to a possible employment application.

12 5.44 In response, Lake Stevens reported they had no record of Chief Pruitt ever
13 applying for a job.

14 5.45 Either Mayor Nelson knew the claim that Chief Pruitt applied to Lake Stevens
15 was false and baseless or the City relied on an unsubstantiated rumor without taking the
16 necessary steps to confirm or deny a baseless accusation.

17 5.46 Councilmember Olson intended for her discriminatory and race-based
18 feedback and attacks to cause Mayor Nelson to withdraw Chief Pruitt's employment offer.

19 5.47 Councilmember Olson's unscrupulous and discriminatory conduct had its
20 desired impact in pressuring the Mayor to succumb to employment discrimination.

21 5.48 Then, during a City Council meeting on March 9, 2021, Councilmember Olson
22 requested the City reimburse her for money she personally spent on her own private,
23 unsanctioned, highly unusual, and discriminatory investigation into the background of the only
24 Black officer ever nominated to serve as the City's Chief of Police.
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1 5.49 The City Council rightly denied Olson’s request.

2 5.50 The majority of councilmembers again expressed dismay at the display of racial
3 bias in Councilmember Olson’s conduct.

4 5.51 Edmonds re-opened the position of Chief of Police to applicants from persons
5 with Sherman’s qualifications before ultimately naming a white Police Chief in August 2021.

6 5.52 After that Police Chief took over, the Mayor, City Council, and all City Directors
7 for the City of Edmonds were, again, all white (based on information and belief).

8
9 **E. Chief Pruitt was humiliated and abused by the public disgrace made of his job
10 application for Police Chief.**

11 5.53 Missing the opportunity to work as Chief of Police for the City of Edmonds
12 carried a heavy financial, professional, and emotional toll for Sherman Pruitt. He and his family
13 would have benefitted from a substantial increase in pay and medical and retirement benefits.

14 5.54 The damage to his reputation has stunted his career growth, closing other
15 opportunities for advancement. He is shunned and ridiculed in public because of the
16 controversy Edmonds caused through its false allegations and a very public job rescission.
17 Sherman fell into a depression and withdrew from his family. He is still working to unpack the
18 aftermath of a life experience that left him raw and humiliated.

19 5.55 Chief Pruitt has suffered severe emotional damages and reputational harm, in
20 an amount to be proven at trial, because of Defendants’ unlawful acts.

21 5.56 Chief Pruitt has suffered economic damages, in an amount to be proven at trial,
22 because of Defendants’ unlawful acts.
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VI. FIRST CAUSE OF ACTION:

**RACE DISCRIMINATION IN VIOLATION OF
THE WASHINGTON LAW AGAINST DISCRIMINATION
(Against all Defendants)**

6.1 Plaintiff alleges the paragraphs above as if fully set forth herein.

6.2 The City of Edmonds refused to hire Chief Pruitt as Police Chief.

6.3 Mayor Nelson made the decision to subject Chief Pruitt to different standards and procedures, to withdraw Chief Pruitt's job offer, and to reject his candidacy.

6.4 In deciding to subject Chief Pruitt to different standards and procedures, to withdraw Chief Pruitt's job offer, and to reject his candidacy, Mayor Nelson knowingly relied on the racially discriminatory feedback of Defendant Olson and others.

6.5 When Defendant Olson provided that racially discriminatory feedback, she was acting in the interest of the City of Edmonds, within the meaning of RCW 49.60.180(1).

6.6 Race, including unlawful racial stereotyping, was a substantial factor in Defendants' decision to reject Chief Pruitt's candidacy for Police Chief.

6.7 Defendants violated the WLAD by subjecting Chief Pruitt to different standards and procedures because of race, withdrawing Chief Pruitt's job offer because of race, and refusing to hire Chief Pruitt because of race.

6.8 As a direct result of Defendants' unlawful conduct, Chief Pruitt has suffered and continues to suffer lost wages and pecuniary benefits of his employment, future lost earnings, and emotional harm, including grief, loss of enjoyment of life, damage to reputation, fear, anxiety, anguish, embarrassment, humiliation, and other damages in amounts to be proved at trial. These harms are ongoing and are reasonably likely to be experienced in the future.

VII. SECOND CAUSE OF ACTION:

**RACE DISCRIMINATION IN VIOLATION OF
42 U.S.C. SECTIONS 1981 AND 1983
(Against All Defendants)**

7.1 Plaintiff alleges the paragraphs above as if fully set forth herein.

7.2 Defendant Mayor Nelson acted under color of state law when he subjected Chief Pruitt to different standards and procedures because of race, withdrew Chief Pruitt's job offer because of race, and refused to hire Chief Pruitt because of race.

7.3 Defendant Mayor Nelson possessed final policymaking authority for the City when he subjected Chief Pruitt to different standards and procedures because of race, withdrew Chief Pruitt's job offer because of race, and refused to hire Chief Pruitt because of race.

7.4 Defendant Olson intentionally discriminated against Chief Pruitt on the grounds of race when she provided racially discriminatory feedback regarding Chief Pruitt.

7.5 Defendant Olson intended for her discriminatory actions to cause Defendants Edmonds and Nelson to subject Chief Pruitt to different standards and procedures and withdraw Chief Pruitt's job offer.

7.6 Her discriminatory actions had the desired effect.

7.7 Defendants Edmonds and Nelson intentionally discriminated against Chief Pruitt on the grounds of race when they subjected Chief Pruitt to different standards and procedures, withdrew Chief Pruitt's job offer, and refused to hire Chief Pruitt.

7.8 Race was a determinative factor in Defendants' decision to withdraw the job offer.

7.9 When Defendants subjected Chief Pruitt to different standards and procedures, withdrew Chief Pruitt's job offer, and refused to hire Chief Pruitt because of race, they violated

1 42 U.S.C. Sections 1981 and 1983.

2 7.10 Defendants acted in reckless disregard to Plaintiff's right to be free from racial
3 discrimination.

4 7.11 As a direct result of Edmonds' unlawful conduct, Chief Pruitt has suffered and
5 continues to suffer lost wages and pecuniary benefits of his employment, future lost earnings,
6 and emotional harm, including grief, loss of enjoyment of life, damage to reputation, fear,
7 anxiety, anguish, embarrassment, humiliation, and other damages in amounts to be proved at
8 trial. These harms are ongoing and are reasonably likely to be experienced in the future.
9

10 **VIII. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays that the Court enter judgment against Defendants,
12 awarding him:

13 1. Lost wages, including front and back pay, lost bonuses, and lost medical and
14 retirement benefits, and other lost pecuniary benefits of employment, in an amount to be
15 proven at trial;

16 2. Injunctive relief to help ensure that Defendants do not discriminate against
17 future minority job applicants;

18 3. Compensatory damages for emotional harm in an amount to be proven at trial;

19 4. Punitive damages;

20 5. Reasonable attorneys' fees, expert witness fees, and costs pursuant to, among
21 other statutes, RCW 49.60.030(2) and 49.48.030, 42 U.S.C. § 1988;

22 6. Pre- and post-judgment interest at the maximum rate allowed by law;

23 7. Damages to make up for any adverse tax consequences for any award to Chief
24 Pruitt; and
25

26 8. Such other relief as this Court may deem appropriate.
27

Exhibit 1

United States Marine Corps



Certificate of Commendation

COMMANDING OFFICER, 15TH MARINE EXPEDITIONARY UNIT

takes pleasure in commending

CORPORAL SHERMAN B. PRUITT
UNITED STATES MARINE CORPS

Outstanding service while assigned to ^{for} duty with the Command Element, 15th Marine Expeditionary Unit, during the period 1 April 1995 to 30 June 1995. Throughout this period, Corporal Pruitt consistently applied himself in a thoroughly professional and highly commendatory manner while presenting an outstanding example of a Marine Noncommissioned Officer. His knowledge, motivation to succeed and selfless devotion to duty exceeded that of all other NCO's in the Command Element during this period. In recognition of his achievements, Corporal Pruitt was selected as the 15th Marine Expeditionary Unit's Noncommissioned officer of the Quarter. Corporal Pruitt's initiative, exceptional professionalism and can do attitude reflect great credit upon himself, the Marine Corps and the United States Naval Service.

