



CITY OF BLACK DIAMOND
December 20, 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: None

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None

UNFINISHED BUSINESS:

1.) **AB12-090A** - Ordinance Relating to Councilmember's Refusing Compensation Mr. Bacha

NEW BUSINESS:

- 2.) **AB12-097** – Ordinance Adopting Comprehensive Plan Amendments Mr. Pilcher
- 3.) **AB12-098** – Ordinance Adopting City Office Hours Mr. Butkus
- 4.) **AB12-099** – Ordinance Increasing Cable Utility Tax Mr. Butkus
- 5.) **AB12-100** – Ordinance Increasing City's Stormwater Utility Tax Mr. Butkus
- 6.) **AB12-101** – Ordinance Increasing City's Stormwater Rates Mr. Butkus
- 7.) **AB12-102** – Ordinance Adopting Special Event Permit Fees Mr. Butkus
- 8.) **AB12-103** – Ordinance Amending Boat Launch Parking Mr. Butkus
- 9.) **AB12-104** – Ordinance Amending 2012 Budget Ms. Miller
- 10.) **AB12-105** – Ordinance Adopting 2013 Budget Ms. Miller
- 11.) **AB12-106** – Resolution Authorizing Grant Agreement with TIB Mr. Williamson
- 12.) **AB12-107** – Resolution Extending Interlocal Agreement with SCATBd for One Year Mr. Butkus
- 13.) **AB12-108** – Resolution Refunding Save Black Diamond K-9 Donation Mr. Butkus

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

- 14.) **Claim Checks** – December 20, 2012 Check No. 39077 through No. 39139 and No. 39141 and No. 39142 (voided check nos. 39076, 39099, 39124) in the amount of \$124,431.61
Payroll Checks- November 30, 2012 No. 17919 through No. 17940 and ACH Pay in the amount of \$286,816.65

- 15.) **Minutes** – Council Special Meeting Minutes of December 3, 2012 and Council Meeting of December 6, 2012

EXECUTIVE SESSION:

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date: November 15, 2012	AB12-090A
Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –Pete Butkus	
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	X
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
	Police – Jamey Kiblinger	
Cost Impact:	Court – Stephanie Metcalf	
Fund Source:	Comm. Dev. – Steve Pilcher	
Timeline:		
Attachments: Proposed Ordinance No. 12-985		
<p>SUMMARY STATEMENT:</p> <p>The City Council at its workshop meeting on October 29 discussed Councilmembers refusing compensation for 2013. The attached ordinance meets that request and also establishes a process for Councilmembers to refuse compensation.</p> <p>At the November 15, 2012 meeting Council postponed action on this item until their December 20, 2012 meeting; therefore, it is back before you for consideration.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
<p>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-985, adding a new section to the Black Diamond Municipal Code regarding compensation of the City Council; providing for severability; and establishing an effective date.</p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 15, 2012	Motion to postpone to December 20 th meeting.	Passed 5-0
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-985

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, ADDING A NEW SECTION TO THE
BLACK DIAMOND MUNICIPAL CODE REGARDING
COMPENSATION OF THE CITY COUNCIL; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, in order to facilitate planning for and preparation of the annual budget, the City Council desires to establish a process allowing Councilmembers to refuse compensation on an annualized basis co-extensive with the budget period; and

WHEREAS, by adoption of this Ordinance, the City intends to formalize the manner in which the Councilmembers may refuse compensation so that the City Council may rely upon such refusal in planning and adopting the annual budget; and

WHEREAS, adoption of this Ordinance will not have the effect of increasing or decreasing compensation received by any elected official;

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

Section 1. Adding a new section to Chapter 2.04 (City Council) of the Black Diamond Municipal Code titled Compensation. Section 2.04.030 of the Black Diamond Municipal Code is hereby added to read as follows:

2.04.030 Compensation.

A Councilmember may refuse compensation at any time if he or she provides to the Finance Director a written notice of such refusal. The refusal shall be in effect for the time period specified in the written notice of refusal. It is further provided that, a Councilmember may provide a non-revocable refusal of compensation for a time period commensurate with and for the length the next annual budget period by filing a written notice of such refusal with the

Finance Director on or before November 30th of the year immediately prior to the budget year in which the refusal of compensation will apply. The non-revocable written refusal shall be submitted in a form approved by the Finance Director.

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 20TH DAY OF DECEMBER, 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:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT: Ordinance 12-986, adopting amendments to the City of Black Diamond Comprehensive Plan	Agenda Date: December 20, 2012		AB12-097
	Department/Committee/Individual		
	Mayor Rebecca Olness		
	City Administrator – Pete Butkus		
	City Attorney – Chris Bacha	X	
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
	Parks/Nat. Resources – Aaron Nix		
Community Develop. – Steve Pilcher	X		
Attachments: Two draft ordinances no. 986, staff report			
SUMMARY STATEMENT: <p>The Washington State Growth Management Act provides that cities may amend their Comprehensive Plans generally no more frequently than once per calendar year. Procedures for the City's plan amendment process are included within Title 16 of the Municipal Code.</p> <p>There were four text amendments under consideration this year. One (the General Sewer Plan) has been pulled from further consideration, as staff has not received final comments from the State Department of Ecology or King County. All proposals were transmitted to the State Dept. of Commerce for the required 60-day review, which commenced on September 25th. At this time, no comments have been received as a result of that process.</p> <p>The Commission evaluated these proposals during August and September and then conducted a public hearing on October 9th and 23rd. No member of the public commented on any of the proposals. The Council conducted a public hearing on November 15th, during which testimony was provided only on the General Sewer Plan.</p> <p>The attached staff report describes each proposal and the Planning Commission's recommendation on each. Two ordinances have been provided: one that reflects the Planning Commission's recommendations, the other to include adoption of all of the potential changes, even if the Commission did not recommend approval.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: The Planning Commission's recommendations are included in the staff report.			
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-986, amending the City of Black Diamond Comprehensive Plan and providing for severability and establishing an effective date.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-986

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AMENDING THE CITY OF BLACK
DIAMOND COMPREHENSIVE PLAN; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, on June 18, 2009, the City Council adopted Ordinance 09-908, which repealed the 1996 Comprehensive Plan and established a new comprehensive plan in compliance with the Washington State Growth Management Act; and

WHEREAS, on June 18, 2009, the City Council adopted Ordinance No. 09-912, which repealed the then-existing Title 16 of the Black Diamond Municipal Code (BDMC) and established a new Title 16 in its place; and

WHEREAS, BDMC Title 16 provides for an annual amendment process to the comprehensive plan and establishes rules and procedures for considering potential amendments; and

WHEREAS, the City provided public notice of the annual amendment process and established a deadline of June 15, 2012 for submittals; and

WHEREAS, on June 7, 2012, the City Council adopted Resolution No. 12-808, initiating two potential amendments to the text of the comprehensive plan; and

WHEREAS, one potential amendment was submitted to the “docket” pursuant to BDMC 16.30.100; and

WHEREAS, the Planning Commission reviewed the potential amendment at its July 10, 2012 regular meeting and passed a resolution formally initiating that suggested amendment; and

WHEREAS, on September 19, 2012, notification of the potential comprehensive plan amendments were transmitted to the Washington State Department of Commerce for 60-day agency review as required by RCW 36.70A.106; and

WHEREAS, to date, no comments have been received from any State agency; and

WHEREAS, the Planning Commission conducted public hearings on the proposed amendments on October 9 and October 23, 2012; and

WHEREAS, at the conclusion of the public hearing on October 23, 2012, the Planning Commission issued its recommendations on the various proposed amendments; and

WHEREAS, the City Council conducted a public hearing on the proposed amendments as recommended by the Planning Commission at its November 15, 2012 regular meeting;

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

Section 1. CPT-12-03 Bryant Airstrip

Page 5-7 of the Comprehensive Plan is hereby amended as depicted on Exhibit "A" attached.

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 20TH DAY OF DECEMBER, 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:

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-986

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AMENDING THE CITY OF BLACK
DIAMOND COMPREHENSIVE PLAN; PROVIDING FOR
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WHEREAS, on June 18, 2009, the City Council adopted Ordinance 09-908, which repealed the 1996 Comprehensive Plan and established a new comprehensive plan in compliance with the Washington State Growth Management Act; and

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WHEREAS, the Planning Commission conducted public hearings on the proposed amendments on October 9 and October 23, 2012; and

WHEREAS, at the conclusion of the public hearing on October 23, 2012, the Planning Commission issued its recommendations on the various proposed amendments; and

WHEREAS, the City Council conducted a public hearing on the proposed amendments as recommended by the Planning Commission at its November 15, 2012 regular meeting;

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

Section 1. CPT-12-01 Amend language in the Land Use element of the Comprehensive Plan to indicate that residential densities are to be calculated based upon “net” instead of “gross” acreage.

Pages 5-12 through 5-15 of the Comprehensive Plan are hereby amended as depicted on Exhibit “A” attached.

Section 2. CPT-12-02 Transportation Concurrency on SR-169

Pages 7-4 and 7-5 of the Comprehensive Plan (Sections 7.2.2 and 7.2.4) are hereby amended as depicted on Exhibit “A” attached.

Section 3. CPT-12-03 Bryant Airstrip

Page 5-7 of the Comprehensive Plan is hereby amended as depicted on Exhibit “A” attached.

Section 4. 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 5. 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 20TH DAY OF DECEMBER, 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:
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Industrial

Two areas within the City are currently zoned for industrial use: along the south side of Roberts Drive at Morganville, which contains Anesthesia Equipment Supply, the City's only industrial use, and office space; and the area west of SR 169, north of Roberts Drive. For the past 100 years, the latter area has been used for mineral extraction, processing activities, and associated industrial uses (an auto wrecking yard, a meat market, fuel supply station, truck and equipment repair facilities and several storage warehouses). The area is currently available for redevelopment.

Bryant Airstrip

For over four decades, a privately-owned airstrip has been operated by the Bryant family on their property located on the north side of Roberts Drive, west of its intersection with SR-169. Historically, the airstrip has had only minimal use. However, both the potential and interest exists to expand the scope of the airstrip to include the installation of hangars, a fueling facility and a helipad. Currently, the airstrip is considered to be a legal nonconforming use, as it is situated such that it crosses through three distinct land use categories and zone districts (Industrial, Community Commercial and Medium Density Residential). The City should consider zoning and other land use regulation amendments as may be necessary to evaluate the potential expansion of its operations.

5.2.3. A New Direction

The community's vision is for the City to guide and manage growth carefully and creatively, in a manner which protects its sensitive areas and treasured places (e.g., historical structures and sites) and retains open spaces that form the natural beauty of the City. Given the abundance of these features throughout the City, future development is likely to occur in numerous "villages" separated by these features. New development can be accommodated within this framework and landscape.

Preparation of the Land Use Element considered and identified areas that are appropriate for development and those which should be protected as sensitive areas and open space. The result is a comprehensive pattern of greenbelts and buffers shaped through a variety of policies, regulations, and incentive programs, such as transfer of development rights (TDR)—i.e., providing development "credits" for constrained or open space areas that can be transferred and used on other, more appropriate lands. The program allows property owners to realize much of the value of lands that cannot be developed to their full potential because of physical constraints. While every square foot of land has value to the land owners, not every square foot has to be built upon to achieve that value.

residents. Providing places for active and passive interaction – such as parks, adult schools, community centers, and clubs—can also perpetuate the sense of community possessed by the City now. The recently acquired Lake Sawyer Park site provides a unique opportunity for this important social interaction to be centered on a high quality recreational amenity, connected to each of the City’s existing and future large-scale development areas by an integrated trail system. Continuing the community bulletin boards and /or newsletters will also help.

