



CITY OF BLACK DIAMOND
October 18, 2012 Meeting Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending this evening.

PUBLIC HEARINGS:

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

- 1.) **AB12-077** – Resolution Confirming Mayor’s Appointment of Rachel Pitzel as Director
of Emergency Services Mayor Olness

UNFINISHED BUSINESS:

NEW BUSINESS:

- 2.) **AB12-078** – Resolution Adopting 2012-2013 Stormwater Management Program Mr. Williamson
3.) **AB12-079** – Ordinance Amending Cemetery Code to Meet Current State Law Mr. Nix

DEPARTMENT REPORTS:

- 4.) Administration – Interim City Administrator Butkus
a) Electronic Records
b) Ballot Issues Questions

MAYOR’S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

- 5.) **Claim Checks** – October 18, 2012 Check No. 38852 through No. 38919 in the amount of \$258,220.69
6.) **Payroll Checks** – August 31, 2012 No. 17849 through No. 17863 in the amount of \$131,287.74 and September 30, 2012 No. 17864 through No. 17888. and ACH Pay in the amount of \$295,611.58
7.) **Minutes** – Council Meeting of October 4, 2012 and Workstudy of October 4, 2012

EXECUTIVE SESSION:

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Resolution No. 12-834, confirming the Mayor's appointment of Rachel Pitzel as the City's Emergency Services Director	Agenda Date: October 18, 2012	
	AB12-077	
	Department/Committee/Individual	
	Mayor Rebecca Olness	X
	City Administrator –Pete Butkus	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
Attachments: Resolution No. 12-834; Memorandum from Rachel Pitzel; Memorandum from Mayor Olness		
SUMMARY STATEMENT: <p>Black Diamond Municipal Code Chapter 2.44 establishes the Department of Emergency Services for the City of Black Diamond as well as the position of Director. Currently this position is filled by the Police Chief, however she has asked to be relieved of this added duty.</p> <p>After careful consideration and given the necessary skills and expected duties of the position I have appointed Rachel Pitzel, Deputy City Clerk, to the position of Director of Emergency Services for the City, subject to Council confirmation as required by code.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 12-834, confirming the Mayor's appointment of Rachel Pitzel as the City's Director of Emergency Services.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
October 18, 2012		

RESOLUTION NO. 12-834

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
CONFIRMING THE MAYOR'S APPOINTMENT OF RACHEL
PITZEL AS THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF BLACK DIAMOND**

WHEREAS, Black Diamond Municipal Code Chapter 2.44 establishes the Department of Emergency Services and the position of Director of Emergency Services therein; and

WHEREAS, position was formally filled by the Police Chief who has asked to be relieved of this added responsibility; and

WHEREAS, given the necessary skills and expected duties of the position, the Mayor has appointed Rachel Pitzel, Deputy City Clerk, to the position of Director of Emergency Services with no additional compensation beyond that currently provided as Deputy City Clerk; and

WHEREAS, Section 2.44.020(A) of the Black Diamond Municipal Code requires that this position shall be appointed with the consent of the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor's appointment of Rachel Pitzel to the position of Director of Emergency Services is hereby confirmed.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OCTOBER, 2012.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

Memorandum

To: Mayor and City Council
From: Rachel Pitzel
Date: 10/10/2012 (for Council Action on October 18, 2012)
Re: Director of Emergency Services

Thank you for the confidence expressed in me through my current position as Deputy City Clerk and this added responsibility as the Director of Emergency Services. I would like to take this opportunity to update you on steps I have taken to assume this added responsibility since the Mayor's appointment on September 14, 2012:

- Met with Glenn Akramoff, City of Covington who is their Public Works Director and Emergency Management Director on September 20, 2012
- Attended the WA State Emergency Management Division Public Assistance Program Training on Thursday, October 4 along with my Deputy Director Andrew Williamson
- Participated in the local Emergency Preparedness Fair in Maple Valley on Saturday, October 13
- Attended the King County Winter Season "All Partners" Seminar on Monday, October 15
- Contacted Fire Chief Greg Smith for information regarding appropriate Incident Command Classes (ICS series)
- Completed the online course of IS-200 (I have already completed IS-100 and IS-700)
- Worked with Interim City Administrator Butkus to obtain information regarding a one-week training course sponsored by the Federal Emergency Management Agency (FEMA) next year (March 18-21 or July 8-11) for myself and Mr. Williamson. This course is subsidized by FEMA with the tuition and lodging paid for and travel costs are reimbursable. The City would be responsible for time and meals
- Coordinate trainings for Staff and Council on appropriate Incident Command Classes (ICS Series)
- Reviewing the Emergency Management Manual

I understand the importance of keeping informed of federal, state and local regulations; the coordination of resource requests to King County; Mutual Aid agreements; record-keeping and providing information to the public. I further understand the importance of attending trainings, drills and seminars when possible so when an emergency presents itself within the City we are prepared and fueled with the knowledge and skills it will take to handle the incident with confidence and efficiency.

With this new position there will be challenges; I believe the key to challenges in an emergency is to remain calm, focused on the outcome, and to lead with integrity. Once again, I thank you for your confidence in my abilities as the Director of Emergency Services for the City of Black Diamond.



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: RACHEL PITZEL, ANDREW WILLIAMSON, CHIEF KIBLINGER, CHIEF SMITH
FROM: MAYOR OLNESS
SUBJECT: DIRECTOR OF EMERGENCY MANAGEMENT
DATE: SEPTEMBER 14, 2012

Last winter's road conditions and subsequent shutdown of most of the functions of City government led to a re-examination of having the Police Chief or the Fire Chief serve as the Director of Emergency Services, as per BDMC Chapter 2.44. In those situations defined as an "emergency" or "disaster" the two chiefs would likely be needed to supervise field operations as an incident commander and not be available for over-all City coordination.

This position requires organizational skills, the ability to understand field needs, coordination of resource requests to King County, an understanding of applicable Mutual Aid agreements, record-keeping, providing information to the public and the ability to deal with stressful situations. Additionally, the Director needs to be able to identify issues or opportunities, develop options for resolution and to make recommendations to the Mayor and City Council. Providing for training opportunities for city staff, elected officials and volunteers is an included task.

In order to assure continuity of the emergency management functions and to prepare for the approaching winter storm season, I am appointing Rachel Pitzel to the position of Director of Emergency Management. This appointment is included within her current position of Deputy City Clerk and shall incur no additional compensation. This appointment is subject to confirmation of the City Council. Confirmation action will be scheduled for early October.

Andrew Williamson will remain as the Deputy Director of Emergency Management.

Cc: Public Safety Committee

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Resolution No. 12-835, adopting of the Stormwater Management Program (SWMP) 2012-13 Update	Agenda Date: October 18, 2012	
	AB12-078	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –Pete Butkus	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
Cost Impact: \$0	Economic Devel. – Andy Williamson	X
Fund Source:	Police – Jamey Kiblinger	
Timeline: 2012-2013	Court – Stephanie Metcalf	
	Comm. Dev. – Steve Pilcher	
Attachments: Resolution No. 12-835; Stormwater Management Program 2012-13 Update		
<p>SUMMARY STATEMENT:</p> <p>The City is required by the Department of Ecology (DOE) to update its Stormwater Management Program (SWMP). This SWMP shows how the City meets DOE's requirements in the National Pollutant Discharge Elimination System (NPDES) Permit. The City will use this document to guide the City's compliance with the conditions of the Permit and to reduce pollutants from entering the stormwater system. This SWMP will be used through 2013 as there will not be any changes in Permit requirements in 2013. The City will, however, update the SWMP next year for the 2014 SWMP, meeting the permit requirement for an annual update.</p>		
<p>COMMITTEE REVIEW AND RECOMMENDATION:</p>		
<p>RECOMMENDED ACTION: MOTION to adopt Resolution No. 12-835, adopting the Stormwater Management Program (SWMP) 2012-13 Update.</p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 18, 2012		