JUN 30 1995

Date

W. A. Whitlow

W. A. WHITLOW
Colonel, U. S. Marine Corps
Commanding

Exhibit 2

Honorable Discharge



FIDELI GERTA MERCES

from the Armed Forces of the United States of America

This is to certify that

SGT SHERMAN B. PRUITT

was Honorably Discharged from the

United States Marine Corps

on the 17th *day of* April *2002. This certificate is awarded*

as a testimonial of Honest and Faithful Service

John A. Hall Jr.
JOHN A. HALL JR. LTCOL USMC
COMMANDING OFFICER

Exhibit 3

**EDMONDS CITY COUNCIL
VIRTUAL ONLINE MEETING
APPROVED MINUTES
December 8, 2020**

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Adrienne Fraley-Monillas, Council President
Kristiana Johnson, Councilmember
Luke Distelhorst, Councilmember
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Susan Paine, Councilmember
Laura Johnson, Councilmember

ALSO PRESENT

Brook Roberts, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Angie Feser, Parks, Rec. & Cultural Serv. Dir.
Jessica Neill Hoyson, HR Director
Shannon Burley, Deputy Parks & Recreation Dir.
Dave Turley, Finance Director
Rob English, City Engineer
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Dave Rohde, GIS Analyst

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Councilmember L. Johnson read the City Council Land Acknowledgement Statement: “We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water.”

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present, with the exception of Councilmember K. Johnson, participating remotely. (Councilmember K. Johnson joined the meeting during the first seven minutes.)

4. APPROVAL OF AGENDA

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE AGENDA IN CONTENT AND ORDER.

not depend on the size of the organization, but the responsibility of the position. The majority of that requirement was certainly met during Chief Pruitt's time with Tulalip where he progressed through many positions of responsibility including Commander, Deputy Chief and Interim Police Chief.

Councilmember Buckshnis said she has received numerous emails and was not prepared to ask questions. She asked if there was an agenda memo or packet for this item. Ms. Neill Hoyson advised there was an agenda memo. Councilmember Buckshnis asked if it included the information Ms. Neill Hoyson had just provided. Ms. Neill Hoyson said it did not provide the specific details of the RCW but stated it had been confirmed that he met the requirements of the RCW for Police Chief and included the RCW number.

Councilmember K. Johnson recalled Ms. Neill Hoyson said two years of uninterrupted patrol duty or service were required and she had mentioned Chief Pruitt served at Sauk-Suiattle and the Tulalip Tribes. She asked if going from one agency to another counted as uninterrupted. Ms. Neill Hoyson answered yes, it could be counted as uninterrupted depending on the length of time between; Chief Pruitt had two years at Tulalip.

Councilmember Distelhorst asked if the candidate for appointment has an adequate understanding of some of the challenges they may face in the position. Ms. Neill Hoyson asked Councilmember Distelhorst to clarify what he meant by challenges. Councilmember Distelhorst said in terms of opinions submitted by the community today regarding the two finalist, have there been discussions with the candidate about that. Ms. Neill Hoyson said she has been in contact with Chief Pruitt and he absolutely understands. Interestingly enough, he was in a similar situation when he was the Interim Chief at Tulalip; an outside candidate competed with him for the position and he did not get the position. He is very understanding of what is occurring and shared he would be surprised if Edmonds was not coming to the defense of the incumbent. He feels that is very normal and speaks well of the City that residents feel that strongly and are engaged.

Councilmember Olson said on paper, there is no municipal policing experience, 10 years less in policing and less time in staff leadership positions, and the lack of knowledge of the community, the surrounding communities and the community partners are glaring disparities between the experience, qualifications and readiness for this job. With the conversations that have occurred, she asked whether City was at risk of an EEOC lawsuit for hiring based on race, not diminishing Chief Pruitt, just a relative weighing of the resumes. Ms. Neill Hoyson said she believed there was an assumption in Councilmember Olson's statement that the hire was based on race; nothing she has seen indicates that. Mr. Taraday said the Council has before it an appointee appointed by Mayor Nelson subject to Council confirmation. Mayor Nelson has never told him that the appointee was appointed because of his race and he not heard him say anything to that effect. There should not be any risk because he was not aware of any evidence to that fact.

Councilmember Buckshnis said since there was no packet to do comparison, she relayed a question about the Washington Criminal Justice Training Commission, that tribal police are not certified peace officers with statewide jurisdiction unless they have successfully going through the Washington Criminal Justice Training Commission. She recalled Ms. Neill Hoyson saying Chief Pruitt was certified and asked if he qualified as a commissioned officer. Ms. Neill Hoyson yes, Chief Pruitt does; he attended the equivalency academy at the Criminal Justice Training Commission in 2007. Councilmember Buckshnis asked if that was similar to getting GED, noting she did not mean to be disrespectful. Ms. Neill Hoyson said tribal police attend a different academy to be recognized by the state. They do not need to attend the full basic law enforcement academy which is typically about five months. They attend an abbreviated academy to address the things that were not addressed in the Tribal Police Academy. Once they do that, they are certified as peace officers in Washington State. Additionally, the agency itself has to go through a process to be considered a general law enforcement agency which includes filing certain things with the Department of Enterprise Services; both Sauk-Suiattle and Tulalip went through that process.

Councilmember K. Johnson said Ms. Neill Hoyson answered this question in an email; she apologized for the redundancy but felt it was important for the record. She asked Ms. Neill Hoyson to describe the process she went through with the community group; who the members are, what cities they live in and who appointed them. Ms. Neill Hoyson said she emailed that information and it was published in a press release. Councilmember K. Johnson requested the information be provided for the minutes. Ms. Neill Hoyson said she did not know the cities in which the panelists live. The panelist were selected by Mayor Nelson. The Community panel members were Dr. Gustavo Balderas, Superintendent, Edmonds School District; Darnesha Weary, community member; Sekou Koné, Diversity Commission member; Alicia Crank, community member; Owen Lee, Youth Commissioner member; Richard Taylor, community member; Jan Flom, Swedish Edmonds Nursing Director, and Shubert Ho, business owner. The law enforcement panel members consisted of Dan Templeman, Everett Chief of Police; James Nelson, Lynnwood Chief of Police; Shawn Ledford, Shoreline Chief of Police; and Edmonds Police Department Sergeant Ken Crystal.

Councilmember K. Johnson asked how did the panelists' advice shaped the selection process, whether there was criteria, votes, or just a discussion. Ms. Neill Hoyson advised each panel had a discussion at the end of the process where they provided feedback on the strengths and weaknesses of the candidates as it related to the police of Police Chief. That information was provided to Mayor Nelson.

Councilmember Paine asked with the qualifications and record developed with all the sources and resources, was the Edmonds Police Department at risk of losing their accreditation. Ms. Neill Hoyson answered she did not believe there was any risk of the Edmonds Police Department losing its accreditation as the candidate meets the requirements of the RCW and the background process met the requirements of any applicable WACs or RCWs. Councilmember Paine appreciated the diligence of the lengthy research process.

With regard to accreditation, Councilmember Olson said some amount of course work needs to happen in a short amount of time before the accreditation comes up again and there would be a crunch to get that done. She asked the benefit to the City of being an accredited police force. Ms. Neill Hoyson answered in her opinion it provides a level of established credibility that the department has procedures and policies to show that the department is providing law enforcement at a standard that WASPC has set for achieving accreditation, that there is consistency and accountability in the law enforcement. There could be other things related to law enforcement that an officer could specifically speak to. Councilmember Olson asked if there were any officers in the meeting that could speak to that. Ms. Neill Hoyson answered there were not.