New areas for socializing may include a cafe or tavern, community gardens, community center, the Lake Sawyer Park site, the Ginder Creek open space area, or a lakeside park for swimming. To foster a sense of community and history for old and new residents alike, the City could revive the Black Diamond Band, open a speakeasy (specialty brew), revive the City’s community baseball and soccer teams, or create festivals to celebrate the City’s history or celebrate nature’s bounty.

5.4. Implementing the Comprehensive Plan Future Land Use

5.4.1. Extent of Proposed Land Use

The following is a list and description of the City of Black Diamond Comprehensive Plan land use designations. Complete lists of allowed uses (permitted, conditional, and unclassified) are identified in the adopted development regulations.

The following section identifies the purpose, allowed uses and designation criteria, and helps explain the intent of each designation on the Future Land Use Map.

When densities are referred to in this chapter, they are expressed in the number of units per net acre of land. “Net acre” means the total area within a parcel boundary, except any portion of a parcel within a defined sensitive area and its required buffer pursuant to the Chapter 19.10 Black Diamond Municipal Code, excluding geologically hazardous areas.

Urban Reserve Designation

Purpose: The Urban Reserve designation recognizes existing low-density residential development surrounding the Lake 12 Potential Annexation Area and that it should not be allowed to develop at higher densities until such time that public water, sewer and other services are made available. Pursuant to other policies in this plan, annexation of this area will not be considered until a plan for extending required utilities is developed and financed.

Allowed Use and Description: The Urban Reserve designation allows for single-family residential uses, their accessory uses and public and semi-public uses that meet appropriate development standards. Development at urban densities could occur in the future when public water and sanitary sewer service is made available.

Designation Criteria: Properties designated Urban Reserve should be only be those areas currently lacking public water and sanitary sewer service within the City's Potential Annexation Area.

Master Planned Development (MPD) Overlay

Purpose: The MPD overlay is applied to areas to take advantage of opportunities to create a clustered mix of residential, commercial and civic uses along with open space and public facilities, on large sites in appropriate locations. These sites typically consist of large parcels in common ownership where a master plan will be developed to guide unified development over a period of many years. The MPD designation is applied to meet the special needs and opportunities presented by such sites while managing impacts on nearby uses.

Allowed Uses and Descriptions: The MPD overlay is applied to areas that are intended to allow a mix of those land uses and residential densities as depicted on the Future Land Use Map. Areas with an MPD overlay designation are intended to develop only subsequent to approval of an MPD permit pursuant to Black Diamond Municipal Code. An MPD may include residential and commercial uses clustered around private and community open space, supported by adequate services and facilities. As part of the process of approving an MPD, a specific development plan or site plan will be prepared and will specify the residential and non-residential uses, densities and intensities, phasing of development, and specific development standards that will apply to the site. Densities are intended to be urban in nature (minimum of 4 dwelling units per ~~gross-net~~ acre) and will be established as part of the MPD approval process; some MPD sites may also be designated as TDR receiving areas. An approved development plan should contain a provision for periodic updates. Significant opportunities for public involvement should be provided in the consideration of any MPD. An MPD is implemented through the provisions of BDMC 18.98 and provisions of any pre-annexation agreement that is in place for properties in this designation.

Areas developing as MPDs are expected to incorporate innovative site design and utilization of progressive techniques to provide for environmentally sustainable development. This may include the use of "low impact" engineering techniques, employment of "green building" technologies, extensive incorporation of trails and pathways, etc.

Designation Criteria: Properties to which the MPD overlay is applied should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support the planned development density.
2. The area is not predominated by environmentally sensitive areas, and/or the development plan contains standards that will allow development while providing appropriate protection to the environmentally sensitive areas. The level of protection must be equal or better than that provided by the City's environmentally sensitive area policies and regulations.
3. There is either a need for or benefits will clearly derive from providing flexibility in zoning that cannot be provided by other mechanisms.
4. The parcel is at least 80 acres in area and in single or unified ownership, or is subject to a pre-annexation agreement that requires an MPD for the parcel.
5. The development plan requires flexibility to meet the requirements of a MPD.
6. The MPD will provide public benefits, in the form of preservation or enhancement of physical characteristics, conservation of resources, provision of employment, improvement of the City's fiscal performance, provision of adequate facilities, and other public benefits identified by the City.
7. At least 50% of the MPD site is devoted to open space uses, which may include recreational amenities.
8. Adequate mitigation for adverse impacts on the community, neighborhood, and environment is provided.

Low Density Residential Designation

Purpose: The Low Density Residential designation provides primarily for single-family residential neighborhoods on lands suitable for residential development. This designation provides for stable and attractive residential neighborhoods. It should be applied to both existing developed neighborhoods and areas intended for future development. Some of these areas have a MPD overlay designation and are also designated as TDR receiving areas. Urban density development in these areas will only be possible upon the receipt of transferred development rights from other areas.

Allowed Uses and Description: The Low Density Residential designation permits single-family residential uses, their accessory uses and public and semi-public uses. Residential densities may range from a base density of 4 units per net acre to approximately 6 units per gross-net acre. Detached single-family residences should predominate, but these areas may also include duplexes, subject to dispersal

standards, a determination of consistency with design standards and following public review. ~~These areas should also be potentially eligible for additional density through the use of on-site transfer of density (to preserve open space) or through the acquisition of TDRs.~~

Designation Criteria: Properties designated Low Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. The area is free of significant amounts of environmentally sensitive areas, excluding aquifer recharge areas.
3. If the area is undeveloped, it is proximate to a neighborhood of single-family dwellings or is well suited to that use and is not suited to more intense residential development. The area is identified for Low Density Residential development as part of an MPD.

Medium Density Residential Development

Purpose: The Medium Density Residential Development designation provides for stable and attractive residential neighborhoods of small lot, single-family homes, or attached single- and multifamily residences on lands suitable for these residential intensities. Medium Density Residential areas should be located near commercial services, employment, and arterial roads, and may also be located in mixed-use developments. ~~All MDR areas are also subject to a TDR Overlay.~~

Allowed uses and description: The base residential density in these areas should be eight units per gross-net acre. ~~If subject to a TDR overlay, increased density could be approved up to 12 units per~~ gross-net acre with the acquisition of transferred development rights.

Designation Criteria: Properties designated Medium Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. If the area is undeveloped and not near the identified employment and commercial service areas, the area should be free of significant amounts of environmentally sensitive areas.
3. The area is separated by topography or another appropriate boundary from incompatible uses. Buffering or a density transition may be used to separate this designation from lower density residential designations.

The requirements of Black Diamond's Transportation Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as "highways of statewide significance." The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.

7.2.3. Level of Service Standards

Based on the City Council's recommendations, this plan identifies a LOS standard of LOS D for intersections along State Route (SR) 169 and LOS C for all other arterials and collectors throughout the City. Setting different LOS standards for specific areas is a common practice that accounts for the function and use of the roadways into the acceptable operating conditions.

The City also recognizes how intersection control (i.e., traffic signals, roundabouts, and stop signs) defines LOS. For two-way and one-way stop-controlled intersections, the LOS is defined by the amount of time vehicles are waiting at the stop sign. Although a substantial volume of traffic can proceed through the intersection without any delays, a small volume at the stop sign can incur delays that would exceed LOS C or LOS D. To avoid mitigation that would only serve a small volume of traffic, the City allows two-way and one-way stop-controlled intersections to operate worse than the LOS standards. However, the City requires that these instances be thoroughly analyzed from the operational and safety perspectives and the City will individually evaluate these situations to determine when mitigation is appropriate.

These LOS standards are higher than other cities in the area. For example, the City of Covington adopted a LOS E standard and Maple Valley generally uses LOS D, except along Maple Valley Highway (SR 169), Kent-Kangley Road, and Witte Road where the LOS standard is lowered to LOS E. The higher LOS standards indicate the City's desire to avoid congestion and the willingness to identify and fund future transportation improvements. If expected funding for improvements to meet future transportation needs is found to be inadequate, then the City may pursue one of the following options:

- Lower the LOS standards to LOS D, E, or F for the system for portions of the system that cannot be improved without significant expenditure.
- Revise the City's current land use plan to reduce density or intensity of development that will "fit" with the planned transportation system; or
- Phase or restrict development to allow more time for the necessary LOS-driven transportation improvements to be completed by the development community and/or responsible agency or jurisdiction(s).

7.2.4. Level of Service Methodology

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

Intersection Level of Service

For signalized and unsignalized intersections, the LOS is calculated using the procedures described in the latest edition of the *Highway Capacity Manual* (2000 edition). At signalized and all-way stop-controlled intersections, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

State Highway Level of Service

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. House Bill (HB) 1487 requires that the transportation element of local comprehensive plans include the LOS standards for Highways of Statewide Significance (HSS). HB 1487 clarified that the concurrency requirement of the GMA does not apply to HSS or other transportation facilities and services of statewide significance. HB 1487 also requires local jurisdictions to estimate traffic impacts to state-owned facilities resulting from land use assumptions in the Comprehensive Plan.

However, since SR-169, a “highway of statewide significance,” does not have limited access and thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a “highway of statewide significance that does not have limited access and, thus, functions like a city arterial” means those “highways of statewide significance” that:

1. Allow driveways and side streets to connect directly to the highway;
2. Provide primary connections between major centers of activity; and
3. Function as high traffic corridors for inter-area travel between business districts and communities.

The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City.



CITY OF BLACK DIAMOND
PLANNING COMMISSION
25510 Lawson Street, Black Diamond, Washington

STAFF REPORT
2012 COMPREHENSIVE PLAN AMENDMENTS
WITH PLANNING COMMISSION RECOMMENDATIONS

Introduction

The Washington State Growth Management Act and Black Diamond Municipal Code (Title 16) provide that the City may amend its Comprehensive Plan no more than once each year. Each year, there is an annual amendment process that establishes processes by which proposed amendment may be considered. There are a variety of means by which amendments may be initiated:

1. A City-initiated planning program;
2. Initiation by City Council resolution;
3. Initiation by Planning Commission resolution; or
4. Initiation by private application.

This year's amendment cycle includes four text amendments. One (the General Sewer Plan) is the result of a City-initiated planning program. Two were initiated by City Council Resolution and one was initiated by the Planning Commission. There are no privately-initiated amendments this year.

The City Council adopted Resolution No. 12-808 that initiated two potential amendments, both which were previously considered as part of the 2011 amendment process. These deal with the issues of 1) whether residential densities should be based upon "gross" or "net" acreage and 2) whether SR-169 should be subject to transportation concurrency testing within the city limits of Black Diamond.

At its July meeting, the Planning Commission adopted a resolution (No. 12-01) initiating consideration of potential amendments to the Plan to recognize the existing Bryant airstrip and its possible expansion.

The Planning Commission reviewed these proposals during work study sessions and conducted a public hearing on October 9th for public comments. However, no testimony was provided on any of the proposed amendments. The Commission continued the public hearing until October 23rd in order to conclude its deliberations and render recommendations. The following summarizes each amendment proposal and includes the recommendation of the Planning Commission on each. Also attached to this report are the suggested text amendments (including the draft General Sewer Plan) and minutes from the Planning Commission meetings of October 9th and 23rd.

CPT12-01 “Net” vs. “Gross” acres

City Council Resolution 12-808 did not provide guidance regarding the potential scope of this amendment. Currently, all residential land use categories in the Comprehensive Plan discuss intended densities in terms of an allowed range of dwelling units per *gross* acre. Staff had assumed the Council intended the Commission to consider whether densities should instead be considered in terms of number of dwelling unit per *net* acre. Currently, neither term is defined in the Comprehensive Plan, nor did the Council resolution provide direction as to how those terms might be defined.

The Zoning Code (BDMC 18.100.060 & 070) contains definitions for both “gross acres” and “net acres”:

Acres or acreage, gross. The total area of a parcel of land; may be expressed in square feet or fractions of an acre.

Acres or acreage, net. The area of a parcel of land, less the area devoted to streets, roads or alleys, public or private; may be expressed in square feet or fractions of an acre.