RESOLUTION NO. 12-835

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
ADOPTING THE STORMWATER MANAGEMENT
PROGRAM (SWMP) 2012/13 UPDATE**

WHEREAS, staff for the City of Black Diamond prepared our Stormwater Management Program (SWMP) 2012/13 Update; and

WHEREAS, the City is required to update the SWMP annually by the Western Washington Phase II Municipal Stormwater Permit issued by the State of Washington Department of Ecology; and

WHEREAS, the purpose of the SWMP is to detail actions that the City is currently taking and will take to maintain compliance with conditions in the permit, and to reduce the discharge of pollutants from the City's Municipal Separate Stormwater System to the maximum extent practicable; and

WHEREAS, the City Council held a public hearing on October 4, 2012 to take public comment on the SWMP;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby adopts the Stormwater Management Program (SWMP) 2012/13 Update.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF OCTOBER, 2012.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

STORMWATER MANAGEMENT PROGRAM
(SWMP)

2012/13 UPDATE



PREPARED BY
Public Works Department
CITY OF BLACK DIAMOND
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BLACK DIAMOND, WA 98010
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LIST OF ACRONYMS AND ABBREVIATIONS

AKART	All Known and Reasonable Treatment
BMP	Best Management Practices
CESCL	Certified Erosion and Sediment Control Lead
DOE	Department of Ecology
IDDE	Illicit Discharge Detection and Elimination
LID	Low Impact Development
O&M	Operations and Maintenance
SWMM	Stormwater Maintenance Manual
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Program
TMDL	Total Maximum Daily Load

THIS PLAN IS BASED ON THE REQUIREMENTS OUTLINED IN THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT. MUCH OF THE LANGUAGE INCLUDED IN THIS DOCUMENT DESCRIBING PERMIT REQUIREMENTS HAS BEEN TAKEN DIRECTLY FROM THIS PERMIT AND HAS BEEN SUMMARIZED FOR EASE OF THE READER.

FOR COMPLETE REQUIREMENTS AND DETAILS, PLEASE REFER TO SECTION S5.C OF THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT FROM THE DEPARTMENT OF ECOLOGY.

SECTION 1 – INTRODUCTION

1.1 INTRODUCTION

This document constitutes the City of Black Diamond's Stormwater Management Program (SWMP) as required under Condition S5 of the Western Washington Phase II Municipal Stormwater Permit (the Permit). In addition to the City's permit, this SWMP includes the Total Maximum Daily Load (TMDL) requirements on Lake Sawyer as published in the TMDL document 09-10-053.

The purpose of SWMP is to detail actions that the City of Black Diamond has taken and will take to maintain compliance with conditions in the permit. This SWMP will be an attachment to the *Annual Report Form for Cities, Towns, and Counties* which is required to be submitted to the Department of Ecology (DOE) by March 31st each year.

The City's SWMP is intended to reduce the discharge of pollutants from the City's Municipal Separate Storm Sewer System to the maximum extent practicable, meet Washington State's All Known and Reasonable Treatment (AKART) requirements, and protect water quality. This goal is accomplished by the inclusion of all Permit SWMP components, minimum measures, and implementation schedules into the City's SWMP.

In compliance with Permit requirements, where the City is already implementing actions or activities called for in this document, the City will continue those actions or activities regardless of the schedule called for in this document.

The City now is active in 6 areas of permit activity including:

- Monitoring the stormwater system and reporting to DOE
- Educating the public with a focus on homeowner activities
- Involving the public in stormwater management programming
- Building an Illicit Discharge Detection and Elimination Program
- Establishing a permitting, inspection program to enforce the DOE 2005 Stormwater Maintenance Manual (SWMM) for Western Washington
- Reviewing all municipal operations and facilities and implementing new operation and maintenance practices to prevent and reduce stormwater pollutant runoff from municipal operations.

SECTION 2 –MONITORING AND REPORTING

2.1 PERMIT REQUIREMENTS AND DATES

Section S5.A, S8, and S9 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, monitor, and report the City's SWMP. The SWMP shall be designed to reduce the discharge of pollutants from the City stormwater system to the maximum extent practicable and to protect water quality. The monitoring and reporting requirement helps keep the City on track with Best Management Practices (BMPs) to reduce the discharge of pollutants to stormwater.

2.2 CURRENT ACTIVITIES

The current city activities associated with Monitoring and reporting include:

- Submit the *Annual Report Form for Cities, Towns, and Counties* which is intended to summarize the City's compliance with the conditions of the Permit. The annual report shall be submitted by March 31 of each calendar year covering the previous calendar year.
- Prepare written documentation of the SWMP and update at least annually for submittal with the City's annual reports to DOE.
- Include with the annual report, notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the City's geographic area of permit coverage during the reporting period and the implications for the SWMP.
- Track the number of inspections, official enforcement actions and types of public education activities for inclusion in the City's annual reports to DOE.
- Provide a description of any stormwater monitoring or studies conducted by the City during the reporting period for inclusion in the City's annual reports to DOE.
- Track the estimated cost of development and implementation of the SWMP.
- Survey Black Diamond residents and businesses on any changes in behavior related to stormwater education efforts.
- Coordinate, as necessary, with other entities covered under a municipal stormwater NPDES permit to encourage coordinated stormwater-related policies, programs and projects within adjoining or shared areas.
- Complete annual update to the City's SWMP
- Summarize activities for the Annual Compliance Report.
- Rain garden monitoring.
- The Development Agreement for the major Master Planned Developments requires extensive water quality monitoring by the developer before, during

and after construction; including a yearly review by the Water Quality Review Committee.

2.3 PLANNED ACTIVITIES

The City will continue with the current monitoring and reporting activities in 2012 and 2013.

SECTION 3 –PUBLIC EDUCATION AND OUTREACH

3.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.1 of the Western Washington Phase II Municipal Stormwater Permit requires the City to include an education program to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts beginning in 2009.

3.2 CURRENT ACTIVITIES

The City educates the public through direct mailings of stormwater articles in the city newsletter, posting educational materials on the City website, handing out materials at City sponsored events, workshops to train City staff and elected officials, and meeting with businesses and owners of private stormwater systems. The current City activities associated with Public Education and Outreach include:

- Educating the public about the need of the stormwater utility and the collaborative effort needed from everyone in the City to improve stormwater quality within the City.
- Training for City employees regarding illicit discharges.
- Meeting with businesses and the general public about the hazards associated with illicit discharges and improper disposal of waste.
- Distribute illicit discharge information to target audiences through individual meetings.
- Continue to track and maintain records of public education and outreach activities.
- Gather feedback from the public through our stormwater knowledge survey to evaluate the public's understanding of target behaviors.

3.3 PLANNED ACTIVITIES

The City has the following goals for 2012/13 for actions recommended for continued Permit compliance in public education and outreach:

- Receive feedback from the public on illicit discharge education efforts and evaluate understanding of target behaviors.
- Coordinate a short assembly to educate school children on the impacts of stormwater runoff on the environment and BMPs that homeowners can implement to help protect the environment. Approach the local school district to set up regular educational outreach in the schools.
- Summarize the public education activities in the Annual Compliance Report.

SECTION 4 – PUBLIC INVOLVEMENT AND PARTICIPATION

4.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.2 of the Western Washington Phase II Municipal Stormwater Permit requires the City to provide ongoing opportunities for public involvement beginning in 2008.