Council President Fraley-Monillas observed Ms. Neill Hoyson and she have had multiple discussions regarding the number of references she checked. Ms. Neill Hoyson said she had contacted 15 references. Council President Fraley-Monillas asked her to state who she has contacted for references, noting she found the reference list impressive. Ms. Neill Hoyson said she would not provide specific names, but she spoke with the current Chair of the Sauk-Suiattle Tribe, the current Tulalip Police Chief, two former Tulalip Police Chiefs, two current Tulalip Police Commanders, one current Sauk-Suiattle Police Officer, one current Tulalip Police Officer, a current Sauk-Suiattle Officer who was previously a Tulalip Officer, one retired FBI Agent who spent his career stationed in Everett and was assigned to work with tribal communities, a current regional FBI Supervisor for the region that Tulalip and Edmonds are in, one Assistant U.S. Attorney assigned as a tribal liaison and two personal family friends of Chief Pruitt. Council President Fraley-Monillas asked if she spoke to anyone in the military. Ms. Neill Hoyson answered she did not.

Councilmember K. Johnson referred to Ms. Neill Hoyson's comment that the Council could not take final action as it was pending the results of the psychological evaluation, noting it seemed that the Council was being asked to make a decision without all the information. Ms. Neill Hoyson said due to the fact that she received an initial verbal confirmation of no issues related to the psychological evaluation, she did not

believe there was any issue with the Council confirming the appointment conditional on receipt of the final psychological evaluation. Councilmember K. Johnson said she thought the psychologist was waiting information. Ms. Neill Hoyson said the psychologist was waiting for a VA benefit form that must be released to the psychologist before they could finalize their report. It was her understanding it was a procedural issue.

With regard to accreditation, Councilmember Olson referred to the career level certification required by the rank involved which is typically done in municipal policing, but not in tribal policing and it was her understanding Chief Pruitt did not have any of them. If the first level, mid-level, and executive level have not been done, she asked how long will it take him to complete the different levels and would it be done by the time accreditation comes around mid-year next year. Ms. Neill Hoyson assured every effort would be made to have him reach that level. Councilmember Olson commented the amount of time that would take and whether that was a feasible goal was unknown and asked if that was saying it was not important to keep the department's accreditation in order to make this happen. Ms. Neill Hoyson reiterated every effort would be made to have the candidate reach that level as required.

Councilmember Buckshtnis asked her fellow Councilmembers for an extra week due to the amount of documentation that has come in and because she had not had time to decipher what was said during public comments. She wished Ms. Neill Hoyson had answered Councilmembers emails. She had no questions because she has not had time to prepare valid questions based on legal documents she needs help trying to understand.

Council President Fraley-Monillas reminded that if the Council turns down this candidate, the Mayor goes back to the beginning and may or may not include Chief Lawless. She wanted Council to understand the process was out of their hands except for who the Mayor brings back. During her time with the City, multiple directors have been appointed who perhaps were not her first choice, but because the Mayor made a decision and moved forward with the person he was most comfortable working with, the City ended up with the person and she had been pleasantly surprised every time that that had occurred. Just because some are picking away at this gentleman like she has never seen done before in a director's position, that does not mean the Council makes the decision about who is chosen next. She asked Ms. Neill Hoyson if she believed everything possible had been done to vet this candidate for this position. Ms. Neill Hoyson said a very thorough background on the candidate had been done that meets the level for lateral police officers. Council President Fraley-Monillas asked if she had ever vetted anyone this much in her career in public service. Ms. Neill Hoyson answered yes, she has done this level of recruitment before and believed it was appropriate, not excessive.

Councilmember K. Johnson asked for a summary of the town hall/public meeting held on a Monday regarding the two candidates. She did not attend because a citizen threatened to sue if three or more Councilmember attended and she has not viewed it. She asked how many people attended, how many spoke, and what information was shared. Ms. Neill Hoyson said it was a Zoom meeting and she did not know how many attended. There were no public questions during the meeting; the public was asked to submit questions ahead of time and those were compiled and asked of the candidates at the meeting. The public's role at the meeting was to listen to the responses and subsequently submit any feedback on the candidates. She did have the questions in front of her. Councilmember K. Johnson observed it was basically a public forum. Ms. Neill Hoyson agreed it was a public forum where the public submitted their questions ahead of time. Mayor Nelson asked if the video of the meeting was publicly available to watch. Ms. Neill Hoyson said she believed it was, but she could confirm.

Councilmember Olson asked if there were any domestic violence instances in this candidate's background. Ms. Neill Hoyson answered she was unsure that should be discussed in a public forum.

Councilmember Buckshnis said the Council interviewed the candidates for 45 minutes each in an executive session so she cannot say anything about it. As Mayor Nelson had not interview the candidates in an executive session, she asked him to provide information regarding his selection criteria and choice. Mayor Nelson answered it was important to understand that he was the moderator of this meeting and was not here to testify or provide testimony to the City Council. He is the Mayor of the City of Edmonds' executive branch and has exercised his appointment authority. With regard to the process, he thanked the Council who were clear about him following the City code and the process. He went through the process, he followed City code. In August, the job was posted and the hiring process progressed for 3½ months, it can't get any more transparent. There were 22 applicants and during the process 2 finalist rose to the top. The finalists were announced on October 27 and for 5 weeks the community has known who the finalists were. Their bios have been shared, community and law enforcement panels were created as well as a public forum that was viewable from November 9th through today. The public has had an opportunity for five weeks to view the candidates qualifications and ask questions. On December 3rd, he announced that Sherman Pruitt was his appointment as the next Chief of Police for Edmonds because he thinks he is the best candidate for the job. He wanted to be clear so that there was no confusion because there seems to be a lot of confusion about transparency and how this came about.

Councilmember Buckshnis agreed Mayor Nelson was the moderator, but this was the Council's meeting and he continues to control the meeting via round robin Q&A. She can ask Mayor Nelson questions, noting he has answered budget questions in the past. She found his testimony to be very helpful and thanked him for sharing it.

Council President Fraley-Monillas said she understood Mayor Nelson's frustration with the process. She pointed out nothing came forward until Mayor Nelson chose a candidate who was not part of Edmonds, it had been fairly quiet until then. That said, she asked whether Chief Pruitt had been convicted of domestic violence. Ms. Neill Hoyson said talking to specifics in a public forum was not appropriate. She reiterated he passed the criminal background check. Council President Fraley-Monillas asked if a conviction for domestic violence would have been reflected in his background check and disqualified him. Ms. Neill Hoyson answered that was correct.

Councilmember Olson observed the police panel recommendation had not discussed and asked if Mayor Nelson had anything to share from that. Mayor Nelson answered the panelists were to advise him and as stated by Ms. Neill Hoyson, they provided him information and that information, information from the community panel, from the public forum, from citizens and everyone else who has weighed in, informed him and his decision to appoint Sherman Pruitt.

Councilmember Olson said there had been a lot of discussion about how thorough the background check was; she knows of at least one significant hole in it. She asked Ms. Neill Hoyson whether there was a time previously in her career when a fire chief appointment was made that the City Council objected to based on things that did not come up in the background check. Mayor Nelson asked if Councilmember Olson was questioning his staff member about her abilities. Councilmember Olson said she was questioning how thorough the background check was. Mayor Nelson asked if she was questioning the thoroughness of the background check for the current candidate. Councilmember Olson answered yes. Mayor Nelson said Ms. Neill Hoyson has already stated what was done with regard to the background check and he did not want a Councilmember questioning the abilities of his HR Director.

Council President Fraley-Monillas said this was inappropriate. If Councilmember Olson had evidence of malfeasance or inappropriate actions, she requested it be brought forward to the Council and/or to the Mayor.

Mayor Nelson advised Council comments would be taken in a round robin format with Councilmembers making one comment during their turn.

Councilmember Paine appreciated that there had been a lengthy time for review because the Council insisted on a more thorough candidate selection process. As she has said to the community, this is the Mayor's appointment and she was happy to affirm his appointment. She enjoyed the discussions during the interviews with both candidates and was glad to support Chief Pruitt. She has done many interviews in the past in her work and she appreciated the entire process the City has gone through.

Councilmember Distelhorst thanked the two finalists for going through the process as well as the community panel members and the law enforcement panel members. He was able to attend and watch the community meeting through the difficulties and appreciated the professionalism and poise of both candidates. This is a big task and requires community support for a position at this level. He hoped the City would come together and if there is new leadership for the Edmonds Police Department, that they will support the leadership, the department and the City as it was in the best interest of the wellbeing of residents and the City. It's clear there will be no shortage of opportunities in the community and he looked forward to a brighter future ahead for all the City's residents. Safety is defined very differently by how people experience their community; what some consider safe, others may not. It is important that all those views are incorporated within the Police Department and he looked forward to voting for the conditional confirmation of Sherman Pruitt.