However, throughout the Zoning Code, the term “acre” is typically used without distinction as to whether the intent is “gross” or “net”. Only in the Residential Cluster Development chapter (BDMC 18.86), is there a specific reference that maximum densities are to be based upon the *gross* acreage of a site (BDMC 18.86.040).

The terms as defined in the Zoning Code are fairly standard as used in analysis of project-specific land development. For example, the definition of “net acres” is commonly used when evaluating subdivisions. (The City’s subdivision regulations call for this calculation to be made in a preliminary plat proposal).

The staff-drafted amendment proposes a different definition that is more appropriate at the broader level of consideration that is typical of a Comprehensive Plan and in other planning analyses. For example, all jurisdictions within King County are required to conduct a periodic “buildable lands” analysis to determine their theoretical capacity to accommodate additional growth, based upon their adopted zoning maps and regulations. At that level of review, non-buildable lands (i.e., critical/sensitive areas and their required buffers) are excluded from calculations, as they are assumed to be unavailable for development. A definition of “net” that makes this exclusion is appropriate for use in the Comprehensive Plan, in lieu of the Zoning Code definition noted above.

While considering this issue during last year’s amendment process, staff had raised concerns that switching from “gross” to “net” would undermine the City’s transfer of development rights (TDR) program. Subsequent legal analysis reveals that would probably not be the case, as the City’s TDR program assigns transferable development rights to designated parcels (or portions thereof), known as “sending areas,” without regarding to their zone classification (which determines their density). This is similar to King County’s TDR program, which in some zones (e.g., Agriculture), allocates more development rights per acre that can be transferred than can otherwise be developed on the sending parcel. In other words, TDRs are assigned to specific properties (sending areas) without regard to the allowed density of development on that parcel (which is determined by zone classification).

Should a definition of “net” be established that excludes sensitive areas and their required buffers, that action would create a Comp Plan/regulation inconsistency issue with the Residential Cluster Development (RCD) provisions of the Zoning Code. As noted, densities for RCD are based upon the *gross* acreage of a parcel. If the policy direction is changed to state that residential densities should be based upon “*net*” acres, then this section of the code should be amended. Properties that feature sensitive areas and/or buffers would not be able to use those portions for calculating overall allowed density, which will result in a reduction in their development potential. If these properties are also designated “sending areas” per the TDR program, these property owners would still be eligible to sell assigned TDRs to owners of lands designated as TDR “receiving areas.” (Currently, the majority of receiving areas are located in The Villages MPD, which will need to purchase approx. 2800 TDRs in order to reach the total number of units authorized by the MPD permit approval).

It should also be noted that, since the two MPDs have already received approval, this amendment would not affect those projects in terms of their allowed density. The change would be limited to other lands within the city limits that have yet to develop. As noted, this may result in a reduction in potential density for these lands.

The attached text includes those areas within the Comprehensive Plan text where amendments are proposed to implement this proposal.

Planning Commission recommendation: The Commission recommends the City Council **not** adopt the proposed amendment.

CPT12-02 Transportation concurrency on SR-169

This issue was also considered during last year’s amendment cycle. The Planning Commission recommended approval (with a split vote), but the amendment was not adopted by the City Council. The proposal, brought forth by a group self-identified as the “Citizens’ Technical Action Team”, provided specific amendment language. In initiating this matter for consideration as part of this year’s amendment cycle, the City Council did not indicate it wished to see any changes made to that proposal, which was (and remains) as follows:

PROPOSED TEXT AMENDMENT

“7.2. Level of Service

A level of service (LOS) standard measures the performance of an existing transportation system and the adequacy of the planned future improvements. Additionally, LOS standards establish the basis for the concurrency requirements in the GMA. Agencies are required to “adopt and enforce ordinances which prohibit development approval if the development causes the LOS on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development.” (RCW 36.70A.070(6)(b)). Therefore, setting the LOS standard is an essential component of regulating development.

7.2.2. LOS and Concurrency

The concurrency provisions of the GMA require that local governments permit development only if adequate public facilities are—or can be guaranteed to be—available within 6 years to support the new development. The GMA requires each local jurisdiction to identify future facility and service needs based on its LOS standards. To ensure that future development will not cause the City’s transportation system performance to fall below the adopted LOS, the jurisdiction must do one or a

combination of the following: modifying the land use element, limiting or “phasing” development, requiring appropriate mitigation, or changing the adopted standard.

The requirements of Black Diamond’s Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as ‘highways of statewide significance.’ The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.

7.2.4. Level of Service Methodology

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

Intersection Level of Service

For signalized and unsignalized intersections, the LOS is calculated using the procedures described in the latest edition of the Highway Capacity Manual (2000 edition). At signalized and all-way stop-controlled intersections, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

State Highway Level of Service

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. House Bill (HB) 1487 requires that the transportation element of local comprehensive plans include the LOS standards for Highways of Statewide Significance (HSS). HB 1487 clarified that the concurrency requirement of the GMA does not apply to HSS or other transportation facilities and services of statewide significance. HB 1487 also requires local jurisdictions to estimate traffic impacts to state-owned facilities resulting from land use assumptions in the Comprehensive Plan.

However, since SR-169, a ‘highway of statewide significance,’ does not have limited access and, thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a ‘highway of statewide significance that does not have limited access and, thus, functions like a city arterial’ means those ‘highways of statewide significance’ that:

1. Allow driveways and side streets to connect directly to the highway;
2. Provide primary connections between major centers of activity; and
3. Function as high traffic corridors for intra-area travel between business districts and communities.

The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City.” **[end of proposed amendment]**

The Washington State Department of Transportation did not comment during the required 60-day agency review period last year, so staff specifically sought their comment this year, once this amendment was initiated. In an email response, WSDOT noted that SR-169 is designated as a Highway of Statewide Significance (HSS). They also noted the following:

“State Highways and Local Concurrency Programs. RCW 36.70A.070(6)(b) requires jurisdictions fully planning under the Growth Management Act to

...adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

These transportation concurrency requirements

...do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. [RCW 36.70A.070(6)(a)(iii)(C)].

Read together, these statutory provisions do not require local governments (except in Island County) to adopt a transportation concurrency requirement for highways of statewide significance, but neither do they prohibit local governments from doing so. Therefore state highways, whether or not designated as highways of statewide significance, may be included in local transportation concurrency programs if a city or county chooses to do so.

Level of Service Standards on Highways of Statewide Significance. RCW 47.06.140 specifically states that only the State may set the level of service for highways of statewide significance:

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

The level of service standard for urban highways of statewide significance (LOS D) applies to SR 169 through Black Diamond. This is the level of service standard that must be included in the transportation element of your comprehensive plan [RCW 36.70A.070(6)(a)(iii)(C)]. The methodology you use when evaluating SR 169 for concurrency must be consistent with the level of service standard set by WSDOT.”

The City’s LOS standard for all other arterials within the city limits is LOS “C.” The proposal indicates the City should consider establishing a LOS standard for the highway that is consistent with the arterial standard used elsewhere in the city, which is LOS “C”. This appears to conflict with information provided by WSDOT.

Planning Commission recommendation: The Commission recommends the City Council **not** adopt the proposed amendment.

CPT12-03 Bryant Airstrip

The Planning Commission passed a resolution to initiate potential text amendments to the Comprehensive Plan, to recognize the existing airstrip that is operated by the Bryant family on their properties on the north side of Roberts Drive, west of SR 169.

As part of its review and analysis, staff contacted the Aviation Division of WSDOT. In our communications, they clarified that since this is a private airstrip, WSDOT has no jurisdiction. (WSDOT only has jurisdiction over public airport facilities). They also clarified that a private airstrip such as the Bryant's is not considered to be an essential public facility pursuant to the Growth Management Act and therefore, can be made subject to local land use regulations (such as conditional use permits).

Even though State regulations are not directly applicable to this issue, they do contain principles that are appropriate in consideration of any air facility. These principles relate to discouraging the siting of incompatible land uses adjacent to airports. Those land uses could include residential uses; public buildings; and other buildings where people congregate (e.g., churches). Discouraging these land uses is typically done for both the protection of those land uses and also to help prevent conflicts between them and air operations.

Mr. Darrell Bryant submitted expansion plans for the airstrip, but he did not submit suggested amendment language in support of the request. There are likely to be numerous regulatory actions that either need to or should occur before expansion activities begin. At this time, the suggested amendment will put a "placeholder" within the text of the Comprehensive Plan that recognizes the existence of the airstrip; acknowledges its potential expansion; and lays the foundation for future Zoning Code (and potentially other) regulatory amendments that will be needed in order to permit airstrip expansion.

The suggested language is attached to this report.

Planning Commission recommendation: The Commission recommends the City Council adopt the proposed amendment, with the following change to the staff-drafted language:

Change the last line to strike that portion that reads "allow the airstrip to expand its operations" and substitute "evaluate the potential expansion of its operations".

CPT12-04 General Sewer Plan

The Sewer Plan is an outcome of a City-initiated planning program, begun several years ago by an engineering consultant under contract to the City. City staff has subsequently amended, added to and redrafted the Plan that is currently under consideration. The Sewer Plan is required per Washington Administrative Code (WAC 173-240-050) and for coordination purposes with King County, the City's wastewater treatment service provider.

The Plan addresses the City's sewer service area, which includes all of existing incorporated Black Diamond except for the Lake Sawyer area (northwest portion of the city), where Soos Creek Water and Sewer District is the service provider. The City operates a sewer collection system, but does not provide wastewater treatment. Collected sewage is transported through

King County and Soos Creek sewer mains north to the County-operated treatment plan in Renton.

The Sewer Plan is primarily a technical document, describing the characteristics of the service area; inventorying the current system; summarizing contracts with external agencies; projecting population and other growth; and recommends some changes to current policies and inclusion of new policies. The Plan both evaluates current sewer flows and projects future flows so that needed improvement projects can be appropriately sized and timed. It proposes a second connection to King County regional facilities in the western portion of the city.

Planning Commission recommendation: The Commission recommends the City Council adopt the proposed General Sewer Plan.

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date: December 20, 2012	AB12-098
Ordinance No. 12-987, establishing city office hours as per RCW 35A.21.070.	Department/Committee/Individual	
	Mayor Rebecca Olness	
	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	
	Police – Jamey Kiblinger	
Cost Impact: Cost of publication	Court – Stephanie Metcalf	
Fund Source: General Fund	Comm. Dev. – Steve Pilcher	
Timeline: Effective 01 JAN 2013		
Attachments: Draft Ordinance No. 12-987; RCW 35A.21.070		
SUMMARY STATEMENT: <p>This Ordinance is a part of the 2013 Budget process. As we will be changing the office hours for the Municipal Court this is an opportune time to assure compliance with state law as well as provide for the reality of office closings due to inclement weather and other circumstances. The phrase "... for efficient operation of the city...." would include such circumstances as department or city-wide staff training.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-987, establishing city office hours as per RCW 35A.21.070.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-987

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO THE ESTABLISHMENT
OF OFFICE HOURS, AS REQUIRED BY THE REVISED
CODE OF WASHINGTON, 35A.21.070, AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Washington state law, as codified in 35A.21.070 RCW requires that municipalities establish office hours by ordinance; and

WHEREAS, as a part of the 2013 Budget some office hours for municipal operations will change;

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

Section 1. New Section: Hours of Operation.

There shall be added to Title 2 of the Black Diamond City Code a new chapter with the following language:

2.06.010 The hours of operation of city offices shall be as follows:

- A. City Hall - 8:30 a.m. through 5:00 p.m. Monday through Friday, Pacific Time.
- B. Community Development and Economic Development/Public Works - 8:30 a.m. through 5:00 p.m. Monday through Friday, Pacific Time.
- C. Police - 8:30 a.m. through 5:00 p.m. Monday through Friday, Pacific Time.
- D. Municipal Court - 8:30 a.m. through 5:00 p.m. Monday through Thursday, Pacific Time.