4.2 CURRENT ACTIVITIES

The current compliance activities associated with public involvement and participation include:

- The City has posted the SWMP document and Annual Compliance Report on the City website.
- Provide opportunities for public involvement in the review of the stormwater comprehensive plan updates, SWMP updates, changes to the stormwater utility charges, or other stormwater codes or similar environmental policies at the early consideration stages at the Public Works Committee level.
- Provide opportunities for public involvement and comment in the consideration of the SWMP by holding a public hearing prior to adoption.
- Review the SWMP with the Public Works Committee and receive public comments in a public hearing prior to adoption.
- Make the SWMP, the Annual Report, and all other submittals required by the Phase II Permit, available to the public.
- Post the updated SWMP and the Annual Report on the City's website.

4.3 PLANNED ACTIVITIES

The City will continue with the public involvement and participation activities in 2012 and 2013.

SECTION 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

5.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.3 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an ongoing program to detect and remove illicit connections, discharges, and improper disposal, including spills, into the municipal separate storm sewers owned or operated by the City. Specific program components are outlined below:

- Prioritize receiving waters for visual inspection (Completed February 2010)
- Conduct field assessments of three high priority water bodies (Complete)
- Conduct field assessments on at least one high priority water body annually henceforth. (Ginder Creek, Lawson Creek, and Rock Creek completed)
- Develop a municipal storm sewer system map, to be available upon request that shall be periodically updated and shall include the location of all known municipal separate storm sewer outfalls, receiving waters and structural stormwater BMPs owned, operated, or maintained by the City. Include tributary conveyances, associated drainage areas, and land use for all storm sewer outfalls with a 24-inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. (Completed in 2010) The map shall include all connections to the municipal separate storm sewer authorized or allowed by the City, as well as geographic areas that do not discharge stormwater to surface waters (Completed in February 2011)
- Develop and fully implement an ongoing program to detect and address non-stormwater discharges, spills, illicit connections and illegal dumping into the City's municipal separate storm sewer system. Include procedures for locating priority areas likely to have illicit discharges and field assessment activities, including visual inspection of priority outfalls (Completed August 2011 and on-going)
- Develop and implement procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the City by August 19, 2011 (On-going)
- Develop and implement procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures (Training and program in place)
- Develop and implement procedures for removing the source of the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for eliminating the discharge; follow-up inspections; and escalating enforcement actions if the discharge is not eliminated (Updated IDDE code July 15, 2010)

- Inform and distribute appropriate information to public employees, businesses, and the general public regarding the hazards associated with illegal discharges and improper disposal of waste (On-going)
- Develop and implement procedures for program evaluation and assessment inspections, including tracking the number and type of spills or illicit discharges identified (On-going)

5.2 CURRENT ACTIVITIES

The City currently implements activities and programs that meet Permit requirements. The current compliance activities associated with the above Permit requirements include:

- Through Ordinance 09-917, city staff has the ability to intervene and stop illicit discharges, to get involved to educate those that pollute unknowingly and follow up with additional enforcement actions if compliance is not afforded.
- Several staff members have been trained on illicit discharge awareness, response and enforcement. Additionally, one of the local fire district officers has also attended training.
- Continue to respond to reported illicit discharge reports and documenting the actions taken to eliminate them.
- Continue to conduct field assessments of high priority water bodies.
- Continue inspections of major priority stormwater outfalls during the dry season.
- Continue to follow up on hotline illicit discharge tips.
- Redline the stormwater system maps, highlighting those areas that have higher probability of illicit discharges or connections to the stormwater system.
- Schedule a refresher course for responsible City staff to recognize and detect illicit discharges and to follow up with enforcement actions.
- Continue with the primary focus of the City's IDDE program, which involves individual meetings with business owners and those responsible for private stormwater system maintenance.
- Implement the City IDDE program to detect and stop illicit discharges to the City's stormwater system by:
 - Characterizing the nature of illicit discharges
 - Tracing the source
 - Removing the source
 - Educating those responsible

5.3 PLANNED ACTIVITIES

The City will continue with the current IDDE activities in 2012 and 2013.

SECTION 6 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES

6.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.4 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop, implement, and enforce a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. Specific program components are outlined below.

- The City will continue with a program to reduce pollutants in stormwater runoff from new development, redevelopment and construction site activities. This program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The program shall apply to private and public development, including roads.
- The City of Black Diamond has adopted the DOE 2005 SWMM to address runoff from new development, redevelopment, and construction site projects in conformance with Permit requirements. The City has retained existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds. The DOE 2005 SWMM includes:
 1. An enforceable mechanism that includes a site planning process and BMP selection and design criteria in conformance with Permit requirements.
 2. A BMP selection, design criteria and requirements that will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy State AKART requirements.
 3. The legal authority, through the approval process for new development, to inspect private stormwater facilities that discharge to the City's stormwater system.
 4. Allows non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation.

6.2 CURRENT ACTIVITIES

The City code currently implements the majority of the activities and programs to meet Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The City review and inspection staff has come up to speed with the DOE 2005 SWMM.
- The City conducts construction and stormwater site inspections during the pre-construction and construction phases.
- The City has implemented a permitting process with plan review, inspection and enforcement capability for both private and public projects. This program applies to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale.
- The City reviews stormwater site plans for proposed development activities.
- The City inspects, prior to clearing and construction, all known development sites that have a high potential for sediment transport.
- The City inspects all known permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. The City will enforce as necessary based on the inspection.
- The City inspects all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater controls such as stormwater facilities and structural BMPs. Also, the City will verify a maintenance plan is completed and responsibility for maintenance is assigned. Enforcements will be made, as necessary, based on the inspection.
- The City implements an enforcement strategy to respond to issues of non-compliance.
- The City implements a long-term operations and maintenance (O&M) program for private post-construction stormwater facilities and BMPs.
- Enforceable mechanism in place that clearly identifies the party responsible for maintenance, requires inspection of facilities, and establishes enforcement procedures.
- The City has established maintenance standards that are as protective as those specified in the 2005 SWMM for Western Washington.
- The City ensures that all staff responsible for implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. The City has a Certified Erosion and Sediment Control Lead (CESCL) on staff.
- Copies of the DOE's "Notice of Intent for Construction Activity" and "Notice of Intent for Industrial Activity" are available to representatives or proposed new development and redevelopment.
- Activities for the "Controlling Runoff from New Development, Redevelopment and Construction Sites" component of the Annual Compliance Report are summarized annually.

The City has the primary enforcing ordinances in place for the implementation of a program to manage the proper handling of stormwater for development and

redevelopment. Some permitting processes need to be reviewed and appropriate fees set. The City program includes:

- Inspect all new flow control and water quality treatment facilities, including catch basins, for new residential developments that are a part of a larger common plan of development or sale, every 6 months during the period of heaviest house construction (i.e., 1 to 2 years following subdivision approval) to identify maintenance needs and enforce compliance with maintenance standards, as needed.
- Implement a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, other enforcement records, maintenance inspections and maintenance activities.
- Provide copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.
- With the TMDL for phosphorus on Lake Sawyer, City staff (and/or citizen volunteers) takes water quality samples at Lake Sawyer.
- The City has used the DOE 2005 SWMM and the Lake Sawyer TMDL in the Development Agreement for the major MPD's in Black Diamond.

6.3 PLANNED ACTIVITIES

The City has a program to help reduce stormwater runoff from new development and construction sites but has a goal to increase training in the implementation of the DOE 2005 SWMM in order to maintain compliance as Permit requirements are modified over the next several years. Actions that are recommended include:

- Review draft changes to Permit requirements regarding the control of runoff from development, redevelopment, and construction site activities.
- Update and implementing process codes, fees and standards as necessary and as identified needs arise.
- Determine staff training needs and develop training strategies as updates to Permit requirements are implemented by DOE.
- Adopt an update to the City's Shoreline Management Plan.
- Continue with the current activities to control runoff from new development, redevelopment and construction sites for 2012 and 2013.