Councilmember Olson said she understands the Council's job of confirmation, and knows it is not a choice. She has been through this process 2-3 times and could always understand/justify the decision that was made but was not getting there this time. She had additional comments to share about interviews. She understood the charm of Chief Pruitt, a lovely guy and lovely interview, but she did not feel he had the experience and readiness to take on a large municipal program. There may possibly be other positions where he could get that experience and then be ready.

Councilmember Buckshtnis apologized for her misstep using the term previously, she agreed equivalency for a commissioned officer was very important. She has been through many appointments and voted against the confirmation of a director 8-10 years ago. This happened too quickly and there is so much information that she wished the Council could have respected each other's time and had a discussion in executive session. She found the candidates' interviews great, but a great deal of information is coming in from numerous sources. She was not prepared to make a conditional appointment because some questions have not been answered which was why she asked Councilmembers to respect her request for a delay which didn't happen. She was glad Mayor Nelson provided his testimony/opinion. This is a very important appointment and as Mr. Bennett and Mr. Crain said, this is our community and it is a very important position. She was not prepared because she was getting emails every 4 minutes and still has 55 to read. She did not support the appointment at this time. Her truth is listening to the citizens and there is just too much information and too many questions to be answered.

Council President Fraley-Monillas said what has been so concerning about this process was that no attack was made on anyone prior to Mayor Nelson naming his selection. As soon as Mayor Nelson made that announcement, a number of groups "went fairly wild about the situation." She understood, she happens to like Chief Lawless a lot, he is a very bright man, has already been respectful to her and if she needed help she has contacted him and she had nothing negative to say about him. He is a very good person, a good cop, and he has been very upfront and honest with her.

Council President Fraley-Monillas said the community is not the same as it once was; she has lived in Edmonds longer than anyone on the Council. Councilmember K. Johnson interjected she has lived in Edmonds longer than Council President Fraley-Monillas. Council President Fraley-Monillas continued, she

has lived in Edmonds or the area over 60 years, moving from Richmond Beach to Edmonds and has seen changes in the community. Her neighborhood which used to be predominately working class single income households, is now the community of color and most households have two working members just to survive, it is the working area of Edmonds. Things have changed and the City needs to change with it and she had no question that Chief Pruitt could bring the City through that change. She found him to be willing to change, interested in changing and he will show Edmonds perhaps a new way of doing things.

Council President Fraley-Monillas asked the length of Chief Pruitt's probation as a new employee. Ms. Neill Hoyson answered probation is six months. Council President Fraley-Monillas said he will be an at-will employee and the probation period is an opportunity to encourage, train, teach and correct performance issues. If there are any probation issues, there will be an opportunity for the Mayor and HR Department to create a project for him to correct. The same would be true if Chief Lawless were in that position. She was willing to give this a shot, to see how Chief Pruitt moves through the process. She was sorry that he has had to watch this play out over the past week in the media and on television. She will provide a statement later about what came up yesterday during her interview. Chief Pruitt has shown the best in all of us; when he was called names and inappropriate attire and pornographic material was displayed at the Zoom meeting, he handled it with grace, not something that everyone can do. She admired his ability to not let a high stress situation where people were calling him names and treating him disrespectfully get to him. She was willing to give Chief Pruitt a shot; she did not want to take anything away from Chief Lawless, he was a good man, but it was time for a change.

Councilmember L. Johnson said the position of Police Chief is most likely the most important position she will make during her tenure on City Council. Given the large number of emails, phone calls and personal discussions she has had, people are invested and understandably very passionate about the decision. This decision was not rushed into, there was a two month search and once two top candidates were named in October, a six week process followed with multiple forums, interviews and extensive vetting. The Mayor's choice for appointment, Chief Pruitt, has a vast range of experience and training including tribal law enforcement, co-commissions with the FBI and U.S. Marshalls as well as military service. Like many cities, Edmonds is working to respond to the societal demand for a more equitable, restorative law and justice system and traditional responses to this demand are sometimes slow and often require more than a gentle push to implement. There are benefits of a fresh perspective that come with a change in leadership. Chief Pruitt is not comfortable with the status quo because he is not from the status quo. The extensive interview process painted a picture of a leader who is deeply respected for his community building, his engaging style and his deep empathy and ability to understand people and situations. These are intrinsic qualities that cannot be taught. Those intrinsic qualities plus a warmth, approachability and level of grace combined with his unique background and experience make him an ideal face and voice for public safety to lead Edmonds forward. She was prepared to support this appointment.

Councilmember K. Johnson recalled a Councilmember saying this was the Mayor's appointment and her job was to support that appointment. She had an entirely different viewpoint, believing that it was the Mayor's job to make the appointment, but the Council's job to develop their own seven-member assessment and then confirm or not. She asked Mr. Taraday to speak to that. Mr. Taraday answered each Councilmember may have their own philosophy about what's involved in the confirmation process. There was a long time in the country's history where presidential appointments were routinely confirmed by deferring to the president and a lot of appointments were confirmed on 90-10 votes in the Senate. There has recently been a very different type of confirmation process in the Senate. There is not any one way that is the right way; each Councilmember has their own level of deferring to the Mayor versus imposing their own values and try to force the executive to come to their values. At the end of the day, if there are four votes to confirm, the Mayor's appointment is confirmed.

Councilmember K. Johnson respected the Mayor's authority to appoint whomever they wish, but as separate body of government, the City Council acts as a discrete body and makes the decision amongst the seven about what they think is best. It is not whether the Council supports or does not support the Mayor, but whether they want to confirm his appointment. She asked Mr. Taraday if he disagreed with that. Mr. Taraday said each Councilmember may have a different approach; some may decide they will not confirm unless they themselves would hire the candidate. Others may view it from the standpoint that it is the Mayor's employee and as long as they are okay with the Mayor's appointment, they will defer to the Mayor's judgment. Both are valid perspectives and valid approaches to the confirmation process; there is no right level of deference to give the Mayor.

Councilmember K. Johnson appreciated Mr. Taraday's philosophical discussion, acknowledging she has a very limited viewpoint; the Council is not here to defer to the Mayor or use their own judgment, they are here to represent the 42,000 residents of Edmonds as this is a representative form of government. She appreciated that Mr. Taraday was trained as a philosopher and she always enjoys their intellectual discussions.

Council President Fraley-Monillas said she represents the 42,000 people living in Edmonds, not just those who are active and reaching out to the Council.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER PAINE, TO CONFIRM THE MAYOR'S CHOICE OF CHIEF PRUITT TO BE OUR NEW CHIEF OF POLICE.

Ms. Neill Hoyson pointed out the confirmation needs to be conditional based on receipt of a satisfactory psychological evaluation.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED TO AMEND THE MOTION TO SAY PROVIDED THE WRITTEN PSYCHOLOGICAL EVALUATION COMES BACK AS VERBALLY TOLD TO THE HR DIRECTOR.

COUNCILMEMBER K. JOHNSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO TABLE THIS VOTE UNTIL NEXT WEEK. UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS K. JOHNSON, BUCKSHNIS AND OLSON VOTING YES; AND COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS DISTELHORST, PAINE AND L. JOHNSON VOTING NO.

Councilmember Olson requested the Council vote no so she could finish her comments. Mayor Nelson said this is discussion on the motion to confirm Chief Pruitt so this was her opportunity to comment on that. Councilmember Olson said she wanted an opportunity to comment on the appointment, not the motion. Mayor Nelson advised comment should be on the motion on the floor.

Council President Fraley-Monillas raised a point of order, the motion is to appoint. Councilmember Olson could amend the motion, but her comment about voting down the motion so she could make another comment was irrelevant to the motion. Councilmember Olson said she was hoping the Council could have more discussion and asked how that could happen. Mr. Taraday said the Council can still discuss the merits of Chief Pruitt as the Mayor's appointee so if Councilmember Olson was attempting to speak to the merits of that, her comments were in order.

