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October 6, 2014

VIA ELECTRONIC FILING

The Honorable Thomas O. Rice
U.S. District Court, Eastern District of Washington
P.O. Box 1493
Spokane, WA 99210

Re: *Montes, et al. v. City of Yakima, et al.*
No. 12-cv-3108-TOR

Dear Judge Rice:

This letter addresses Plaintiffs' objection that Defendants' proposed method of electing Mayor and Assistant Mayor violates state law. During the parties' meet and confer, Plaintiffs voiced a concern that designating the at-large representatives as Mayor and Assistant Mayor would be disfavored by some members of the Yakima community. However, Plaintiffs never raised an objection or suggested that this part of Defendants' proposal might violate state law.

Defendants believe that the proposed method for electing the Mayor is not clearly unlawful because, among other reasons, state law contemplates this method in RCW 35A.13.033 and no part of any remedial plan will be submitted to the voters for approval. However, the election of Mayor and Assistant Mayor was never a critical component of Defendants' Proposed Remedial Plan, and Defendants seek to avoid any controversy over a nonessential part of their plan. Therefore, Defendants are withdrawing their proposal that the two at-large representatives be designated Mayor and Assistant Mayor. The existing method for selecting Mayor, as set forth in Article II, Section 3 of the Yakima City Charter, will remain unchanged in Defendants' Proposed Remedial Plan. Pursuant to this section, the Council will continue to select its own Mayor at the first meeting after the subsequent biennial elections.

Sincerely,

s/ Francis S. Floyd
Francis S. Floyd

cc: Plaintiffs' counsel