SECTION 7 – POLLUTION PREVENTION AND OPERATION AND MAINTENANCE FOR MUNICIPAL OPERATIONS

7.1 PERMIT REQUIREMENTS AND DATES

Section S5.C.5 of the Western Washington Phase II Municipal Stormwater Permit requires the City to develop and implement an operations and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Specific program components are outlined below.

- Establish maintenance standards that are as protective, or more protective, of facility function that those specified in Chapter 4 of Volume V of the DOE 2005 SWMM for Western Washington.
- Annual inspection of all municipally owned or operated permanent stormwater treatment and flow control facilities, other than catch basins, and taking appropriate maintenance actions.
- Spot checks of potentially damaged permanent treatment and flow control facilities (other than catch basins) after major storm events (10 year storm).
- Inspect and, if necessary, clean all catch basins and inlets owned or operated by the City; maintain inspection records and direct inspections and catch basin cleaning to the catch basins that are accumulating sediment, and pump them out according to Volume 5 , Maintenance Standards, Table 4.5, of the SWMM for Western Washington
- Establish and implement practices to reduce stormwater impacts associated with runoff from streets, parking lots, and road maintenance activities.
- Establish and implement policies and procedures to reduce pollutants in discharges from all lands owned or maintained by the City, including but not limited to: parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control facilities.
- Implement an on-going training program for City staff whose construction, operations or maintenance job functions may impact stormwater quality.
- Continue to implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the City.
- Keep records of inspections and maintenance or repair activities.

7.2 CURRENT ACTIVITIES

The City currently has activities and programs that meet some of the Permit requirements. The current compliance activities associated with the above Permit requirements include:

- The City has a program for catch basin inspections.
- The City has completed a site assessment of City facilities, including the fire station, the police station, the public works facility, and the water reservoir and pump station.
- The City inspects City owned stormwater treatment facilities and continues to adapt the inspection criteria as identified in the DOE 2005 SWMM.
- The City has trained employees whose construction, operations or maintenance job functions may impact stormwater quality in the implementation of BMPs that will reduce or eliminate pollution from entering stormwater systems from City facilities or operations.
- The City's adopted maintenance standards are as specified in the 2005 SWMM for Western Washington.
- The City performs maintenance within required timeframes when an inspection identifies an exceedance of the maintenance standard. For each exceedance of the required timeframe, the City will document the circumstances and how they were beyond the City's control.
- The City annually inspects all municipally owned or operated permanent stormwater treatment and flow control facilities, other than catch basins, and maintains facilities according to the adopted maintenance standards.
- The City performs maintenance on City ponds and BMPs within required timeframes when an inspection identifies a maintenance standard has been exceeded. For each violation of the required timeframe, the City documents the circumstances and how they were beyond their control, and submits documentation to DOE.
- After major storm events, the City conducts spot checks of potentially damaged stormwater facilities (other than catch basins).
- The City implements practices to reduce stormwater impacts associated with runoff from streets, parking lots, roads or highways owned or maintained by the City, and road maintenance activities conducted by the City.
- Procedures are in place to reduce pollutants in discharges from all lands owned or maintained by the City and subject to this Permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, and stormwater treatment and flow control facilities. Procedures include:
 - Proper application of fertilizer, pesticides, and herbicides
 - Sediment and erosion control (the City has a CESCL on staff)
 - Proper landscape maintenance and vegetation disposal
 - Proper trash management
 - Proper maintenance and cleaning of City buildings
- City employees, whose construction, operations or maintenance job functions may impact stormwater quality, receive training on an as-needed basis.
- SWPPP's are in place for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the City in areas subject to this Permit that are not required to have coverage under the Industrial Stormwater General Permit.
- Tracking and documentation methods, along with procedures associated with inspection, maintenance or repair activities, are being utilized by City staff.

- The design and construction of an equipment wash facility at the City's maintenance site is underway and will be completed in 2012.

7.3 PLANNED ACTIVITIES

The City will continue with current activities to prevent pollution from municipal maintenance operations for 2012 and 2013. The City is also working on completing the development of site and handling procedures for storage, processing, and reusing street and storm waste with assistance from the King County Solid Waste Treatment Division, which is not a requirement of the Permit.

The City will increase the street sweeping effort to sweeping all of the streets at least once per year and the main streets four times per year.

APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

Public Education Survey

4. True or false: You have seen educational efforts/other educational materials from the City of Black Diamond or utility bills City residents City events about the City's Day, Lake Day?

☐ True

☐ False

☐ Not sure

5. Do you agree or disagree with the following statement: An illicit or unusual stormwater discharge is generally defined as anything that enters the stormwater system that is not made up entirely of stormwater?

☐ Agree

☐ Disagree

☐ Not sure

6. Do you agree or disagree with the following statement: Stormwater runoff is the leading cause of pollution in our lakes, streams, and wetlands?

☐ Agree

☐ Disagree

☐ Not sure

7. What happens to stormwater runoff within the City of Black Diamond?

☐ Goes into the nearest water body with treatment

☐ Goes into the nearest water body without treatment

☐ Drains into the sewer system and is sent to the sewer treatment plant

☐ Not sure

8. When it comes to washing your vehicle, which of the following best describes you?

☐ I usually wash my vehicle at home

☐ I usually wash my vehicle at a commercial car wash

☐ I usually wash my vehicle at a self-service car wash (drive-through)

☐ Not applicable

IDDE Program



Street Sweeping



Private Stormwater System Inspections



IDDE Education

FIGURE 1 THE CITY CONNECTION

PROTECTING THE CITY'S STORM SYSTEM AND WATERWAYS

The City is working with the Department of Ecology to protect the stormwater system and waterways within the City. As well as those downstream from us. There are obvious ways to protect the stormwater system (such as not dumping waste of any kind directly into a catch basin), but there are common household items that enter the stormwater system frequently that are considered as prohibited items under the City's definition of illicit discharges.

THE DRAIN IS JUST FOR RAIN

- Trash or debris - please dispose of trash in proper receptacles.
- Antifreeze and other automotive products - some auto parts stores will recycle these items for you, if not, they usually know when recycling events in the area will occur.
- Paint - you can put the lid off unwanted paint and when the paint completely dries up, paint cans can be disposed of with your regular trash.
- Pesticides, herbicides, or fertilizers - please use with caution near waterways and storm drains.
- Soap - this includes soap for washing your car. Washing your car on your lawn will help filter out potentially harmful contaminants in soap, or just go to a commercial car wash.
- Chlorine - this includes chlorine found in your tap water. Chlorine is toxic to fish and aquatic organisms.
- Lawn clippings, leaves, or branches - these can be put in with your yard waste or you can compost it. Locate your compost pile well away from waterways in a well-drained area. Cover the compost pile during the months of October to April.
- Food wastes - scraps can be put in with your yard waste or composted. Exercise caution in composting some food wastes as they can attract animals.

Remember to read the labels before you use any product and follow the directions. If you notice an illicit discharge or have any questions about illicit discharges, please contact City Hall at (360)996-2500.

GIS Training



APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

Public Education Survey

The City has sent out education materials regarding stormwater and illicit discharges. In order to determine how these materials have been received within the community, City staff prepared an online survey for residents and businesses to take. From the results of the survey, staff was able to determine which areas of stormwater could use more attention and which areas the community has a firm grasp on.