2.06.020 The Mayor, or designee, may alter the hours of operation of City offices as set forth in section 2.06.010 on a temporary basis when deemed necessary due to inclement weather, civil insurrection, pandemic or other unforeseen event and for the efficient operation of the city.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect on January 1, 2013.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF DECEMBER, 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:



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[35A.21.060](#) << [35A.21.070](#) >> [35A.21.080](#)

RCW 35A.21.070

Office hours prescribed by ordinance.

All code city offices shall be kept open for the transaction of business during such days and hours as the legislative body of such city shall by ordinance prescribe.

[1967 ex.s. c 119 § [35A.21.070](#).]



CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-988, increasing the existing utility tax on cable services.	Agenda Date: December 20, 2012 AB12-099	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	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: Up to \$ 46,900 in 2013	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline: Effective 01 MAR 2013	Comm. Dev. – Steve Pilcher	
Attachments: Draft Ordinance; Memo		
SUMMARY STATEMENT: <p>At the Council meeting on 29 OCT there was a Council-initiated proposal to consider in increase in the utility tax on cable service. The rate goes from 1% to 6%.</p> <p>Please see the attached memorandum.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: City Council review and direction provided on 26 NOV 12. Finance Committee reviewed at their December 13 meeting and recommends adoption.		
RECOMMENDED ACTION: If the Council agrees with the concept: MOTION to adopt Ordinance No. 12-988, increasing the utility tax rate for cable services from one percent to six percent; providing for a referendum petition; providing for severability; establishing an effective date; and providing for suspension of the effect of the ordinance.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-988

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO UTILITY TAXES;
INCREASING THE UTILITY TAX RATE FOR CABLE
SERVICES FROM ONE PERCENT TO SIX PERCENT;
PROVIDING FOR A REFERENDUM PETITION;
PROVIDING FOR SEVERABILITY; ESTABLISHING AN
EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION
OF THE EFFECT OF THE ORDINANCE**

WHEREAS, the City of Black Diamond is classified as a non-charter code city under title 35A RCW; and

WHEREAS, RCW 35A.11.020 provides that code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state; and

WHEREAS, RCW 35A.21.160 provides that a code city shall have all of the powers which any city of any class may have; and

WHEREAS, RCW 35.22.280(32) authorizes any city of the first class “[t]o grant licenses for any lawful purpose, to fix by ordinance the amount to be paid therefore, and to provide for revoking the same”; and

WHEREAS, the Washington Supreme Court in *Fleetwood v. Read*, 21 Wash. 547, 552-553 (1899) and subsequent decisions has interpreted this language as authorizing licenses for revenue purposes as well as regulation; and

WHEREAS, pursuant to the above authority, code cities are authorized to impose taxes upon gross revenues earned by utility and service providers within their jurisdictional boundaries, and

WHEREAS, the City of Black Diamond has previously enacted ordinances, codified at BDMC Ch. 5.08, creating and imposing a one percent (1%) utility excise tax upon gross revenues derived from providing cable service; and

WHEREAS, the City desires to increase the utility tax rates upon cable service providers; and

WHEREAS, the adoption of an ordinance pertaining to tax rates and the assessment and collection of taxes relates solely to governmental procedures and contains no substantive standards respecting use or modification of the environment and is therefore exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(19) and (14); and

WHEREAS, the City Council having determined that it is in the best interest of the public to increase the tax rates as set forth herein;

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

Section 1. Amendments to BDMC 5.08.030 (Taxes levied). Section 5.08.030 of the Black Diamond Municipal Code is hereby amended (*revisions shown in legislative revision marks*) to read as follows:

5.08.030 - Taxes levied.

Upon every person, firm or corporation engaged in carrying on the following types of business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city shall be levied the following tax:

A. Upon any telephone business there shall be levied a tax equal to six percent of the total gross income, including income from intrastate toll, derived from the operation of such businesses within the corporate limits of the city.

B. Upon the sale, delivery or distribution of electricity and electrical energy and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of the total gross operating revenue derived from sales of such electricity to ultimate users within the corporate limits of the city; provided, however, that there shall not be any tax levied for the installation charges of electrical units.

C. Upon the sale of natural, manufactured or mixed gas for residential, commercial or industrial consumption and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of gross operating revenues from such sales of natural, manufactured or mixed gas within the corporate limits of the city.

D. Upon any sewerage system business, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

E. Upon any water distribution system, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

F. Upon every person or entity engaging in the business of providing solid waste collection service, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

G. Upon any cable service there shall be levied a tax equal to one percent of the total gross income derived from operation of such service within the corporate limits of the city. Such tax shall be in addition to any cable franchise fee paid the city by such person, firm, or corporation. (Effective March 3, 2013, the cable utility tax rate shall increase from one percent to six percent.)

H. Upon any stormwater utility there shall be levied a tax equal to six percent of the total gross income derived from the operation of such utility within or partly within the corporate limits of the city. This tax shall be levied on services provided after January 1, 2009.

Section 2. Referendum Authorized. Pursuant to RCW 35.21.706, a referendum petition to repeal this ordinance may be filed with the City Clerk within seven days of passage of this ordinance. Within ten days of such filing, the City Clerk shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty (30) days in which to secure the signatures of not less than fifteen (15) percent of the registered voters of the city, as of the last municipal general election, upon petition forms that contain the ballot title and the full text of the measure to be referred. The City Clerk shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the city or at a special election ballot as provided pursuant to RCW 35.17.260(2). Except as otherwise provided herein, all provisions set forth at RCW 35.17.250 through RCW 35.17.360 that are applicable to the character and form for an initiative petition, to the examination and certification thereof, and to the submission to the vote of the people of the ordinance proposed thereby, shall apply to the referendum petition authorized herein and to this ordinance.

Section 3. 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 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication; provided that, in the event that a referendum measure is certified as provided in Section 2 of this ordinance, the effect of this ordinance shall be deemed to have been suspended from the effective date and until ratification.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF DECEMBER, 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:

MEMORANDUM

TO: Mayor and City Council

FROM: Pete Butkus

RE: Utility Tax increase for cable services

Date: 05 DEC 12

Based on Council direction at the work study meeting on Monday, 29 OCT, the attached Ordinance is submitted for your consideration. The direction was to submit a 5% increase of the Utility Tax on cable services, changing the rate from 1% to 6%. This is in addition to the existing franchise fee of 5% which is not changed.

Assuming passage of this Ordinance by the Council at the Regular meeting of 20 DEC 12, the Ordinance will become effective 01 JAN 13. Please note that the draft Ordinance has a referendum clause in Section 2. This is not the Initiative and Referendum Ordinance the Council passed at its Regular Meeting on 01 NOV, but a specific provision of state law pertaining to Business and Occupation (B & O) taxes. It is arguable that the referendum provisions of this state law apply to the proposed increase in the City utility tax. The City Attorney has applied a conservative application in Section 2 of the draft Ordinance to avoid a potential future claim that this Ordinance falls under the state B & O tax referendum requirement. If such claim was made and upheld, there is the potential of not only losing the revenue, but also having to refund taxes collected.

If passed, what happens next?

Staff will inform the cable service provider of the increase. While a 60-day notification period is mandated for certain utilities, this is not the case with cable service providers. However, it is reasonable to give the provider a 60-day notice. Assuming that such notice was provided on or before 01 JAN 12, we could expect the cable provider to implement this increase by 01 MAR 13. The city could then expect to begin receiving increased revenues by 25 APR 13. Thus, 9 months of revenue.

Assuming that no petition is filed within the statutory time period set forth in Section 2 of the draft Ordinance staff will proceed with implementation. The filing of a referendum petition will delay imposition of the Ordinance and revenue collection.

At the specified tax rate, what is the anticipated revenue to the City?

Based on past cable tax revenue, the City can reasonably expect the nine months of 2013 revenue will yield: \$46,900. This amount has been included in the 2013 draft Budget. The full 12 months of 2014 estimated revenue is \$58,030. Neither of these calculations account for possible customer shift to other service providers.

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-989, increasing the existing utility tax on the City stormwater utility.	Agenda Date: December 20, 2012	
	AB12-100	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	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: Up to \$13,800 in 2013	Police – Jamey Kiblinger	
Fund Source: N/A	Court – Stephanie Metcalf	
Timeline: Effective 01 JAN 2013	Comm. Dev. – Steve Pilcher	
Attachments: Draft Ordinance; Memo		
SUMMARY STATEMENT: This Ordinance is a part of the 2013 Budget process.		
COMMITTEE REVIEW AND RECOMMENDATION: Finance Committee reviewed at their December 13 meeting and recommends adoption.		
RECOMMENDED ACTION: If the Council agrees with the concept: MOTION to adopt Ordinance No. 12-989, increasing the utility tax rate for stormwater from six percent to twelve percent for the year 2013 and from twelve percent to eighteen percent for year 2014 and thereafter; providing for a referendum petition; providing for severability; and establishing an effective date; and providing for suspension of the effect of the ordinance.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-989

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO UTILITY TAXES; INCREASING THE UTILITY TAX RATE FOR STORMWATER FROM SIX PERCENT TO TWELVE PERCENT FOR YEAR 2013 AND FROM TWELVE PERCENT TO 18 PERCENT FOR YEAR 2014 AND THEREAFTER; PROVIDING FOR A REFERENDUM PETITION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE EFFECT OF THE ORDINANCE

WHEREAS, the City of Black Diamond is classified as a non-charter code city under title 35A RCW; and

WHEREAS, RCW 35A.11.020 provides that code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state; and

WHEREAS, RCW 35A.21.160 provides that a code city shall have all of the powers which any city of any class may have; and

WHEREAS, RCW 35.22.280(32) authorizes any city of the first class “[t]o grant licenses for any lawful purpose, to fix by ordinance the amount to be paid therefore, and to provide for revoking the same”; and

WHEREAS, the Washington Supreme Court in *Fleetwood v. Read*, 21 Wash. 547, 552-553 (1899) and subsequent decisions has interpreted this language as authorizing licenses for revenue purposes as well as regulation; and

WHEREAS, pursuant to the above authority, code cities are authorized to impose taxes upon gross revenues earned by utility and service providers within their jurisdictional boundaries, and

WHEREAS, the City of Black Diamond has previously enacted ordinances, codified at BDMC Ch. 5.08, creating and imposing a six percent (6%) utility excise tax upon gross revenues derived from storm-water utilities; and

WHEREAS, the City desires to increase the utility tax rates upon storm-water utilities;
and

WHEREAS, the adoption of an ordinance pertaining to tax rates and the assessment and collection of taxes relates solely to governmental procedures and contains no substantive standards respecting use or modification of the environment and is therefore exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(19) and (14);
and

WHEREAS, the City Council having determined that it is in the best interest of the public to increase the tax rates as set forth herein;

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

Section 1. Amendments to BDMC 5.08.030 (Taxes levied). Section 5.08.030 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

5.08.030 - Taxes levied.

Upon every person, firm or corporation engaged in carrying on the following types of business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city shall be levied the following tax:

A. Upon any telephone business there shall be levied a tax equal to six percent of the total gross income, including income from intrastate toll, derived from the operation of such businesses within the corporate limits of the city.

B. Upon the sale, delivery or distribution of electricity and electrical energy and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of the total gross operating revenue derived from sales of such electricity to ultimate users within the corporate limits of the city; provided, however, that there shall not be any tax levied for the installation charges of electrical units.

C. Upon the sale of natural, manufactured or mixed gas for residential, commercial or industrial consumption and for the privilege of carrying on the business, there shall be levied a tax equal to six percent of gross operating revenues from such sales of natural, manufactured or mixed gas within the corporate limits of the city.