Councilmember Olson said this selection didn't happen in a vacuum with no context and no history. She always felt unless there was a candidate obviously better qualified and with a better temperament, that Acting Chief Lawless would be chosen for many reasons, the greatest being he has been performing the role so admirably since January with the support of his organization from the beginning. Having been

publicly named Chief on April 9th, he also withdrew from another Chief selection process. She asked her fellow Councilmembers to consider how badly they were willing to treat a long term, faithful employee. She felt she was being pressured and told she was being unkind in her assertions that things were left out of the background check but she believed that was the case. Despite repeated denials that things came up in the background check, she knew there were holes in it. In the end, it was all about public safety. She was not asking anyone to uphold past promises without giving that consideration, but that conversation has already happened and the City's public safety is better upheld by a candidate that has exposure and experience. From a loyalty standpoint, the proposed motion was a crummy thing to do and she hoped the Council would not do it.

UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBERS DISTELHORST, PAINE AND L. JOHNSON VOTING YES; AND COUNCILMEMBERS BUCKSHNIS, OLSON AND K. JOHNSON VOTING NO.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON, TO MOVE THE BUDGET AND CFP/CIP TO ANOTHER DATE EVEN IF IT WAS A SPECIAL MEETING.

Councilmember Buckshnis said there is so much intricacy in budget, and although Councilmembers have said they are prepared to discuss it, it is important to have fresh minds. From the extended agenda, it appeared there was time on next week's agenda. Council President Fraley-Monillas said there are two hours of agenda items on December 15th. She suggested starting on the CFP/CIP to get Councilmembers' positions before moving into the budget. She will confer with the Mayor about when to schedule discussion on the budget. Although there are a number of agenda items next Tuesday, some could be delayed to the new year and moving the budget discussion may require some creative scheduling. Councilmember Buckshnis agreed some items could be delayed. She emphasized the CFP/CIP is totally tied to the budget with decision packages and changing the CFP/CIP changes decision packages in the budget. Observing it was 9:45 p.m., she was willing to meet another day or even December 22nd anticipating it would be beneficial for all.

Councilmember K. Johnson recalled Council President Fraley-Monillas agreed to schedule two hours on tonight's meeting for the purpose of the budget. Instead, within 24 hours she changed the agenda and the Council spent those two hours to discuss the appointment. Councilmember K. Johnson said she was done for tonight and preferred not to continue with the CFP/CIP, the budget or anything.

Councilmember Distelhorst said in looking at the agenda, there is 2 hours indicated for the budget, 30 minutes for the confirmation and 30 minutes for the CFP/CIP. He has been up working since 7 a.m. on his day job and was willing to go another 73 minutes to 11 p.m. It the Council's duty, they have had the budget for a long time, and this is at least the third time the CFP/CIP has comes to Council. He was prepared to keep working.

Councilmember L. Johnson said she arrived to the meeting prepared, fully caffeinated, and ready to start the budget process. She was concerned with continuing to punt the budget discussion, noting for a number of Councilmembers, this is the first time they have been through the budget process which is part of the reason she did work early in the process so she would be prepared. She preferred to get going on the budget.

Councilmember Paine offered go to 11:30 p.m. because it was time to get things related to the budget underway and get through as much as possible.

Councilmember Olson said she would vote against proceeding because she was really tired although she acknowledged if the meeting were extended she would rally. She has been prepared for weeks but she was tired and was not in the best place mentally to focus and make good decisions.

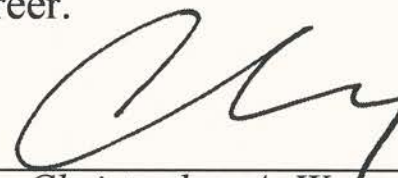
Exhibit 4

U.S. Department of Justice
The Federal Bureau of Investigation
is proud to recognize
Deputy Chief Sherman Pruitt
of the Tulalip Tribal Police Department

for your many years of distinguished service in law enforcement and your selfless efforts to protect and serve the American public. You have always recognized that a key to combating crime is unstinting cooperation among law enforcement agencies at all levels of government. The FBI and the American people have been the beneficiaries of your professionalism and dedication to duty, and we congratulate you on a remarkable career.

February 2019

Date



Christopher A. Wray
Director

Exhibit 5

Columbia College

Columbia



Missouri

Upon recommendation of the Faculty, the Trustees have conferred upon

Sherman Bernard Pruitt

the degree of

**Bachelor of Arts
Criminal Justice Administration**

with all the rights, honors, privileges, and responsibilities appertaining thereto.

*In Testimony Whereof, this Diploma is granted with the seal of
the College and the signatures of its proper officers affixed.*

December 14, 2019


Chairperson of the Board of Trustees


Secretary of the Board of Trustees


President


Provost

Exhibit 6

**EDMONDS CITY COUNCIL
VIRTUAL ONLINE MEETING
APPROVED MINUTES
March 9, 2021**

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Susan Paine, Council President
Adrienne Fraley-Monillas, Councilmember
Kristiana Johnson, Councilmember
Luke Distelhorst, Councilmember
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Laura Johnson, Councilmember

ALSO PRESENT

Brook Roberts, Student Representative

STAFF PRESENT

Phil Williams, Public Works Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Angie Feser, Parks, Rec. & Cultural Serv. Dir.
Jessica Neill Hoyson, HR Director
Shannon Burley, Deputy Parks & Recreation Dir.
Kernen Lien, Environmental Programs Mgr.
Frances Chapin, Arts & Culture Program Mgr.
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Dave Rohde, GIS Analyst

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Councilmember K. Johnson read the City Council Land Acknowledgement Statement: "We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water."

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present, participating remotely.

3. PRESENTATION

5. APPROVAL OF AGENDA

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO APPROVE THE AGENDA IN CONTENT AND ORDER.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER K. JOHNSON, TO AMEND THE AGENDA TO ADD "COUNCILMEMBER REIMBURSEMENT CLAIM" AS NEW BUSINESS ITEM 8.3.

Council President Paine said she was in favor of looking at the next level of design and the associated costs. Mr. Doherty said no design work is currently planned; once the Council provides direction, that direction would be used to guide schematic design development with costs.

A MOTION WAS MADE BY COUNCILMEMBER DISTELHORST AND SECONDED TO RECOMMEND WE TAKE THE 30' ROADWAY WITH ENHANCED LANDSCAPED WALKS AS PRESENTED BASED ON PUBLIC FEEDBACK TO THE NEXT LEVEL OF SCHEMATIC DESIGN.

Councilmember Fraley-Monillas asked if that included parking. Mr. Doherty answered yes, it included parking on both sides.

Councilmember L. Johnson said while she was leaning toward supporting the motion, it was on the agenda under New Business so she was not ready move forward tonight and preferred having additional time for review

Councilmember K. Johnson agreed with Councilmember L. Johnson; because this item was on the agenda under New Business, it was more appropriate for the Council to be briefed first and come back for more deliberative action at another meeting. She was also not ready to move forward.

Councilmember Olson said she was ready to support the motion, but agreed as it was a New Business item, she supported giving Councilmembers more time especially since when an item is not time critical.

COUNCILMEMBER DISTELHORST WITHDREW THE MOTION.

3. COUNCILMEMBER REIMBURSEMENT CLAIM

Councilmember Buckshtnis explained this was discussed by the Finance Committee for transparency purposes and to avoid a rolling quorum. The agenda memo for this is very long and she was willing to provide it to the media with attachments. A Councilmember requested an approximately \$307 reimbursement which was denied by last year's Council President and again by this year's Council President. She read from the City of Edmonds policy for expense reimbursement, the City of Edmonds reimburses employees and elected or appointed officials for reasonable expense incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City. This \$307 expense was for investigative work related to hiring for the Chief of Police position. The information was obtained in a rush by Councilmember Olson related to a record for one of the candidates.

Councilmember Buckshtnis recalled there have been many respectful disagreements between Councilmembers and Directors in the past; the most recent was in 2019 when the former HR Director provided non-represented employee salary amounts and there was an honest disagreement between Council and the HR Director. Another example was a disagreement she had with a former Finance Director related to a GASB ruling. She concluded with regard to this item, the Finance Committee recommended the reimbursement claim be paid.