4. True or false: You have seen educational articles/flyers/other educational materials from the City of Black Diamond in utility bills/City newsletters/City events (such as Miner's Day, Labor Day):

- ☐ True
- ☐ False
- ☐ Not sure

5. Do you agree or disagree with the following statement: An illicit or unlawful stormwater discharge is primarily defined as anything that enters the stormwater system that is not made up entirely of stormwater:

- ☐ Agree
- ☐ Disagree
- ☐ Not sure

6. Do you agree or disagree with the following statement: Stormwater runoff is the leading cause of pollution in our lakes, creeks, and wetlands:

- ☐ Agree
- ☐ Disagree
- ☐ Not sure

7. What happens to stormwater runoff within the City of Black Diamond?

- ☐ Goes into the nearest water body with treatment
- ☐ Goes into the nearest water body without treatment
- ☐ Enters into the sewer system and is sent to the sewer treatment plant
- ☐ Not sure

8. When it comes to washing your vehicle, which of the following best describes you:

- ☐ I usually wash my vehicle at home
- ☐ I usually wash my vehicle at a commercial car wash
- ☐ I usually wash my vehicle at charity car washes (fundraisers)
- ☐ Not applicable

APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

Private Stormwater System Inspections

Many homeowners associations, businesses, and even individual residences have private stormwater systems. City Code requires that these systems be inspected annually and maintained as necessary. As this requirement is a bit new for most, City staff took the initiative to meet with individuals to help with the first inspection and to show what to look for. We have received some good feedback and are pleased with the excitement that has been shown towards private stormwater system maintenance. This effort required a lot of staff time for researching the original plans for some of these systems and contacting property owners, but the effort is worth avoiding compliance issues in the future.



APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

IDDE Program

City staff created a program to detect, characterize, trace, and eliminate illicit discharges. Education is a major part of this program as well. By regulating illicit discharges, the City will be able to help protect lakes and creeks within City limits as well as downstream waterways in the Puget Sound region.

Components of this program include storm system mapping, outlining City ordinances, investigation and response procedures, public education and record-keeping.



CITY OF BLACK DIAMOND ILLICIT DISCHARGE DETECTION and ELIMINATION (IDDE) PROGRAM

August 2011



PREPARED BY
Public Works Department
CITY OF BLACK DIAMOND
PO BOX 599
BLACK DIAMOND, WA 98010
(360) 886-2560

APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

IDDE Education

City staff focused education efforts towards IDDE in 2011. Newsletters were greatly utilized for getting the message out about illicit discharges and how to prevent them. Flyers with details about illicit discharges are being passed out to the businesses within the City during individual meetings with City staff.

These education efforts are very important to ensure that we can all keep our lakes and creeks clean. The end goal is to demonstrate what constitutes an illicit discharge and how simple it is to make sure an illicit discharge does not happen by accident or on purpose.

PAGE 3

THE CITY CONNECTION


PROTECTING THE CITY'S STORM SYSTEM AND WATERWAYS

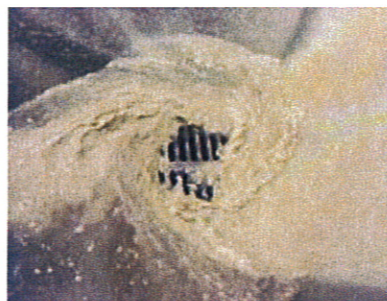
The City is working with the Department of Ecology to protect the stormwater system and waterways within the City (as well as those downstream from us). There are obvious ways to protect the stormwater system (such as not dumping waste of any kind directly into a catch basin), but there are common household items that enter the stormwater system frequently that are considered as prohibited items under the City's definition of illicit discharges:

- Trash or debris – please dispose of trash in proper receptacles.
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- Pesticides, herbicides, or fertilizers – please use with caution near waterways and storm drains.
- Soaps – this includes soap for washing your car. Washing your car on your lawn will help filter out potentially harmful contaminants in soap, or just go to a commercial car wash.
- Chlorine – this includes chlorine found in your tap water. Chlorine is toxic to fish and aquatic organisms.
- Lawn clippings, leaves, or branches – these can be put in with your yard waste or you can compost it. Locate your compost pile well away from waterways in a well-drained area. Cover the compost pile during the months of October to April.
- Food wastes – scraps can be put in with your yard waste or composted. Exercise caution in composting some food wastes as they can attract animals.

Remember to read the labels before you use any product and follow the directions. If you notice an illicit discharge or have any questions about illicit discharges, please contact City Hall at (360)886-2560.

THE DRAIN IS JUST FOR RAIN





APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

Street Sweeping

The City was able to sweep most of the streets within the City in 2011. Sweeping the streets is important to help make sure that stormwater runoff is clean during a storm event. Sweeping picks up debris that contributes to pollution of the stormwater system and waterways.



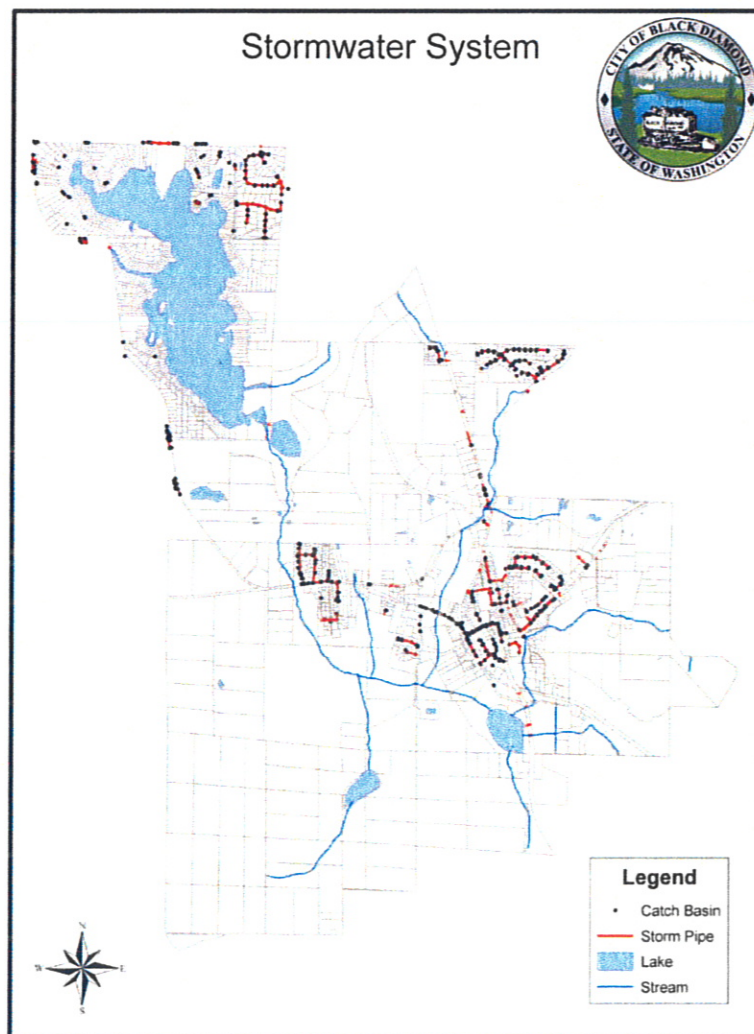
APPENDIX A

RECENT STORMWATER ACCOMPLISHMENTS

GIS Training

Being able to map the City's infrastructure is very important. With GIS (Geographic Information Systems), City staff can create and modify maps of the City's stormwater system. GIS allows City staff to map exact locations with the City's GPS system and attach photos and other information (including maintenance records and schedules) to specific points within the City (including each individual catch basin and outfall). With permission from owners of private stormwater systems, City staff can also map private systems to help property owners have a record of their own individual systems.

Two staff members received training from King County on GIS software. This training has already come in useful for creating stormwater maps to meet requirements set in the City's Permit from DOE.



CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-982, revisions to Black Diamond Cemetery Code, section 12.12, as state law has been revised since adoption in 1978 and an untapped resource of public interest has increased.	Agenda Date: October 18, 2012	
	AB12-079	
	Department/Committee/Individual	
	Mayor Rebecca Olness	X
	City Administrator –Pete Butkus	X
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Cost Impact: N/A	Police – Jamey Kiblinger	
Fund Source: N/A	Court – Stephanie Metcalf	
Timeline: N/A	Comm. Dev. – Steve Pilcher/Aaron Nix	X
Attachments: Ordinance No. 12-982 clean and redline mark-up of existing code; RCW 68.56.010		
SUMMARY STATEMENT: In reviewing the current BDMC, section 12.12, entitled Cemetery, the administration and staff observed that the current language did not meet state law and was outdated as it was enacted, via Ordinance #201, in 1978. These changes are appropriate as a renewed interest in the Black Diamond Cemetery has been shown by the public and administration/staff are regularly contacted by interested parties on volunteer projects that benefit the property as a Historic Landmark within the City. The Mayor and Council would benefit in the creation of a Cemetery Advisory Board as an Advisory Board would have the ability to provide their input into the Cemetery, offer suggestions and build on the momentum that has been generated in enhancing the facility. With the recent acquisition of grant money (4Culture Grant 2012) and replacement project of the existing water service through the Cemetery and the frequency of visits of family members observed by staff, an Advisory Board could be an advocate for the Cemetery, with the potential of bringing in monies as future funding potential is very limited and the City maintains the responsibility for upkeep of the facility in perpetuity.		
COMMITTEE REVIEW AND RECOMMENDATION: The Parks and Cemetery Committee reviewed the modifications to the existing code at their September 20, 2012 meeting and recommended approval to the full City Council.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-982, amending BDMC 12.12, amending the code to meet current state law, establishing an Advisory Board to the Mayor and City Council and providing for administration of the Black Diamond Cemetery.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
October 18, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-982

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO ESTABLISHMENT AND
ADMINISTRATION OF PUBLIC CEMETERIES;
AMENDING CHAPTER 12.12 BDMC TO RE-ESTABLISH A
CEMETERY BOARD AND TO CONFORM THIS
CHAPTER TO APPLICABLE STATE LAW; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, RCW 35A.68.010 provides that the City may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of a city cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor, all as authorized by Chapter 68.52 RCW; and

WHEREAS, the City Council in 1978 enacted Ordinance No. 210, codified at BDMC Chapter 12.12, establishing the Black Diamond Cemetery as a non-endowment cemetery pursuant to the provisions of Chapter 68.40 RCW, and providing for the creation of a cemetery board, and establishing the duties and obligations of the cemetery board, and providing for the administration of the Black Diamond Cemetery; and

WHEREAS, former RCW Chapter 68.40 RCW is no longer applicable to the administration of the Black Diamond Cemetery and it is necessary to re-establish the Black Diamond Cemetery pursuant to Chapter 68.52 RCW, and

WHEREAS, the City desires to amend the City Cemetery Code to conform to the current requirements of Chapter 68.52 RCW and other applicable state laws; and

WHEREAS, the City Council desires to dissolve the non-functioning cemetery board and create a cemetery advisory board solely as an advisory body to the Mayor and City Council; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to amend the Cemetery Code as set forth herein;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Article I of Chapter 12.12 BDMC (Regulations) Amended. Article 1, Chapter 12.12 of the Black Diamond Municipal Code is hereby amended to read as follows:

12.12.010 - Cemetery established.

There is established the Black Diamond cemetery, the site thereof to be the present site of the cemetery, at one time operated and maintained by the Black Diamond cemetery association, with full power of acquisition of additional land for burial purposes when the same is deemed necessary. It is the purpose of the cemetery to honor those interred.

12.12.020 - Intent.

It is the intent of the ordinances codified in this chapter to comply with the provisions of Chapter 68.52 RCW regarding the creation, administration, and maintenance of a municipal cemetery.

12.12.030 - Maintenance and improvement.

It is the purpose and policy of the city council to maintain the cemetery as a public burial ground with care thereof, and the grave lots therein, and to keep the same as a burial tract with grass, shrubs and trees as shall be provided by the city council in the budget.

12.12.040 – Advisory Board—Membership.

There is created a cemetery advisory board consisting of five members, all of whom shall be appointed by the mayor, and who shall hold office at his/her pleasure, with the provision that two members shall serve for an initial term of one year, one member for an initial term of two years, one member for an initial term of three years and one member for an initial term of four years, and that thereafter each term shall be for four years, and that the members may be appointed by the mayor from the members of the city council, the qualified voters of the city or residents of adjacent territory who have a historical linkage to the cemetery.

12.12.050 - Board—Duties.

A. It shall be the duty of the cemetery advisory board:

1. To organize and plan for open public meetings as necessary, to develop a public notification process for such meetings in consultation with the city clerk, and to provide a report on such meetings at the next regular meeting of the city council parks and cemetery committee or its successor.
2. To study, consider and recommend changes to the mayor and city council on cemetery policies, beautification, maintenance and or upkeep.

3. To advocate for and encourage continuing volunteer efforts to maintain and repair cemetery grounds and works, including but not limited to landscaping, headstone maintenance and historical documentation, all within any general guidelines set forth by the city.

B. Nothing in this Section gives the cemetery advisory board the power to direct staff, expend funds of the city or to obligate a particular course of action on behalf of the city. The cemetery advisory board shall have no authority or responsibility for the care or operation of Black Diamond Cemetery, the management or investment of sums received from the sale of lots, or for keeping books of account of such sums received.

12.12.060 - Sale of lots and burial grounds.

A. Any person(s) owning lot(s) in the cemetery will not be permitted to sell the lot(s) except to the city, for which lot(s) the city agrees to pay the original purchase price; the size of the lots are to be determined by the Mayor upon recommendation by the cemetery advisory board.

B. Funds received from the sale of lots will be paid to the city clerk-treasurer, who shall keep a record thereof, and who will deposit such funds to the General Fund.

12.12.070 - Abandoned lots.

A. As provided in the laws of the state, the ownership of or right in or to unoccupied space in the cemetery shall, upon abandonment, be subject to forfeiture and sale by the city.

B. The continued failure by an owner to maintain or care for an unoccupied cemetery lot, unoccupied part of a lot, unoccupied lots or parts of lots for a period of five years creates and establishes a presumption that the same has been abandoned. The city council has the necessary power and authority to take the necessary action for forfeiture and sale of any such lots according to and as provided by law.

12.12.080 - Violation—Penalty—Incorporation by Reference.

The City hereby incorporates by this reference as though fully set forth herein, RCW 68.56.010 (Unlawful damage to graves, markers, shrubs, etc. — interfering with funeral), as now or may be hereafter amended.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 18TH DAY OF OCTOBER, 2012.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date:



Inside the Legislature

- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications (Listserv)
- ★ Civic Education
- ★ History of the State Legislature

Outside the Legislature

- ★ Congress - the Other Washington
- ★ TW
- ★ Washington Courts
- ★ OFM Fiscal Note Website

[RCWs](#) > [Title 68](#) > [Chapter 68.56](#) > [Section 68.56.010](#)

Beginning of Chapter << [68.56.010](#) >> [68.56.020](#)

RCW 68.56.010

Unlawful damage to graves, markers, shrubs, etc. — interfering with funeral.

Every person is guilty of a gross misdemeanor who unlawfully or without right wilfully does any of the following:

(1) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery.

(2) Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the limits of a cemetery.

(3) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

[1943 c 247 § 36; Rem. Supp. 1943 § 3778-36. Cf. 1909 c 249 § 240 and 1856-57 p 28 §§ 4, 5. Formerly RCW [68.48.010](#).]



CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO ESTABLISHMENT AND
ADMINISTRATION OF PUBLIC CEMETERIES;
AMENDING CHAPTER 12.12 BDMC TO RE-ESTABLISH A
CEMETERY BOARD AND TO CONFORM THIS
CHAPTER TO APPLICABLE STATE LAW; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, RCW 35A.68.010 provides that the City may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of a city cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor, all as authorized by Chapter 68.52 RCW; and

WHEREAS, the City Council in 1978 enacted Ordinance No. 210, codified at BDMC Chapter 12.12, establishing the Black Diamond Cemetery as a non-endowment cemetery pursuant to the provisions of Chapter 68.40 RCW, and providing for the creation of a cemetery board, and establishing the duties and obligations of the cemetery board, and providing for the administration of the Black Diamond Cemetery; and

WHEREAS, former RCW Chapter 68.40 RCW is no longer applicable to the administration of the Black Diamond Cemetery and it necessary to re-establish the Black Diamond Cemetery pursuant to Chapter 68.52 RCW, and

WHEREAS, the City desires to amend the City Cemetery Code to conform to the current requirements of Chapter 68.52 RCW and other applicable state laws; and

WHEREAS, the City Council desires to dissolve the non-functioning cemetery board and create a cemetery advisory board solely as an advisory body to the Mayor and City Council; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to amend the Cemetery Code as set forth herein;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Article I of Chapter 12.12 BDMC ~~-(Regulations)~~ Amended. Article 1, Chapter 12.12 of the Black Diamond Municipal Code is hereby amended to read as follows:

12.12.010 - Cemetery established.

There is established the Black Diamond cemetery, the site thereof to be the present site of the cemetery, at one time operated and maintained by the Black Diamond cemetery association, with full power of acquisition of additional land for burial purposes when the same is deemed necessary. ~~This shall be a nonendowment care cemetery pursuant to RCW 68.40.080. It is the purpose of the cemetery to honor those interred.~~

12.12.020 - Intent.

It is the intent of the ordinances codified in this ~~chapter article~~ to comply with the provisions of Chapter 68.52 RCW ~~Chapter 68.40~~ regarding the creation, administration, and maintenance of a municipal cemetery. ~~of a nonendowment care cemetery. All purchasers of cemetery lots since the passage of Ordinance No. 185* [9] shall, therefore, be reimbursed that portion of the sales price which was deposited into an endowment fund, or in the alternative, shall be allowed to have the proportionate money deposited into the trust fund established in this article.~~

12.12.030 - Maintenance and improvement.

It is the purpose and policy of the city council to maintain the cemetery as a public burial ground with care thereof, and the grave lots therein, and to keep the same as a burial tract with grass, shrubs and trees as shall be provided by the city council in the budget. ~~through the agency of its cemetery board.~~

12.12.040 – Advisory Board—Membership.

There is created a cemetery advisory board consisting of five members, all of whom shall be appointed by the mayor, and who shall hold office at his/her pleasure, with the provision that two members shall serve for an initial term of one year, one member for an initial term of two years, one member for an initial term of three years and one member for an initial term of four years, and that thereafter each term shall be for four years, but the members of any cemetery board in operation on the effective date of the ordinance codified in this article may be retained by the mayor, and their members added to if so desired, and that the members may be appointed by the mayor from the members of the city council, the qualified voters of the city ~~or freeholders of the city,~~ or residents of adjacent territory who have a historical linkage to the cemetery.

12.12.050 - Board—Duties.

A. It shall be the duty of the cemetery advisory board:

1. To organize and plan for open public meetings as necessary, to develop a public notification process for such meetings in consultation with the city clerk, and hold meetings at least monthly, and immediately thereafter to provide a report on such meetings at the next regular meeting of the city council parks and cemetery committee or its successor.

~~render a report thereon at the next regular meeting of the city council;~~

2. To study, consider and recommend changes to the mayor and city council on cemetery policies, beautification, maintenance and or upkeep.~~and~~

maintain the cemetery in a manner befitting the solemnity of the ground;

3. To advocate for and encourage continuing volunteer efforts to maintain and repair cemetery grounds and works, including but not limited to landscaping, headstone maintenance and historical documentation, all within any general guidelines set forth by the city. employ a superintendent, or a caretaker, and to enumerate and prescribe his powers and duties;

4. ~~To contract for the purchase of equipment, shrubs, flowers, grass seed, trees, and such labor, material, machine operations or other matter as may be required in the necessary operation of the cemetery, all of which is subject to the confirmation, ratification and approval of the city council;~~

5. ~~To make all necessary rules and regulations as may be necessary and/or required relative to monuments, headstones, markers, flowers, grass, trees and shrubs, and/or buildings, that are permitted on the burial grounds;~~

6. ~~To arrange for the proper keeping of all financial records in books of account to account for all funds or moneys received, and to keep all burial lots properly registered, and satisfactory books for identification of all burial places;~~

7. ~~to check and approve all expenditures of moneys belonging to the cemetery;~~

8. ~~To do and perform every other act, matter and thing necessary and/or required to be done for the complete performance and maintenance of the care, improvement, operation and solemnity of the grounds.~~

~~B. All actions of the board as provided in this section shall be subject to the confirmation, ratification and approval of the city council.~~

B. Nothing in this Section gives the cemetery advisory board the power to direct staff, expend funds of the city or to obligate a particular course of action on behalf of the city.

The cemetery advisory board shall have no authority or responsibility for the care or operation of Black Diamond Cemetery, the management or investment of sums received from the sale of lots, or for keeping books of account of such sums received.

12.12.060 - Sale of lots and burial grounds.

A. Any person(s) owning lot(s) in the cemetery will not be permitted to sell the lot(s) except to the city, for which lot(s) the city agrees to pay the original purchase price; the size of the lots are to be determined by the Mayor upon recommendation by the cemetery advisory board.

B. Funds received from the sale of lots will be paid to the city clerk-treasurer, who shall keep a record thereof, and who will deposit such funds to the General Fund. ~~portions to the current cemetery maintenance or operating fund or to other special care funds, as the board of directors shall from time to time direct, all for the purpose of maintaining and improving the cemetery.~~

12.12.070 - Abandoned lots.

A. As provided in the laws of the state, the ownership of or right in or to unoccupied space in the cemetery shall, upon abandonment, be subject to forfeiture and sale by the city. , as having the ownership and/or management of the cemetery, for the purpose of providing for endowment care.

B. The continued failure by an owner to maintain or care for an unoccupied cemetery lot, unoccupied part of a lot, unoccupied lots or parts of lots for a period of five years creates and establishes a presumption that the same has been abandoned. The city council, through its cemetery board, has the necessary power and authority to take the necessary action for forfeiture and sale of any such lots according to and as provided by law.

12.12.080 - Special care or operating fund established.

~~There is established a special care or operating fund for the city cemetery, into which fund shall be placed such money or moneys as may be properly done by law and the direction of the board of directors of the cemetery, and the same shall be expended therefrom only upon properly signed and approved vouchers, and warrants drawn thereon, signed by the mayor and countersigned by the city clerk-treasurer.~~

12.12.090 ~~Trust fund.~~

~~It is the intent and purpose of this article to create a nonendowment, nonperpetual care cemetery due to lack of availability of lots for sale and consequently, the inability to obtain sufficient money to properly fund an endowment care cemetery. However, it is the intent of the council to provide a fund or trust fund for the purpose of accepting public donation, bequests or other gifts to maintain the cemetery. There is therefore established a fund which shall be kept by the city clerk-treasurer and shall be open for public inspection and audited by such committee as the city council shall from time to time direct for the purpose of accepting public donations, bequests and other gifts for the betterment of the cemetery. Both principal and interest may be used from this trust fund as the cemetery board directs (subject to the approval of the city council) for the benefit of the cemetery. When possible, the moneys in the trust fund shall be invested by the city clerk-treasurer in interest bearing accounts. The expenditure of interest and/or principal from the fund shall be made only on claims filed with the city clerk-treasurer and approved by the cemetery board, and council. , on vouchers drawn by the city clerk-treasurer and paid by the city clerk-treasurer, after having been countersigned by the mayor and clerk-treasurer.~~

12.12.100 ~~Violation—Penalty~~ —Incorporation by Reference.