D. Upon any sewerage system business, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

E. Upon any water distribution system, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

F. Upon every person or entity engaging in the business of providing solid waste collection service, there shall be levied a tax equal to six percent of the total gross income derived from the operation of such business within or partly within the corporate limits of the city.

G. Upon any cable service there shall be levied a tax equal to one percent of the total gross income derived from operation of such service within the corporate limits of the city. Such tax shall be in addition to any cable franchise fee paid the city by such person, firm, or corporation.

H. Upon any stormwater utility there shall be levied a tax equal to ~~six~~(~~twelve~~) percent of the total gross income derived from the operation of such utility within or partly within the corporate limits of the city. This (~~stormwater utility~~)tax shall be levied on services provided (~~on and~~) after January 1, 2009(13).(Effective January 1, 2014, the stormwater utility tax rate shall increase from twelve percent to eighteen percent.)

Section 2. Referendum Authorized. Pursuant to RCW 35.21.706, a referendum petition to repeal this ordinance may be filed with the City Clerk within seven days of passage of this ordinance. Within ten days of such filing, the City Clerk shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty (30) days in which to secure the signatures of not less than fifteen (15) percent of the registered voters of the city, as of the last municipal general election, upon petition forms that contain the ballot title and the full text of the measure to be referred. The City Clerk shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election ballot within the city or at a special election ballot as provided pursuant to RCW 35.17.260(2). Except as otherwise provided herein, all provisions set forth at RCW 35.17.250 through RCW 35.17.360 that are applicable to the character and form for an initiative petition, to the examination and certification thereof, and to the submission to the vote of the people of the ordinance proposed thereby, shall apply to the referendum petition authorized herein and to this ordinance.

Section 3. 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 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication; provided that, in the

event that a referendum measure is certified as provided in Section 2 of this ordinance, the effect of this ordinance shall be deemed to have been suspended from the effective date and until ratification.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF DECEMBER, 2012.

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:

MEMORANDUM

TO: Mayor and City Council

FROM: Pete Butkus

RE: Utility Tax adjustment for City Stormwater Utility

Date: 05 DEC 12

Based on Council direction at the work study meeting on Monday, 26 NOV, a draft Ordinance has been prepared that would raise the Utility Tax on the city Stormwater Utility from the existing level of 6% to 12% on January 1, 2013 and then an additional increase from 12% to 18% on January 1, 2014.

Assuming passage of this Ordinance by the Council at the Regular meeting on 20 DEC 12, the Ordinance would become effective 01 JAN 13. Please note that the draft Ordinance has a referendum clause in Section 2. This is not the Initiative and Referendum Ordinance the Council passed at its Regular Meeting on 01 NOV, but a specific provision of state law pertaining to Business and Occupation (B & O) taxes. It is arguable that the referendum provisions of this state law apply to the proposed increase in the City utility tax. The City Attorney has applied a conservative application in Section 2 of the draft Ordinance to avoid a potential future claim that this Ordinance falls under the state B & O tax referendum requirement. If such claim was made and upheld, there is the potential of not only losing the revenue, but also having to refund taxes collected.

If passed, what happens next?

Staff would immediately prepare to place this tax on the city-owned utilities. This is a tax on the city business activity and is not, as is in the case of the electrical and phone service providers shown in the customer's bill as a tax pass through. Therefore, the increase would take place on 01 JAN 2013. The revenue figures below are approximate and will vary based on the number of customers on "lifeline" rates.

Assuming that no petition is filed within the statutory time period set forth in Section 2 of the draft Ordinance staff will proceed with implementation. The filing of a referendum petition would delay imposition of the Ordinance and revenue collection.

At the specified tax rate, what is the anticipated revenue to the City?

Based on past stormwater utility revenue, the City can reasonably expect the anticipated 2013 revenue, over 2012 to be \$13,800. The 2014 anticipated revenue increase above the 2013 level is an additional \$13,800.

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-990, increasing the existing service charge rate for the City Stormwater utility.	Agenda Date: December 20, 2012	
	AB12-101	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	City Administrator – Pete Butkus	X
	City Attorney – Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	X
	Public Works – Seth Boettcher	
Cost Impact: Revenue up to \$20,000 in 2013; \$21,800 in 2014.	Economic Devel. – Andy Williamson	X
Fund Source: N/A	Police – Jamey Kiblinger	
Timeline: Effective 01 JAN 2013	Court – Stephanie Metcalf	
	Comm. Dev. – Steve Pilcher	
Attachments: Draft Ordinance No. 12-990		
SUMMARY STATEMENT: <p>The Stormwater rates are proposed to increase from \$13.00 per ERU to \$14.00 per ERU Effective January 3, 2013. The rates are also proposed to increase from \$14.00 per ERU to \$15.00 per ERU in 2014.</p> <p>The proposed increase in the Stormwater Utility service charge rate is in conformance with the 2008 Pac West Engineering rate study which is noted in the draft Ordinance. This increase will address the rate study, inflationary costs, state excise and local utility tax increases.</p> <p>NOTE: The rate study recommended a rate increase to 14.20 per ERU which has been deferred for several years. Just adding two years of utility tax costs increases @ 77 cents per year would support a rate increase of 15.74 per ERU ($14.20 + .77 + .77 = 15.74$) which is below the \$15.00 recommended for 2014 in the proposed Ordinance.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: Finance Committee reviewed at their December 13 meeting and recommends adoption.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-990, an ordinance of the City of Black Diamond, King County, Washington, relating to stormwater utility rates; amending section 14.02.110 of the Black Diamond Municipal Code; implementing a monthly rate increase of one dollar per ERU in 2013 and one dollar per ERU in 2014; providing for severability; establishing an effective date.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-990

**AN ORDINANCE OF THE CITY OF BLACK
DIAMOND, KING COUNTY, WASHINGTON;
RELATING TO STORMWATER UTILITY RATES;
AMENDING SECTION 14.02.110 OF THE BLACK
DIAMOND MUNICIPAL CODE; IMPLEMENTING
A MONTHLY RATE INCREASE OF ONE DOLLAR
PER ERU IN 2013 AND ONE DOLLAR PER ERU IN
2014; PROVIDING FOR SEVERABILITY;
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Black Diamond is a municipal corporation operating under the laws of the state of Washington as a code city pursuant to Chapter 35A of the Revised Code of Washington; and

WHEREAS, as a code city, the legislative body of the City of Black Diamond is vested with all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

WHEREAS, RCW Ch. 35.92 and Ch. 35.67 authorizes the City of Black Diamond to construct, condemn and purchase, acquire, add to, alter, maintain, and operate storm and surface water sewerage systems, and establish the rates therefore; and

WHEREAS, in 2008 the City contracted with PacWest Engineering to perform a stormwater utility rates study for the purpose of, (a) identifying current and projected stormwater utility maintenance, operation and capital costs and needs to ensure that the City can continuing providing adequate stormwater utility services throughout the City and meet its statutory and contractual obligations related thereto, and (b) identifying stormwater utility rates that will adequately fund such existing and projected costs; and

WHEREAS, PacWest worked closely with City staff to establish financial policies and arrive at rate and charge conclusions that meet forecasted utility financial obligations, achieve near term City goals, comply with legal requirements, and adhere to industry best practices; and

WHEREAS, PacWest in its 2008 Stormwater Utility Rate Study recommended monthly stormwater utility rates in the amount of \$13.00 per ERU for year 2009, \$13.60 for 2010, and \$14.20

for year 2011, in order to generate enough revenue to maintain a self-supporting and financially viable stormwater utility; and

WHEREAS, on November 6, 2008 the City Council of Black Diamond adopted Ordinance No. 08-872, creating a storm water utility and establishing rates and charges applicable thereto, which rates and charges were codified in Title 14 of the Black Diamond Municipal Code, and more specifically at BDMC 14.02.110 and were consistent with the recommendation set forth in the PacWest rate study; and

WHEREAS, although the City Council, in adopting Ordinance No. 08.872, found that the rate structure and rates were fair, just and non-discriminatory, the City Council in 2009 determined that the full amount of the recommended rates and rate increases would have a detrimental impact upon business in the City that were experiencing a hardship resulting from the long-term closure of the Green River Bridge and the severe economic recession; and

WHEREAS, on April 23, 2009, the City Council adopted Ordinance No. 09-901 which ordinance implemented a reduction in the monthly stormwater rates for 2009 from \$13.00 per ERU to \$10.00 per ERU, and implementing a monthly stormwater rate of \$11.50 per ERU for year 2010 and \$13.00 per ERU for 2011; and

WHEREAS, the current monthly stormwater utility rate of \$13.00 per ERU is less than the maximum rate per ERU of \$14.20 recommended by PacWest in the 2008 rate study for the year 2011; and

WHEREAS, the City Council has determined that the current monthly stormwater utility rates are insufficient to fund the on-going maintenance, operational and capital costs of the stormwater utility; and

WHEREAS, in addition, the stormwater utility operational costs will increase on January 1, 2013 and again on January 1, 2014 as a result of passage of an ordinance increasing stormwater utility taxes upon gross revenues from 6 percent to 12 percent on January 1 2013 and from 12 percent to 18 percent on January 1, 2014; and

WHEREAS, the increase in stormwater utility operational costs resulting from the above described utility tax increases was not contemplated or included within the rate calculations by PacWest, and

WHEREAS, City of Black Diamond Finance Director has determined that the additional unanticipated stormwater utility operational costs resulting from the tax increase can be funded through a monthly rate increase in year 2013 of seventy-seven cents per ERU and a monthly rate increase in year 2014 of seventy-seven cents per ERU; and

WHEREAS, the City Council desires to adjust the stormwater utility rates to take into account the additional operational costs resulting from the stormwater utility tax rate increase and to implement

a portion of the stormwater rate recommended pursuant to the Stormwater Utility Rate Study that has not been previously implemented;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Amendment of BDMC 14.02.110 (Service Rate Charges). Section 14.02.110 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

14.02.110 - Service charge rates.

A. Service charges are hereby imposed on each parcel of real property within the city served by or to which is available for service the stormwater and surface water management utility.

B. The following service charge rate is hereby established for all parcels of real property in the city, subject to any credits as described in subsection (C), below:

~~1. For fiscal year 2009: The rate is amended from thirteen dollars to ten dollars per ERU per month, effective April 1, 2009; provided, customers will receive a credit from the city for the difference in cost for the months of January, February, and March 2009 between the original rate and the new rate.~~

~~2. For fiscal year 2010: Eleven dollars and fifty cents per ERU per month.~~

~~3. For fiscal year 2011: Thirteen (Fourteen) dollars per ERU per month. Effective January 1, 2014, the service charge rate shall increase to fifteen dollars per ERU per month.~~

C. Credits. Where applicable, the following credits may be applied in calculating the service rate for a parcel of real property within the City of Black Diamond:

1. *Department of ecology permit credit.* Any customer within the City of Black Diamond that is required to obtain a general or individual wastewater permit from the Washington State Department of Ecology shall receive a credit, prorated monthly, in the amount paid each year for such permit toward the amount owed to the City of Black Diamond under this chapter. In order to qualify for this credit, the business must provide the city with a copy of the department of ecology permit and proof of payments along with a letter to the city utility clerk requesting the credit.

2. *Storm pond investment credit.* Any customer that is assessed a stormwater utility fee under Section 14.02.070.B.4 and that constructs and has approved by the city a storm water detention/retention facility shall be eligible for a credit

toward the storm water utility rate for the site served by the facility, subject to the following:

(a) To qualify for a credit, the detention/retention pond and associated facilities must adequately perform storm water treatment functions through the use of such methods as oil/water separators, bioswales, wet ponds, cartridge filter systems, or other means. The city may revoke any credit granted under this section upon a determination that the facilities are out of compliance with this section.

