

Hello, I'm Steve McKay, Shakespeare Way in Monrovia. On September 1st, I was here in the audience as you took an unprecedented vote. I was proud of you. You took a hard look at the record and you concluded what I've known for a long time – it's a bad record. Your conclusion was the same one made by Circuit Court Judge Nicklas. He also said that he couldn't review the record because it was tainted and neither he nor you could determine the extent of the taint.

You could have told the Judge you were unable to resolve the issues in the remand letter. If you did that, Mr. Chomel told you not once but four times that the Judge would probably vacate the prior zoning and send it back to you for a full restart. Instead, you decided that the County should clean up its own mess by starting over. It was a promising beginning – but then things changed.

County attorneys had a different idea of what happened that night. Everyone in the audience, and I suspect most of you, felt that your motion meant that the prior zoning approvals were vacated. Mr. Chomel even stated that he understood the intent of the motion was to vacate the prior approvals. As far as I'm concerned, those approvals were vacated by your action. But the attorneys made their own conclusion – ignoring the clear and confirmed intent of your vote – and decided that the prior approvals still stand. It really makes me wonder who is running the show here. We elected you – not them.

So the developer is moving forward on all aspects of the development. With each step, the developer moves closer to being vested in the project. With each step, the developer moves farther from the new hearing process that you ordered. They are trying to present you with a fait accompli. They're doing an end-around right past your process.

The attorneys are telling you that the developer is proceeding "at risk." I heard Kathy Mitchell telling the Planning Commission this just the other day. There's only one problem to that opinion – the developer is actually reducing his risk with each new staff approval. The attorneys claim that it can all be undone but the bottom line is they don't really know that. This is an unprecedented case and for them to claim that all of this additional work and investment done by the developer can be undone at your will is not only wrong, it's reckless. The bottom line is they are aiding and abetting the developer at the expense of the process you ordered on September 1st.

We told you that the developer had no reason to cooperate with the hearing process that you ordered. You probably didn't believe us. And then the developer proved us right. On November 18th, Paul Rose told you they wouldn't cooperate. He told you they wouldn't provide any new information and would instead point back to the old record. He scoffed at your decision and brazenly defied the order to restart. You sought to create a new clean record and now you can't because the developer has no reason to participate. The attorneys say he has his approvals, so he doesn't need to listen to you.

There's only one way to get the developer to listen. There's only one way to make sure the development doesn't continue moving forward in defiance of your order. There's only one way to ensure a new clean record and a good process. Make the motion.

Clarify your September 1st vote, and make it crystal clear – even to the attorneys – that you meant for the prior zoning to be vacated. If you don't want to do that, then send it back to the Judge. Either way is fine with me. One thing is clear, don't let the developer undermine your courageous vote, by failing to act now. Vacate the zoning, and let's move on toward a fair set of hearings.

Thank you.