The City hereby incorporates by this reference as though fully set forth herein, RCW 68.56.010 (Unlawful damage to graves, markers, shrubs, etc. — interfering with funeral), as now or may be hereafter amended.

~~Any person, firm or corporation who (i) violates any of the provisions of this article; (ii) violates any of the rules or regulations adopted by the cemetery board for the beautification, maintenance and/or upkeep of the cemetery; (iii) wilfully damages or destroys any tombstone, monument or marker or wilfully damages or destroys any of the cemetery property; (iv) permits any livestock within the cemetery grounds; or (v) violates any portion of this article, shall be punished by a fine not to exceed one hundred dollars or by thirty days' imprisonment in the city jail, or by both such fine and imprisonment.~~

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, 20__.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date:

ELECTRONIC RECORDS

PDF Language for Title 17

DRAFT- pending legal and technical review

Purpose: to make all future applications and for division of land, as found in Title 17, BDMC, be in electronic format as well as a paper copy.

There is hereby added to Chapter 17.03, BDMC, the following:

New Section, Section 1:

There is hereby added to the Black Diamond Municipal Code the following:

17.04.030: Wherever in this Title notation is made of submissions including but not limited to reports, documents, maps, charts, diagrams, or drawings the submission shall be made by:

(1) An electronic Portable Document Format (PDF) submission as standardized by the International Organization for Standardization and known as ISO 32000-1 or its successors and provided by disc, compact disc, USB Flash Drive or other technologically competent device or transmission that can be read, stored, shared and printed on the city information technology system. Guidelines or standards for PDF submission and the means of transmission may be provided by the City. Such published standards or guidelines shall not rise to the level of an administrative rule.

(2) A single paper copy of the submissions made electronically under (1) above.

Section 2, Applicability to pre-existing submissions:

Nothing in this Act shall apply to Division of Land submissions already in the possession of the city before the effective date of this Ordinance.

Section 3, Effective Date:

The effective date of this Ordinance shall be January 1, 2013.

Cost to digitize existing Preliminary Plat: Villages, Phase 2

Digitize existing paper documents, including 8.5 x 11 and 11 x 14 printed booklets and large-sized maps or drawings (assumed to be 30 x 36). Compile the printed documents as they were submitted, in a topical or specific-area breakout. For the initial job, this would be 10 books or spiral-bound documents and one full map sheet of 15 pages.

Existing documents:

Books/documents, 284 pages @ \$.020 per each =	\$56.80
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1 full map set, 15 sheets of 30 x 36 or 112.5 sq. @ \$1.00/sq.ft.=	\$112.50
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Assume start on or near 02 JAN 13 *

Future digitizing assumptions:

04 MAR 13* 750 pages =	\$150.00
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06 MAY 13* 350 pages =	\$ 70.00
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01 JUL 13* 100 pages =	\$ 20.00
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01 JUL 13 15 sheets 30 x 36 =	\$112.50
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Pickup and delivery charges *:

8 trips @ \$35.00 each =	\$ 280.00
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<u>TOTAL:</u>	\$ 689.30
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Notes:

Assumes that web posting would be performed by city staff within the existing budget.

Assumes that the "search" feature would be through Adobe Acrobat.

Costs MAY be reduced on future digitizing, above, if pdf format used for new documents.

BALLOT ISSUES

MEMORANDUM

TO: Mayor & City Council

FROM: Pete Butkus & Chris Bacha

RE: Inquiry on use of public facilities for ballot issues

DATE: 11 OCT 12

Council members Benson & Deady asked that the Council be provided with a reminder of the permitted and non-permitted actions and locations that can be engaged in as it regards ballot measures. Attached are two documents:

- A copy of applicable state law prepared by the Municipal Research and Services Council (MRSC) consisting of two pages.
- An excerpt from the City's Orientation Packets provided to new members of the City Council.

The foregoing may be of assistance to you in discussions about ballot issues on the November ballot.

Attachments

Use of Public Facilities to Support or Oppose Ballot Propositions

**Prepared by Municipal Research & Services Center Legal Staff
August 2000**

General Prohibition on Use of Public Facilities

State law in RCW 42.17.130 prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. This prohibition is not new, as it was a part of Initiative 276 adopted by the voters in 1972.

It is important for local government officials to be aware of what may and may not be done in regard to supporting or opposing a ballot proposition. These rules apply to all units of local government and their officials and employees, including counties, cities, towns, transit districts, port districts and other special districts.

The general prohibition against use of public facilities is very broad and comprehensive. The term "public facilities" is defined to include use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons served by the local government. This prohibition means that elective or appointive personnel of local governments may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose.

Exceptions to Prohibition: Allowable Activities

There are three specific exceptions to this broad prohibition. The first two exceptions apply only to elected officials. The first allows a local government legislative body, such as a city or town council or county commission or council, to vote on a motion or resolution to express support or opposition to a ballot proposition if the following procedural steps are first taken: 1) the notice for the meeting must include the title and number of the ballot proposition, and 2) members of the legislative body or members of the public must be allowed an approximately equal opportunity to express an opposing view.

The second exception allows an elected official to make a statement at an open press conference in support or opposition to a ballot proposition or in response to a specific inquiry.

The third exception is somewhat broader and allows activities which are part of the normal and regular conduct of the local government. Under this exception, a local government could prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of an initiative on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner.

Many local governments also allow use of their meeting room facilities on a nondiscriminatory, equal access basis to the public, usually for a rental fee. If this is the case, then it would be

allowable to hold a public forum for citizens with pro and con representatives discussing an initiative in a public meeting hall.

It is important to remember that RCW 42.17.130 does not restrict the right of an individual, whether that person is an elective or appointive public official or a public employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities. This means that elected officials and appointed staff may campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

Public Disclosure Commission and MRSC Available to Help Interpret Law

The Public Disclosure Commission (PDC) was created in 1972 to help interpret and enforce the laws that were a part of Initiative 276. The PDC consists of five part-time commissioners appointed by the Governor, an executive director, and a small staff. The PDC is available through its staff to respond to questions concerning ballot measures and campaign issues and to provide informal opinions. The PDC staff encourages local government officials to contact them with questions in advance of a proposed activity that may involve the use of public facilities in a ballot campaign. Also, fact sheets that have been prepared by local governments may be faxed to PDC staff to review prior to public distribution. You may contact the PDC at (360) 753-1111 or by fax at (360) 753-1112. Additional information is available on the Commission Web site at <http://web.pdc.wa.gov>.

Also, the Municipal Research & Services Center (MRSC) legal staff is available to respond to questions concerning the prohibition on use of public facilities for ballot measures. The MRSC library also has sample resolutions enacted by legislative bodies of local governments to support or oppose ballot propositions from past elections. MRSC can be contacted at (206) 625-1300, by fax at (206) 625-1220, or by e-mail at mrsc@mrsc.org.

Excerpt from the Council Orientation Packets – City of Black Diamond

Statutory Prohibition — Using Public Office Facilities for Political Purposes

There is a special statutory provision which forbids the use of public facilities for certain political purposes. RCW 42.17.130, a section of the open government law, provides as follows:

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. [1] Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: Provided, that the foregoing provisions of this section shall not apply to the following activities:

- (1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;
- (2) A statement by an elective official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; [2]
- (3) Activities which are a part of the normal and regular conduct of the office or agency. [3]