(b) The owner of record must provide the city's public works department with a copy of the facility's "as built" plans, stamped and signed by the owner's engineer, to verify that the drainage system has adequate capacity to meet the design criteria for which the owner is requesting a credit. The engineer shall also provide a stamped and signed operations manual for the retention/detention pond. New capacity calculations, "as built" plans, and a new operations manual shall be provided to the city if the retention/detention pond is increased or decreased in size.

(c) Annually by January 1 of the year preceeding the year for which the credit is being requested, each owner of record shall provide a certified statement on a form provided by the city verifying that all required maintenance has been performed in accordance with the operations manual. Once every five years, the certified statement shall be stamped and signed by the owner's engineer.

(d) The owner of record shall provide the city with a "hold harmless" statement on a form provided by the city that indemnifies the city from any loss arising from the construction and maintenance and operation of the retention/detention pond and associated private drainage facilities for both the quantity and quality of water runoff from the owner's property. This statement shall be signed by the owner and will be recorded with the county auditor by the owner of record. The owner of record shall provide a copy to the city showing the county auditor's recording number stamped on it before the credit will be given by the city.

(e) Each owner of record must enter into an agreement that allows the city to enter upon the owner's property to inspect the retention/detention pond and associated drainage facilities and verify all information submitted by the owner and his or her engineer. The agreement shall be on a form provided by the city and shall be recorded with the county auditor by the owner. The owner shall provide a copy to the city showing the county auditor's recording number stamped on it before the credit will be given by the city.

(f) Credit shall be given as follows:

(1) *Retention facilities:*

- a. One hundred-year storage: Eighty-five percent credit.
- b. Fifty-year storage: Forty percent credit.
- c. Twenty-five-year storage: Twenty percent credit.
- d. Ten-year storage: Ten percent credit.

(2) *Detention facilities:*

- a. One hundred-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Eighty-five percent credit.
- b. Fifty-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Forty percent credit.
- c. Twenty-five-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Twenty percent credit.
- d. Ten-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Ten percent credit.

Section 2. Effective Date. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 3. Severability. If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF DECEMBER, 2012.

Mayor, Rebecca Olness

Attested:

Brenda L. Martinez,
City Clerk

APPROVED AS TO FORM:

Chris Bacha
Kenyon Disend, PLLC
City Attorney

Published: _____
Posted: _____
Effective Date: _____

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-991, establishing permit fees for special events.	Agenda Date: December 20, 2012	
	AB12-102	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	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: \$1000 or more revenue in 2013	Police – Jamey Kiblinger	
Fund Source: To the General Fund	Court – Stephanie Metcalf	
Timeline: Effective 5 days after publication	Comm. Dev. – Steve Pilcher	
Attachments: Proposed Ordinance No. 12-991; Ordinance No. 07-834		
SUMMARY STATEMENT: <p>Section 2.59.050 of the City Code needs to be amended to establish the authority for special event permit fees as a part of the 2013 Budget process.</p> <p>Actual establishment of the fee would be by Resolution and is planned to be brought to the Council in early 2013.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: N/A		
RECOMMENDED ACTION: MOTION, to adopt Ordinance No. 12-991, amending Section 2.59.050 of the Black Diamond Municipal Code authorizing special event permit fees to be set by resolution; providing for severability; and establishing an effective date.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-991

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO SPECIAL EVENT
PERMITS; AMENDING SECTION 2.59.050 OF THE
BLACK DIAMOND MUNICIPAL CODE; AUTHORIZING
SPECIAL EVENTS PERMIT FEES TO BE SET BY
RESOLUTION; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Black Diamond is preparing to finalize its 2013 Budget; and

WHEREAS, a part of the budget process is the adjustment of existing fees and charges as well as the imposition of new fees and charges for certain activities or actions; and

WHEREAS, the Existing Section 2.59.050 of the BDMC needs to be amended to implement some contemplated fees or charges for the purpose of allowing recovery of a portion of the costs of issuance of a special event permit and regulation of special event activities;

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

Section 1. Section 2.59.050 of the Black Diamond municipal code is hereby amended to read as follows:

2.59.050 - Fees.

Fees for special event permits shall be established by resolution. Failure to obtain a special event permit, however, shall be a civil infraction.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect 5 days after publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 20TH DAY OF DECEMBER, 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:

City of Black Diamond, Washington

ORDINANCE NO. 07-834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADOPTING A NEW CHAPTER 2.59 TO THE BLACK DIAMOND MUNICIPAL CODE REGARDING SPECIAL EVENT PERMITS

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to protect the public's health, welfare and safety by adopting policies regarding special events being held in the City of Black Diamond; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. There is hereby added a new section 2.59 to the Black Diamond Municipal Code which shall read as follows:

2.59 Special Event Permits

2.59.010 Definitions.

1. "Public property" shall mean all property owned by any public entity, well as public waters, or on a public right-of-way.

2. "Special Events" include any event, that is not otherwise permitted by the underlying zoning code, which is to be conducted on public property or private property which would have a direct significant impact on traffic congestion; or traffic flow to and from the event over public streets or rights-of-way; or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of 100 or more people are each presumed to be an event that will have a direct significant impact on the public streets, rights-of-way or emergency services. Special events might include, but not be limited to, fun runs, roadway foot races, fundraising walks, auctions, bikeathons, parades, boat races, regattas, carnivals, shows or exhibitions, filming/movie events, circuses, block parties, markets, sporting events and fairs. Special events shall also include a use of property that meets all of the following criteria: 1) the use will occur on private property that will be included in a master plan community; and 2) the use is directly and solely related to the preparation or processing of an application for a master plan community, such as temporary office space for personnel that are preparing or processing the application; and 3) the use is solely for employees or consultants of the property owner or master plan community permit applicant; and 4) the use is temporary.

2.59.020 Permit required.

(1) No person or organization shall conduct a special event that affects the customary and ordinary use of public streets, rights-of-way, sidewalks and publicly owned property, i.e., parks or lakes, without first having obtained a special event permit from the city of Black Diamond.

(2) A special event permit is not required for the following:

(a) Parades, athletic events or other special events that occur exclusively within the City and are sponsored or conducted in full by the city of Black Diamond. An internal review process will be conducted for these events;

(b) Funerals and weddings;

(c) Groups required by law to be so assembled;

(d) Gatherings of 50 or fewer people in a city park, unless merchandise or services are offered for sale or trade;

(e) Temporary sales conducted by businesses on the business premises, such as holiday sales, grand opening sales, or anniversary sales; or

(f) Garage sales and rummage sales conducted no more than 4 times per year at a residence.

2.59.030 Permit Application.

(1) An application for a special event permit can be obtained at the office of the city clerk and will be completed and submitted to the city clerk no later than 30 days prior to the proposed event. A completed application does not constitute approval of the permit.

(2) A waiver of application deadline shall be granted upon a showing of good cause or at the discretion of the city clerk (risk manager). The city clerk shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other city services for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and that the event is for the purpose of exercising the right of free speech.

(3) The following information shall be provided on the special event permit application: purpose of the special event; name, address and telephone number of the sponsoring organization and/or individual(s); proposed date of event, location and hours of operation, schedule of events, estimated attendance, special facility requirements, city assistance required, and such other information as the city deems reasonably necessary to determine that the permit meets the requirements of this chapter and to determine the impacts and mitigation measures that are necessary to protect the public health, safety and welfare.

2.59.040 Approval.

Based on the type of event and the event to which city services will be required, approval of special event permit applications will be made by the following authorities:

(1) Approval by City Staff. The City Administrator shall be responsible for issuing the Special Events Permit for one-day events occurring on a single site.

(2) Approval by City Council. The City Council shall be responsible for approving all Special Events Permits except those delegated to the City Administrator in the previous

subsection. A public hearing is required prior to the approval of a special event involving uses on a property that will be included within a master plan community.

(3) The city council will be notified of all special event approvals made by the city staff.

(4) If permits and/or coordination is required from other agencies, i.e., Community Transit, Department of Transportation, etc., these must be submitted prior to the issuance of the permit.

2.59.050 Fees.

There is no fee for a special event permit. Failure to obtain a special event, however, shall be a civil infraction.

2.59.060 Departmental analysis.

(1) The city clerk will send copies of special event permit applications to all pertinent city departments for review and determination of services required.

(2) The applicant is required to contract with the City in order to provide for such police and fire protection as is determined necessary for security, public safety and traffic control.

(3) Cost of city services, i.e., police, fire, public works employees, etc. for special events will be estimated prior to the event. Additional costs incurred will be evaluated following the completion of the event. The city may in its discretion require a cash deposit for such costs.

2.59.070 Insurance required.

The applicant is required to obtain and present evidence of comprehensive liability insurance naming the city of Black Diamond as an additional insured for use of streets, public rights of way and publicly owned property such as parks or lakes. The insurance requirement is a minimum of \$1,000,000 for individual incidents, \$2,000,000 aggregate, per event, against all claims arising from permits issued pursuant to this chapter. A certificate of insurance shall be required naming the city as an additional insured and indemnifying the city, its officers, employees and agents from all causes of action, claims or liabilities occurring in connection with the permitted event. In circumstances posing an unusual risk of liability the city may, in its discretion, increase the minimum insurance requirements.

2.59.080 Denial of permit.

Reasons for denial of a special event permit include, but are not limited to:

(1) The event will disrupt traffic within the city of Black Diamond beyond practical solution;

(2) The event will protrude into the public space open to vehicle, boat or pedestrian travel in such a manner as to create a likelihood of endangering the public;

(3) The event will interfere with access to emergency services;

(4) The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents;

(5) The event will require the diversion of so many city employees that it would unreasonably affect other city services;

- (6) The application contains incomplete or false information;
- (7) The applicant fails to provide proof of insurance;
- (8) The applicant fails to obtain a city business license and/or fails to pay the special event permit fee;
- (9) The event would violate current zoning requirements, and the permit cannot be conditioned in such a way as to eliminate adverse impacts on City services and surrounding properties.
- (10) The applicant has not made adequate provisions to ensure that the health and safety of participants in, and spectators of, such special event will not be unduly endangered;
- (11) The applicant fails to obtain local, county, state and federal permits as required.

2.59.090 Appeal.

The applicant has the right to appeal any denial of a special events permit to the city council.

2.59.100 Sanitation.

(1) A special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. The permittee is required to clean all permitted public and private properties and the right-of-way of rubbish and debris, returning it to its pre-event condition.

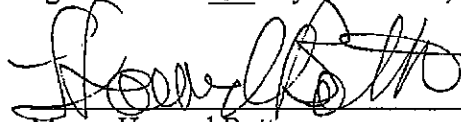
(a) If the permittee fails to clean up such refuse, the clean-up will be arranged by the city and the costs charged to the permittee.

(2) A special event permit may be issued only after adequate restroom and washroom facilities have been identified and arranged for or obtained by the applicant subject to the King County health district's review and certification process.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

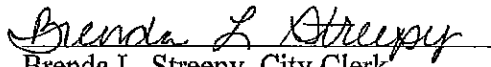
Section 3. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Passed by the City Council at a meeting held on the 18 day of October, 2007.