Councilmember Fraley-Monillas said she did not view this expense as reasonable or prudent. She denied it last year and one of the reasons was this is HR work and not the work of a Councilmember. She believed there was some level of looking to find issues with this person because it was not brought up until this person was chosen to be the first person of color associated with the designation of Police Chief. She relayed Councilmember Olson stated she asked HR twice to do this; HR indicated to her last year when she was Council President that Councilmember Olson had not reached out to them to request assistance with this. Councilmember Fraley-Monillas said in general she found it to be hunting for issues with this person that perhaps should not have been hunted for which is why she denied it. She was aware Council President Paine denied it this year when it was submitted again. She was uncertain why this was

being brought up other than it had to do with perhaps looking at things in “a color sort of issue versus statistically an ability to do the job.”

Councilmember Olson said the packet that was prepared has much more content, background and support for the claim than when it was initially submitted. The fact that it was denied previously does not bear on whether it is denied this time. She obtained a lot of clarity and was unaware, as both Council Presidents may be unaware, that there is a City of Edmonds Employee Expense Volunteer Recognition and Reimbursement Policy that includes electeds and does not give guidance on the types of expenses that fall under their authority with the exception of travel which does have to be approved before the travel begins. With regard to the policy that states for reasonable expenses incurred conducting City business, providing expenses are prudent and directly related to the individual’s service on behalf of the City, she questioned whose service it was on behalf of other than the City. Although Councilmember Fraley-Monillas painted her as digging for dirt, in fact she was looking for the glory stories. As she learned tribal policing did not have a lot of the same requirements, administration and body of laws, she was looking for good stories. When she found this, it was not that she knew it was a bad story, it just seemed like a stone that should be turned over. She asked the Administration about that item before the appointment was made which disclaims and negates both of the claims by Councilmember Fraley-Monillas.

Councilmember L. Johnson said given that Councilmember Olson did not take or consider taking the same measures when other director positions were vetted, it was hard to overlook the appearance of bias. When the court summary was initially brought to the Council’s attention, it was accompanied by a subjective commentary of “he thinks he and his family are above the law.” She found this odd because taking a grievance to the court is operating within the law. Later when the full report was circulated, additional subjective interpretations were made. Councilmember L. Johnson acknowledged she was not an HR or legal professional and did not have the training required to handle the multitude of considerations when conducting this type of intensive background check and to the best of her knowledge none of her fellow Councilmember did either. Further, she did not know more than the three police departments, FBI, HR Director or the polygraph experts who all professionally vetted this candidate. Once the information was presented to Council in an unusual fashion, she checked with HR and found they had knowledge of it and it had been addressed with the polygraph. She was very concerned that if the Council approved reimbursing this unauthorized expense, it would not only interfere with the work of trained professionals and dip into an Administrative function, but more importantly it would set a dangerous precedent with regard to liability concerns, a precedent she did not wish to set.

Council President Paine explained she received Councilmember Olson’s request for reimbursement. Similar to the prior denial, there had been no prior approval and the expenditure was not part of Council’s typical responsibilities as that function was normally done through the Administration. The way this was done puts City at a level of liability and risk. With regard to the code that addresses how the City Council pays claims and demands, it is very clear the Council Presidents audits and signs off on those claims, but Chapter 2.25 allows the denial of any reimbursement claim to come to full Council. The additional policy that has been presented certainly could include City Council but the language still states the Council President approves or denies claims. She was troubled by this reimbursement claim because as someone who has spent some time in courts, one deposition does not provide the full story and the absence of the full story makes it difficult to understand the full discussion which is why it is important for the professionals to consider the information. She, like other Councilmembers, inquired about the fullness of knowledge of the City’s HR professional and was assured she was aware of this court matter and there was no miscommunication from the applicant to the City. She concluded that information was enough for her to deny the request for reimbursement.

Councilmember K. Johnson thanked Council President Paine for describing the procedures. She pointed out neither Council President Paine’s denial nor the previous denial should not weigh on the Council’s decision tonight. She believed there was a certain amount of due diligence incumbent on each

Councilmember and if that incurred cost due to time constraints, in this case it was adequate to be reimbursed. The fact that the HR professional knew about this did not eliminate the question in her mind because her information wasn't shared with the public or the Council. She credited Councilmember Olson for doing the research and bringing it to the full Council because it had a great impact on her final decision and probably impacted the Mayor's final decision. She concluded this was a reimbursable amount and she will support it.

Councilmember Distelhorst said when this brought up with him 2-4 weeks ago, he was hoping it would be a long term, sustainable policy; he thought the agenda item was a policy regarding reimbursement rather than reimbursement for a specific item. There is a need for a more sustainable, long term solution for something that is very subjective like this in developing a policy where the Council is potentially subjecting the City to further liability. He did not feel requesting reimbursement in this manner solved the issue and actually increased the potential liability as he understood it. He was hoping for a longer term, sustainable solution, realizing that was more work but would provide more benefit.

Councilmember Fraley-Monillas said in her personal opinion this was a witch hunt, looking for problems that could occur with the person. The City knew about this individual and the issues that were brought up, talked about and he was found to be truthful. She believed this was done to create commotion regarding the person appointed by Mayor Nelson to the position. She believed the Council was not responsible for investigating these issues; HR was responsible for that. The person admitted to and denied what had occurred and was found not guilty, the person requesting reimbursement had no reason to do it. In considering this issue last year, she wondered why the Councilmember did not come to the Council President and assumed it was because it would have been denied because it was not the Council's job to look at those issues. She did not believe it was a Councilmember's responsibility to determine if whether information was accurate or not, that is within the realm of the HR Director. The bias related to this has created a lot of issues within the Black community and what occurred with Mr. Pruitt. Councilmember Fraley-Monillas concluded she made the best decision based on the information she had at the time.

Councilmember Buckshnis commented Councilmembers are all elected officials and the Council President does not rule what they can/cannot do in terms of oversight. For example, Councilmember Buckshnis asked if Councilmember Fraley-Monillas' work that utilized six months of the Council assistant's time to look at all non-represented employees' salaries had been a witch hunt.

Councilmember Distelhorst raised a point of order, stating that was not germane to this topic. Councilmember Buckshnis said it was a precedent. Mayor Nelson suggested Councilmembers narrow their discussion to the topic.

Councilmember Buckshnis suggested dropping the allegation of bias as Councilmembers have oversight responsibilities. Oversight has occurred in the past when there were honest disagreements between Councilmembers and the Administration. For example, in the past she cited a \$4.9M issue in the budget and it was determined she was accurate and the City had to restate its financial statements. There is nothing wrong with Councilmembers doing oversight if it is done correctly and there is no reason for Councilmembers to have their work preapproved by the Council President. She agreed the Council President approves expenditures but as stated in the reimbursement policy approved by Council in 2014, Councilmember Olson was doing her job so she could make a decision on an agenda item that was moved up a week when many citizens were contacting Councilmembers about additional information that was available. She concluded Councilmember Olson was doing her job by providing oversight.

With regard to the policy versus just coming forward with this, Councilmember Olson said that change occurred after the discussion at the Finance Committee because the feedback from the City Attorney and Finance Director was the Council President could make the decision based on the information provided. She recommended the conversation related to liability stop because unless that liability was greater than

the liability that would have occurred due to hiring someone with automatic disqualifiers as a police officer, it was a truly a moot point, very distracting and inappropriate. When she contacted Administration, she asked specifically if the source document, the testimony itself, had been looked at. The automatic disqualifier was one thing in there, but there were other concerning things and red flags. The Administration had never seen the source document and her request was treated like a public records request and the response was there were no documents to provide. She did not look at this as oversight, she looked at it as due diligence for her vote to confirm the candidate. Whether other Councilmembers or the Administration were satisfied without having that information, she wasn't and she ordered it because of her job.