Mayor Howard Botts

Attest:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 10-23-07
Posted: 10-19-07
Effective Date: 10-28-07

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-992, modifying existing law on parking at the Lake Sawyer boat launch.	Agenda Date: December 20, 2012	
	AB12-103	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	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: Cost of publication	Police – Jamey Kiblinger	
Fund Source: General Fund	Court – Stephanie Metcalf	
Timeline: Effective 01 JAN 2013	Comm. Dev. – Steve Pilcher	
Attachments: Draft Ordinance No. 12-992 (redline and clean versions); RCW's 46.04.320 & 46.04.620		
SUMMARY STATEMENT: <p>This Ordinance is a part of the 2013 Budget process. As we will be modifying the vehicle parking fees at the Lake Sawyer Boat Launch, the underlying Ordinance also needs to be changed. Actual fee setting will occur as a part of the annual review of fees in early 2013 and will be established or modified by Resolution.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-992, amending Black Diamond Municipal Code 10.04.100 relating to payment of parking fee or annual pass; and establishing an effective date.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-992

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AMENDING BLACK DIAMOND
MUNICIPAL CODE 10.04.100 RELATING TO PAYMENT
OF PARKING FEE OR ANNUAL PASS; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Black Diamond City Council wishes to amend Section 10.04.100 of the vehicle and traffic code to define “vehicle” and to establish new fees for payment of a parking fee or annual pass for Lake Sawyer Boat Launch; and

WHEREAS, the City Council considers the adoption of this Ordinance to be in the best interests of the City and in furtherance of the public health, safety, and welfare;

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

Section 1. Amendment of BDMC 10.04.100 (Payment of parking fee or annual pass required). Section 10.04.100 of the Black Diamond Municipal Code shall be amended to read as follows (in legislative format for clarity):

10.04.100 - Payment of parking fee or annual pass required.

A. A vehicle for the purpose of this section is defined as:

1. A motor vehicle as defined in RCW 46.04.320 as now or hereafter amended;
2. Boat trailer is defined as a trailer under RCW 46.04.620 as now or hereafter amended and is designed or used to haul or transport any motorized or non-motorized watercraft;
3. A motor vehicle with a boat trailer attached;
4. A boat trailer, without an attached vehicle.

B. A vehicle (with a with a boat trailer) may park in the City of Black Diamond at Lake Sawyer Boat Launch Park on SE 296th Street only if the required parking fee is paid in advance or the vehicle prominently displays, in the manner directed by the city, a current, valid annual parking pass that has been issued for that vehicle. Failure to pay the vehicle (with boat

~~trailer~~) parking fee as required herein or clearly display a current, valid annual parking pass issued for that vehicle is a civil infraction subject to a one hundred dollar civil penalty.

(B.)C. Parking fee. A daily fee shall be paid in advance for each vehicle ~~(with a boat trailer)~~ parking at Lake Sawyer Boat Launch Park. The fee shall be established by Resolution of the city council. ~~(be five dollars. Future daily parking fee rates will be established by a resolution of the city council.)~~ The city will provide a pay station in which the fee shall be deposited. Payment of the fee will entitle the vehicle to be parked for a continuous twelve-hour period in a single calendar day, subject to such park hours of operation and closure as are prescribed by the city. If a vehicle leaves the parking area and then returns, another parking fee shall be paid in full.

(C.)D. Annual pass.

1. In lieu of paying the daily parking fee set forth above, an annual parking pass may be purchased from the city for a specific vehicle ~~(with a boat trailer)~~ and prominently displayed on such vehicle, in the manner directed by the city, while the vehicle is parked at Lake Sawyer Boat Launch Park.

2. Duration. An annual pass will be valid until December 31st of the year in which it is issued.

3. Fee. An annual pass ~~(for vehicle)~~ for vehicle ~~(with boat trailer)~~ parking will be issued for a vehicle upon payment of the appropriate annual pass fee. The fee shall be established by resolution of the city council and may include a fee for replacement of lost or stolen passes.

~~(sixty dollars per vehicle year, thirty five dollars per vehicle per year for senior citizens sixty five years of age and older, and thirty five dollars per vehicle per year for persons with a valid State of Washington disabled vehicle permit. A ten dollar replacement fee will be charged to replace a lost or stolen pass or to change the vehicle to which it will apply. Future fee rates for the annual pass will be established by a resolution of the city council.)~~

4. Proof of identity. A person must prove they are the registered or legal owner of the vehicle by showing identification and registration at the time of purchase of the annual pass.

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 20TH DAY OF DECEMBER, 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:

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 12-992

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, AMENDING BLACK DIAMOND MUNICIPAL CODE 10.04.100 RELATING TO PAYMENT OF PARKING FEE OR ANNUAL PASS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Black Diamond City Council wishes to amend Section 10.04.100 of the vehicle and traffic code to define “vehicle” and to establish new fees for payment of a parking fee or annual pass for Lake Sawyer Boat Launch; and

WHEREAS, the City Council considers the adoption of this Ordinance to be in the best interests of the City and in furtherance of the public health, safety, and welfare;

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

Section 1. Amendment of BDMC 10.04.100 (Payment of parking fee or annual pass required). Section 10.04.100 of the Black Diamond Municipal Code shall be amended to read as follows:

10.04.100 - Payment of parking fee or annual pass required.

A. A vehicle for the purpose of this section is defined as:

1. A motor vehicle as defined in RCW 46.04.320 as now or hereafter amended;
2. Boat trailer is defined as a trailer under RCW 46.04.620 as now or hereafter amended and is designed or used to haul or transport any motorized or non-motorized watercraft
3. A motor vehicle with a boat trailer attached;
4. A boat trailer, without an attached vehicle.

B. A vehicle may park in the City of Black Diamond at Lake Sawyer Boat Launch Park on SE 296th Street only if the required parking fee is paid in advance or the vehicle prominently displays, in the manner directed by the city, a current, valid annual parking pass that has been issued for that vehicle. Failure to pay the vehicle parking fee as required herein or

clearly display a current, valid annual parking pass issued for that vehicle is a civil infraction subject to a one hundred dollar civil penalty.

C. Parking fee. A daily fee shall be paid in advance for each vehicle parking at Lake Sawyer Boat Launch Park. The fee shall be established by Resolution of the city council. The city will provide a pay station in which the fee shall be deposited. Payment of the fee will entitle the vehicle to be parked for a continuous twelve-hour period in a single calendar day, subject to such park hours of operation and closure as are prescribed by the city. If a vehicle leaves the parking area and then returns, another parking fee shall be paid in full.

D. Annual pass.

1. In lieu of paying the daily parking fee set forth above, an annual parking pass may be purchased from the city for a specific vehicle and prominently displayed on such vehicle, in the manner directed by the city, while the vehicle is parked at Lake Sawyer Boat Launch Park.

2. Duration. An annual pass will be valid until December 31st of the year in which it is issued.

3. Fee. An annual pass for vehicle parking will be issued for a vehicle upon payment of the appropriate annual pass fee. The fee shall be established by resolution of the city council and may include a fee for replacement of lost or stolen passes.

4. Proof of identity. A person must prove they are the registered or legal owner of the vehicle by showing identification and registration at the time of purchase of the annual pass.

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 20TH DAY OF DECEMBER, 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:



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[RCWs](#) | [Title 46](#) | [Chapter 46.04](#) | [Section 46.04.320](#)

[46.04.310](#) << 46.04.320 >> [46.04.330](#)

RCW 46.04.320 Motor vehicle.

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Motor vehicle" includes a neighborhood electric vehicle as defined in RCW [46.04.357](#). "Motor vehicle" includes a medium-speed electric vehicle as defined in RCW [46.04.295](#). An electric personal assistive mobility device is not considered a motor vehicle. A power wheelchair is not considered a motor vehicle. A golf cart is not considered a motor vehicle, except for the purposes of chapter [46.61](#) RCW.

[2010 c 217 § 1; 2007 c 510 § 1. Prior: 2003 c 353 § 1; 2003 c 141 § 2; 2002 c 247 § 2; 1961 c 12 § [46.04.320](#); prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Effective date -- 2007 c 510: "This act takes effect August 1, 2007." [2007 c 510 § 6.]



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[RCWs](#) | [Title 46](#) | [Chapter 46.04](#) | [Section 46.04.620](#)

[46.04.611](#) << 46.04.620 >> [46.04.621](#)

RCW 46.04.620 Trailer.

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof.

[1974 ex.s. c 76 § 3; 1961 c 12 § [46.04.620](#). Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date: December 20, 2012	AB12-104
Ordinance No. 12-993, amending the 2012 Budget Ordinance 11-972, 12-021 and 12-976 to reflect changes in revenues and expenditures.	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –Pete Butkus	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	X
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
	Police – Jamey Kiblinger	
Cost Impact: Decrease \$84,512	Court – Stephanie Metcalf	
Fund Source: Various	Comm. Dev. – Steve Pilcher	
Timeline:		
Attachments: Ordinance No. 12-993 and Detail Worksheets		
<p>SUMMARY STATEMENT:</p> <p>Washington State Law requires that municipal budgets be amended by the City Council when expenditures are higher than budgeted amounts, or when budget authority is exhausted from any particular fund or when carry-over Projects need to be added to the current year budget. The Law does not require budget amendments for reductions, but those adjustments are included as it makes clearer reporting and preparation of trend information.</p> <p>This technical housekeeping budget change is the last adjustment for 2012 and is a net reduction totaling \$84,512. The Budget Change is a technical housekeeping adjustment to adjust individual projects or accounts, primarily in Capital Project funds.</p> <p>The General Fund includes a net budget increase of \$108,817 which includes \$50,000 for potential Hearing Examiner costs relating to the SEPA Appeal, plus \$12,025 for Town hall meeting expense, Legal costs for Declaratory Judgment and Community Facility District costs. The \$50,000 Budget for the Hearing Examiner SEPA costs is an estimate and only the actual billed amount will be paid. Any budgeted amount saved will be added to the 2012 Ending Fund Balance.</p> <p>Also included is the Police Federal Marine Grant for \$21,074, plus the Tough Mudder reimbursement for Police overtime of \$16,163 and the King County Cemetery Grant of \$2,500 for the water line at the cemetery. This budget change also includes miscellaneous other revenue increases and other related increases and decreases. Also included is the \$201,325 refund of the duplicate MPD application fees with the related reduction of the Yarrow Bay Ending fund balance.</p> <p>Other funds include the King County Aquatic Weed Grant as well as the FEMA and insurance reimbursements related to last winter's Storm Damage. Budget changes to the Water Fund of \$25,000 and a correction to the Revenue and Fund Balance in the Water Capital Project. All other Budget changes were corrections due to budgets included in the 2012 Budget Ordinance and also in the April Budget Carry-over Ordinance or for Projects that need to be moved to another fund. All Budget changes are covered by revenue or ending fund balance in each fund.</p>		

COMMITTEE REVIEW AND RECOMMENDATION: Finance committee reviewed the budget changes at their December 13, 2012 meeting and recommends adoption.

RECOMMENDED ACTION: **MOTION to adopt Ordinance No. 12-993, amending the budget for calendar year 2012 as adopted by Ordinance No. 11-972, 12-021 & 12-076 by means of appropriations, adjustments and transfers within various funds in accounts in the 2012 budget.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

ORDINANCE NO. 12-993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING THE BUDGET FOR CALENDAR YEAR 2012 AS ADOPTED BY ORDINANCE 11-972, 12-021 and 12-976 BY MEANS OF APPROPRIATIONS, ADJUSTMENTS AND TRANSFERS WITHIN VARIOUS FUNDS IN ACCOUNTS IN THE 2012 BUDGET

WHEREAS, the amounts of dollars actually received within the accounts of various funds in the 2012 budget vary from the amounts set forth in Ordinance No. 11-972, 12-021 and 12-976;

WHEREAS, it is necessary to make adjustments to those accounts and/or funds by means of appropriation adjustments and transfers to the 2012 Budget; and

WHEREAS, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 2 of Ordinance 11-972, 12-021 and 12-976 is hereby amended with the following additions and reductions:

	December 12-993
Fund Title	
General Fund	108,817
Street Fund	
REET I	
REET II	
General Govt CIP Fund	(291,250)
Public Works CIP Fund	75,555
Water Fund	25,000
Water Supply Facility Fund	(300,000)
Water Capital Fund	296,116
Wastewater Fund	
Wastewater Capital Fund	
Stormwater Fund	
Equipment Replacement Fund	1,250
	\$ (84,512)

Section 2. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

Introduced this 20th day of December, 2012.

Passed by a majority of the City Council at a meeting held on the 20th day of December 2012.