Councilmember Fraley-Monillas said she did not see it in that sense; she saw it in the sense that Councilmember Olson was going after this person because they were chosen to be first person of color to be appointed to the position. She believed the fact that Councilmember Olson did not ask whether it would be appropriate or okay sent a message that she would do what she wanted to do because she had a preference of police chiefs. The fact that the person Mayor Nelson brought up for appointment to the position had been through FBI checks and checks by their own departments told her that the person had been through all sorts of documentation regarding their ability to do the job. This was related to the fact that the police chief candidate was African American and Councilmember Olson did not do a similar check on the other police chief candidate which was inappropriate.

Councilmember Fraley-Monillas said in the 11½ years she has been on Council, she had never seen a Councilmember do anything like this, go after someone's background check. The fact that the background check that was completed showed the person admitted to this, denied it, and had gone through the process did not matter to Councilmember Olson because she wanted to see what they had done in the past and she wanted to make the person guilty whether or not they were. She denied the reimbursement because it was not a Councilmember's business; it was the HR department's responsibility to look into. If Councilmember Olson believed the HR Director was incompetent in their job, that should have been looked it. That issue was not raised, only that the Councilmember wanted the information regarding the police chief candidate. She still believes that person was treated very unfairly by Councilmember Olson.

Councilmember K. Johnson said she had to make a comment after that diatribe; it is a danger to think you know what a person is thinking and to assume they have done the worst thing. That is against the Council code of conduct and is very disrespectful. She recalled there had been many discussions about the role of the City Council and whether there were liabilities. She asked City Attorney Jeff Taraday to add clarity and help the Council understand the main issues that should be considered. Mr. Taraday said he would not express his personal opinion about whether this should be reimbursed or not. Some of questions that are being asked are not the questions he would suggest be asked. The Council's confirmation power is a very significant power, just like the U.S. Senate's confirmation power. In exercising that power, the Council is not required to trust the Mayor or the Mayor's staff with regard to nominations that come forward. If the Council was required to trust the Mayor and the Mayor's staff, there would be no point in exercising any confirmation power, the Council would simply give the Mayor complete power to make all appointments without confirmation which many cities do.

Mr. Taraday said that is the starting point for his analysis; each Councilmember has a significant role to play in determining whether to vote to confirm or not confirm an appointee. In making that determination, there is no guidance with regard to how to vote; it is entirely up to each Councilmember's legislative discretion whether to cast a vote to confirm. He suggested the question of whether an individual Councilmember would have spent this money or gone to the trouble of acquiring the transcript was not really relevant nor was it relevant whether Councilmembers agreed the money needed to be spent. The Councilmembers who have spoken against reimbursement could take the position that they did not think the transcript was necessary, that they preferred to rely on the HR Director, that they would not have themselves gone to the trouble of obtaining the transcript, and did not read or rely on the transcript or find

it helpful and yet could still believe that the Councilmember who requested the reimbursement was doing so out of a good faith desire to be reimbursed for money she spent in performing her role as a Councilmember.

Mr. Taraday reiterated he would not express his personal opinion regarding whether he would have wanted the transcript had he been in the Council's shoes or whether it was money well spent. The money was not used for a private party or to reupholster a Councilmember's couch; he suggested the analysis focus on whether the money was spent in the course of the Councilmember performing her duty and not on whether Councilmembers agreed with what the Councilmember did. Councilmembers can disagree on what the Councilmember did and have the opinion it was unnecessary and perhaps even money not well spent, but still feel the Councilmember should not have to pay it out of pocket.

With regard to liability, Mr. Taraday was unsure that was germane to the request unless there was a criteria that expenses are only reimbursed when there is no risk associated with the expense which he was not aware existed. In researching law to guide their response, because this is such a unique situation, they were unable to find any case related to a Councilmember or City being sued because of investigation done related to a Councilmember's confirmation vote. He could say there was zero risk associated with this but it did not appear to be a criteria in the policy in determining whether an expense was reimbursable. The criteria is whether the expense is prudent and directly related to the individual's service on behalf of the City. He suggested if a Councilmember wanted to vote no, they should make an argument that it was an imprudent expense and if they wanted to vote yes, make an argument it was directly related to the individual's service on behalf of the City. Councilmember K. Johnson thanked Mr. Taraday for his insightful analysis which she hoped would guide the Council.

Councilmember Buckshnis said she takes confirmation seriously. Although Councilmember Fraley-Monillas had never seen it in her 11 years, she had seen it during her 11 years on Council.

Councilmember Fraley-Monillas raised a point of order. Mayor Nelson requested Councilmembers refrain from making personal remarks or attacks.

Councilmember Buckshnis recalled former Councilmember DJ Wilson and she voted not to confirm a director due to information he found over and above what the HR person presented. She summarized there was precedent regarding information like this. She thanked Mr. Taraday for saying Councilmember Olson was doing her job.

Councilmember L. Johnson said if the Council was to accept that this was something a Councilmember could be expected or would be reasonable to do in undertaking their position, would the same be true if a Councilmember wanted to hire someone to research proposals for a street overlay or to review finance reports. She questioned where this ends when a Councilmember disagrees with something that has been vetted by professionals, what reasonable measures could a Councilmember take that would be reimbursable by the City in undertaking a Councilmember's job. The way this document was used and the subjective nature of the interpretation and how widely it was circulated, it had been weaponized. There were a number of public comments made, including "he thinks he and family are above the law." There was also an interpretation that the Marines froze his rank, that it contained automatic disqualifiers (which Councilmember L. Johnson said she was unable to confirm), and that it contained instances of perjury during sworn testimony. Those interpretations showed the document was not used properly and was something that should have stayed within HR and the work that HR did that came to the Council as a professional recommendation. Councilmembers were assured that the issues were vetted and that it was asked during the polygraph. When a Councilmember does not like something and wants it to go in a different direction should not override the expertise of staff. She concluded this seemed very dangerous and was not a road the Council should go down.

To those that say Councilmember Olson was doing her job by doing this, Councilmember Fraley-Monillas asked if that was saying the HR Director was not doing their job. Frankly, if the Council cannot trust staff to do their job, then shouldn't be there. She had great angst with whether people were doing or not doing their jobs. She summarized the candidate admitted to having an issue.

Councilmember K. Johnson raised a point of order, stating this is the third time she has heard this same argument and Councilmembers need to move on. Mayor Nelson said that was true of most comments and he would allow Councilmember Fraley-Monillas to continue.

Councilmember Fraley-Monillas said a Councilmember with no experience in HR saying a person did wrong did not make sense to her.

Councilmember K. Johnson raised a point of order, stating she never heard Councilmember Olson say anything derogatory about the HR Director. Councilmember Fraley-Monillas said her comment was not about Councilmember Olson making derogatory remarks about the HR Director. Mayor Nelson requested Councilmembers refrain from referring to each other during their debate.

Councilmember Fraley-Monillas said the HR Director saying that the gentleman had been looked at and had admitted to anything uncomfortable was all the Council needed. She would not second guess the HR Director.

Council President Paine said when the Council was presented with the candidates and the final choice, they all had opportunity to do their own research, some did more, some did less. Her outside research, comparing what she had seen to what was confirmed by the HR professional and considering other information received through the interview process, all informed her decision. When something else came in at the last moment out of the clear blue sky, it felt more punitive rather than adding daylight to that candidate. It did not add any information other than what the Council had already heard from the HR professional. When Councilmembers conduct research, it is to satisfy themselves and there is no policy stating it will be reimbursed. Out of courtesy and being upfront about something that may incur cost, that needs to be discussed with the Council President which never happened. The document did not add anything that the Council had not already heard and it made things a lot more volatile.

Councilmember Olson said she has been slandered and accused of bias tonight. The summary that she had first seen online with the summary judgment that did not go for the plaintiff indicated to her that there was more to look at. It was a lawsuit against a municipality and Edmonds was a municipality that was potentially hiring this person. The first time she asked about the lawsuit was when the person was a candidate and before the appointment made. To say that this information had no value and there was nothing to talk about, Councilmembers requested an executive session. She and at least three other Councilmembers were not informed by HR until after HR indicated they did not have the document and she indicated she would order it; that was when three other Councilmembers and she learned there were content issues. She acknowledged the Administration may have learned about it during their interviews and apparently Councilmember Fraley-Monillas learned about it in her interview, but Councilmember Olson said she and three other Councilmembers were not informed by the Administration until she indicated she would order the document.

Mayor Nelson relayed staff was inquiring whether the Council would be discussing the Unfinished Business Items on tonight's agenda.

Councilmember Distelhorst relayed his understanding was because this was New Business, the Council would not be acting on it tonight. He preferred to move onto the Unfinished Business items.

Councilmember Buckshnis said she was baffled by all the negative comments and the comments to Councilmember Olson about her intent. Some Councilmembers were out of loop and the fact that the entire confirmation process was pushed up a week was cause for even more due diligence. She twice requested an executive session. There is a huge miscommunication between what Councilmembers believe happened. This was a Councilmember doing her job in her oversight or due diligence role. Councilmembers are elected to be the checks and balance for the Administration and there are many examples of those checks and balances over the last few years. She will continue to do her due diligence and if she has to spend \$307 to do something, she will. Councilmembers do not have to ask for permission from the Council President to do something; that is not the Council President's role. Councilmembers' role as elected officials is to do their job which is what Councilmember Olson did.

Councilmember Fraley-Monillas said it is the Council President's role to determine what money is and is not spent. The Council President determines appropriate expenditures and she did not believe this was appropriate.

COUNCILMEMBER L. JOHNSON MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO TABLE THIS TO A FUTURE MEETING. MOTION CARRIED UNANIMOUSLY.

9. UNFINISHED BUSINESS

1. ANALYSIS OF DIRECT HIRE VS. CONTRACTED SOCIAL WORKER

Ms. Neill Hoyson explained this item is related to whether the social worker position would be a direct hire or contracted position. She recalled two weeks ago when the job description was approved, Council indicated the description could be used for either a direct hire or to guide the scope of work for a contract position. Council requested analysis regarding those two approaches and the pros and cons. She reviewed:

	Direct Hire	Contracted
Service Levels	Would need to address how to provide adequate coverage with a single person. While "on-call" hours can be established this would need to be negotiated and additional compensation would need to be paid. Would be difficult to cover time away (sick & vacation leave)	Services should be able to start very soon after contract is executed. Would be able to negotiate coverage for when dedicated social worker is on leave and for after-hours access
Peer/Professional Support	The City does not have a currently establish program so the new hire would be entering into a blank slate with no support. This could slow down service offerings as they would need to create relationships and determine what technology and other support is needed. It may be more difficult to tap into a peer network as a standalone practitioner.	Peer/and professional support network would already be established as well as technology and other support services
Supervision	Without an established program/structure the necessary supervision would not be in place. Contract(s) would most likely need to be executed to provide both supervision and casework auditing.	Supervisory structure is already in place. Casework auditing structure is already established
Cost	Would need to provide benefits which run approximately 32% of wages.	Would control costs through contract negotiations but would not have direct

Exhibit 7

GREGORY THOMPSON
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

NOTICE TO THE PUBLIC
326 S. 4th Avenue, Suite 200
Vista, CA 92083-3000
(760) 516-4000

PAUL J. PFINGST
DISTRICT ATTORNEY

CURRENT DATE: 2-22-00

NAME OF SUBJECT: Fruitt, Sherman

DATE OF OFFENSE: 01-16-00

TYPE OF CHARGE(S): PC 273.5(k)

ARRESTING/CITING AGENCY: OPD

CASE/CITATION NUMBER: 00001011

BOOKING NUMBER: 00105207A

At this time, no formal charges have been filed by the District Attorney's Office for one of the following reasons:

A. THE CASE HAS BEEN REVIEWED AND REJECTED.

B. THE CASE HAS BEEN REVIEWED BUT NOT ISSUED.

If additional information is received, charges could later be filed. In that event, you will be notified by mail of the nature of the charges and the date, time, and location of your court appearance; or, depending on the discretion of the Issuing Deputy, a Warrant of Arrest could be issued. Failure to appear on a Notify Letter could result in a warrant being issued for your arrest.

OPD

C. NO ACTION HAS BEEN TAKEN ON THE CASE.

The reports have not yet been received or reviewed by the District Attorney's Office; If a decision is later made to file charges, you will be notified by mail of the nature of the charges and the date, time, and location of your court appearance; or, depending on the discretion of the Issuing Deputy, a Warrant of Arrest could be issued. Failure to appear on a Notify Letter could result in a warrant being issued for your arrest.

NOTE: YOU MAY CALL THE ARRESTING AGENCY FOR FURTHER INFORMATION CONCERNING THE STATUS OF YOUR CASE.

THESE CHARGES CAN BE RE-SUBMITTED FOR REVIEW AND POSSIBLY FILED WITHIN THE APPLICABLE STATUTORY PERIODS.

PLEASE KEEP YOUR ADDRESS ON FILE WITH THE POST OFFICE.

Exhibit 8

Request #21-29

CLOSED

As of January 25, 2021, 2:20pm

Request Visibility: Unpublished

Details

I want to thank you for fulfilling my record request # 20-1236, I appreciate it. I had asked for specific dates on my previous request that is now closed. However, I would like to submit another request with no specific dates.

I would like to request a copy of any and all documents regarding a possible employment application that I may have submitted for employment with the City of Lake Stevens at any point of time regarding my name. Thank you!

Received

January 7, 2021 via web

Departments

City Clerk

Requester

Sherman Pruitt

Documents

Public (pending) ⓘ

(none)

Requester

(none)

Staff

Point of Contact

Kelly Chelin

Timeline

Department Assignment

Public

Added: City Clerk.

January 19, 2021, 1:18pm

Request Closed

Public

The City has completed a search of its records and did not locate any records responsive to your request.

January 13, 2021, 5:13pm

External Message

Requester + Staff

Dear Sherman:

The City received your second request for public records on January 7, 2021.

The City has completed a search of its records and did not locate any records responsive to your request for any point of time.

The City believes this fulfills your request for public records. This is the City's final, definitive response. Please let me know if you have any questions.

Sincerely,

Kelly M. Chelin

City Clerk

January 13, 2021, 5:13pm by Kelly Chelin, City Clerk (Staff)

External Message

Requester + Staff

The City received your request for public records today and will respond as required by RCW 42.56.520, within five business days. A response may be (a) providing the records, (b) providing a link to records available on line, (c) providing a reasonable estimated date of when the records will be available, (d) requesting clarification, or (e) denial of the request.

January 7, 2021, 12:02pm

Request Opened

Public

Request received via web

Request Visibility: Unpublished

Request #20-1236 >

CLOSED

I would like to request a copy of any and all documents regarding a possible employment application that I may have submitted for employment with the City of Lake Stevens between 2008 to 2010. Thank you!

Received December 29, 2020 via web

Departments City Clerk

Requester **Sherman Pruitt**
 sherman.pruitt@comcast.net
 17301 79th Dr NE, Arlington, WA 98223
 (425) 422-5834

Documents

Public (none)
 (pending)

Requester (none)

Staff

Point of Contact
Kelly Chelin



Request Closed Public

The City has completed a search of its records and did not locate any records responsive to your request.

January 6, 2021, 9:23am

External Message [Hide](#) Requester + Staff

Dear Sherman:
 The City received your request for public records on December 29, 2020. You requested:

I would like to request a copy of any and all documents regarding a possible employment application that I may have submitted for employment with the City of Lake Stevens between 2008 to 2010. Thank you!

The City has completed a search of its records and did not locate any records responsive to your request.

The City believes this fulfills your request for public records. This is the City's final, definitive response. Please let me know if you have any questions.

Sincerely,
 Kelly M. Chelin
 City Clerk

January 6, 2021, 9:23am by Kelly Chelin, City Clerk (Staff)

Department Assignment Public

Added: City Clerk.

December 29, 2020, 3:53pm

External Message [Hide](#) Requester + Staff

The City received your request for public records today and will respond as required by RCW 42.56.520, within five business days. A response may be (a) providing the records, (b) providing a link to records available on line, (c) providing a reasonable estimated date of when the records will be available, (d) requesting clarification, or (e) denial of the request.

December 29, 2020, 11:48am

Request Opened Public

Request received via web

December 29, 2020, 11:48am