Mayor Rebecca Olness

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney

Published: _____

Posted: _____

Effective Date: _____

December 2012 Budget Amendment Summary

A. Estimated Expenditures by Fund

Fund #	Fund Title	Ordinance 11-972 Budget 2012	April 12-021	June 12-976	December 12-993	Total Budget
Fund 001	General Fund	5,455,415	597,016	56,250	108,817	6,217,498
Fund 101	Street Fund	443,353	17,518			460,871
Fund 104	REET I	454,226	4,139			458,365
Fund 105	REET II	570,625	(42,340)			528,285
Fund 310	General Govt	458,000	565,333		(291,250)	732,083
Fund 320	Public Works	288,782	313,827		75,555	678,164
Fund 401	Water Fund	1,490,874	(30,699)		25,000	1,485,175
Fund 402	Water Supply	422,800	210,462		(300,000)	333,262
Fund 404	Water Capital	682,240	(109,014)		296,116	869,342
Fund 407	Wastewater Fi	864,957	(10,809)			854,148
Fund 408	Wastewater C	852,245	90,378			942,623
Fund 410	Stormwater Fu	468,340	68,275			536,615
Fund 510	Equipment Re	269,670	19,860		1,250	290,780
Total		\$ 12,721,527	\$ 1,693,946	\$ 56,250	\$ (84,512)	14,387,211

Budget Amendment Detail Worksheet - Dec. 20, 2012

Title	REVENUE	EXPENSES
General Fund		0
Town Hall Meeting Expense		800
Legal- Declaratory Judgement		5,925
Legal & Debt advise-Community Fac Dist.		5,300
SEPA-Hearing Examiner Costs		50,000
Tough Mudder-Overtime		4,950
Tough Mudder-Outside Overtime		11,213
Tough Mudder-Overtime Reimbursement	16,163	
Marine Grant Coast Guard-Revenue	21,074	0
Marine Grant Coast Guard-Expenditures		21,074
Comm Development-Reimb Revenue	4,000	0
Comm Development-Reimb Exp		4,000
Police Gun Permit Revenue	900	0
Police L&I Revenue-Reimb	2,430	0
Police Over time-Reimb		3,000
Police Vehicle Repair		4,330
Grade & Clear Permits	3,600	
KC 4 Cultures Grant for Cemetary	2,500	
KC 4 Cultures Grant for Cemetary		2,500
Cemetery Lot Revenue	4,500	
Cemetery Niches Revenue	350	
Cemetery Open/Close Revenue	1,600	
Cemetery Setting Revenue	1,700	
MDRT Vehicles		(36,400)
Developer-Consultant Deposit	50,000	
Refund Duplicate MPD Application		201,325
Sub Total	108,817	278,017
Ending Cash & Investment Bal to \$383,228		(18,175)
Ending C&I Bal-YarrowBay to \$289,570		(151,025)
Sub Total Ending C&I		(169,200)
Total General Fund - 001	108,817	108,817
REET I 104		
Correct Transfer to 310 fund		(1,250)
Correct Transfer to 510 fund		1,250
Total REET I		0
Capital Imp Fund 310		0
Correct Pj from 310 tp 510	(1,250)	0
Correct Pj from 310 tp 510		(1,250)
K/C Aquatic Weed Grant	10,000	
K/C Aquatic Weed Grant		10,000
Correct Ginder Creek land Acq-Duplication	(300,000)	0
Correct Ginder Creek land Acq-Duplication		(300,000)
Total Gen Govt Capt Proj 310	(291,250)	(291,250)
Winter Storm Ins Reimb	5,555	
Winter Storm FEMA Reimb	90,000	0
Winter Storm Expenditures		95,555
Proj. Correction-entered twice	(20,000)	0
Proj. Correction-entered twice		(20,000)
Total Capt Imp Prj 320	75,555	75,555

Water Fund		
Water Fund transfer from Reserve	25,000	
Water Insurance		4,000
Water Fuel		1,500
Vehicle Maintenance		2,500
Shop Maintenance & Repair		1,905
Ending Cash and Investments-to 3 month Reserve		15,095
Total Water Fund 401	25,000	25,000
WSFFA Fund 402		
Springs Task 3- Correction-Duplication	(300,000)	
Springs Task 3-Correction-Duplication		(300,000)
Total WSFFA Fund 402	(300,000)	(300,000)
Water Capital Projects 404		
Adjust Beg Bal to Actual	15,000	
Adjust Revenue Budget to Actual	281,116	
Transfer to Water Operating Fund		25,000
Adjust End Bal to Est Actual-\$533,282		271,116
Total WSFFA Fund 402	296,116	296,116
Internal Service Fund 510		
Correct Pj from 310 tp 510	1,250	
Correct Pj from 310 tp 510		1,250
Total Bldg & Equip Replacement -510	1,250	1,250
Grand Total Budget Change	(84,512)	(84,512)

COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT:		Agenda Date: December 20, 2012 AB12-105	
Ordinance No. 12-994, adopting the 2013 Budget		Department/Committee/Individual	
		Mayor Rebecca Olness	
		City Administrator –	
		City Attorney –Chris Bacha	
		City Clerk – Brenda L. Martinez	
		Finance – May Miller	X
		Public Works – Seth Boettcher	
		Revenue & Cost Impact \$12,845,763	Economic Devel – Andy Williamson
Fund Source: All Funds	Police – Jamey Kiblinger		
Timeline: 2013 Budget	Court – Stephanie Metcalf		
Attachments: Ordinance No. 12-994; Exhibit A 2013 Salary Schedule;2013 Summary Budget Document			
<p>SUMMARY STATEMENT:</p> <p>Per State RCW 35A.21.0793 guidelines, the City of Black Diamond held a public hearing on the 2013 Budget on November 15th and December 3rd, and Council Workstudies on August 16, October 18, November 1, and on November 26, 2012. The Mayor of Black Diamond used the Council and public's input to prepare a balanced budget for 2013.</p> <p>The ordinance adopting the 2013 Budget with the 2013 Salary Schedule A is attached, along with the2013 Budget Summary Document for reference.</p>			
<p>FINANCE COMMITTEE: Reviewed 2013 Budget at the November 29 and December 13, 2012 Finance Committee Meetings and recommends moving forward to the full council for consideration.</p>			
<p>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-994, adopting the 2013 Budget.</p>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
December 20, 2012			

ORDINANCE NO. 12-994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BLACK DIAMOND, KING COUNTY, WASHINGTON,
ADOPTING THE BUDGET FOR CALENDAR YEAR 2013

WHEREAS, the Preliminary Budget was submitted to the City Council by the Mayor on October 1, 2012; and

WHEREAS, the City Council held public hearings on November 15, 2012, and December 3, 2012 and workstudies on August 16, 2012, October 18, 2012; October 29, 2012; November 1, 2012; and November 26, 2012; and

WHEREAS, a copy of the Budget was on file with the City Clerk for examination by the public during the time it was being considered by the City Council; now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The annual budget of the City of Black Diamond for the 2013 calendar year, a copy of which is on file with the City Clerk, is hereby adopted by reference as the annual budget for the City of Black Diamond for calendar year 2013.

Section 2. The total estimated revenue from all sources and expenditures by fund as set forth in the 2013 budget document adopted by reference, are as follows:

Fund Name	Estimated Revenues	Estimated Expenditures
General Fund	5,907,237	5,907,237
Street Fund	404,944	404,944
REET I Fund-General Government	325,875	325,875
REET II Fund-Street Projects	373,502	373,502
Capital Fund-General Government	541,150	541,150
Capital Fund-Street Projects	220,000	220,000
Water Fund	1,428,141	1,428,141
Water Capital Facility Fund	344,976	344,976
Water Capital Fund	859,825	859,825
Wastewater Fund	919,948	919,948
Wastewater Capital Fund	811,546	811,546
Stormwater Fund	436,865	436,865
Stormwater Capital Fund	70,576	70,576
Equipment Reserve Funds	201,178	201,178
	12,845,763	12,845,763

Section 3. This Ordinance shall include the 2013 Salary Schedule as shown in the attachment as Exhibit A.

Section 4. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

Introduced the 20th day of December, 2012.

Passed by a majority of the City Council at a meeting held on the 20th day of December, 2012.

Mayor Rebecca Olness

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney

Published: _____

Posted: _____

Effective Date: _____

City of Black Diamond 2013 Budget Ordinance 12-994 Exhibit "A"

2013 Salary Schedule	Step 1	Step 2	Step 3	Step 4	5 & On
City Administrator	9,253	9,554	10,012	10,374	10,741
Assistant City Administrator	7,954	8,351	8,749	9,147	9,545
Court Administrator	5,833	6,098	6,363	6,628	6,893
Interim Court Administrator	5,252	-	-	-	-
Court Clerk (50% hourly)	18.35	19.89	21.41	22.95	24.47
Exec Dir Econ Dev & Eng Svcs	7,424	7,821	8,219	8,617	9,014
Natural Resources/Parks Director	7,424	7,821	8,219	8,617	9,014
City Attorney	8,080	8,484	8,908	9,354	9,821
City Clerk	7,424	7,821	8,219	8,617	9,014
Deputy City Clerk	4,454	4,766	5,078	5,389	5,700
Finance Director	7,424	7,821	8,219	8,617	9,014
Deputy Finance Director	6,565	6,944	7,323	7,701	8,080
Utility Clerk	3,182	3,447	3,712	3,977	4,242
Senior Accountant 75% (hourly)	25.53	26.82	28.15	29.56	31.04
Accountant 1 Journey (hourly)	16.44	17.26	18.12	19.03	19.98
Administrative Assistant 2	3,182	3,447	3,712	3,977	4,242
Administrative Assistant 1	2,333	2,519	2,704	2,890	3,075
Information Services Manager	6,893	7,291	7,689	8,086	8,484
Police Chief	10,134	10,480	10,899	11,176	11,577
Police Commander	8,177	8,449	8,722	8,994	9,309
Police Sergeant	8,050	8,502	-	-	-
Police Officer	4,890	5,481	6,073	6,663	7,223
Police Records Coordinator	4,454	4,766	5,078	5,389	5,700
Police Clerk 62.5% (hourly)	14.90	16.34	17.78	18.79	20.66
Facilities Equipment Coordinator	4,454	4,766	5,078	5,389	5,700
Human Resources Director	7,424	7,821	8,219	8,617	9,014
Exec Dir Community Development	7,424	7,821	8,219	8,617	9,014
Permit Center Supervisor	5,833	6,098	6,363	6,628	6,893
Permit Technician	4,454	4,766	5,078	5,389	5,700
Compliance Officer	4,454	4,766	5,078	5,389	5,700
Senior Planner	5,301	5,566	5,845	6,137	6,444
Planner	4,454	4,766	5,077	5,389	5,700
Associate Planner	4,438	4,660	4,893	5,138	5,394
Assistant Planner	4,140	4,347	4,564	4,792	5,032
Building Official	6,893	7,291	7,689	8,086	8,484
Parks Department Director	7,424	7,821	8,219	8,617	9,014
Public Works Director	7,424	7,821	8,219	8,617	9,014
Utilities Superintendent	6,893	7,291	7,689	8,086	8,484
Public Utilities Operator	4,666	4,747	4,840	4,932	5,026
Public Works Administrative Asst 3	4,208	4,419	4,640	4,872	5,116
Utility Worker	3,290	3,608	3,926	4,244	4,583
Utility Worker Seasonal (hourly)	13.11	-	-	-	-



CITY OF BLACK DIAMOND 2013 BUDGET SUMMARY

DECEMBER 20, 2012

City of Black Diamond
2013 Budget Summary
December 20, 2012

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CITY OF BLACK DIAMOND

24301 Roberts Drive ~ PO Box 599
Black Diamond, WA 98010

Phone: (360) 886-5700
Fax: (360) 886-2592

December, 2012

Dear Honorable Black Diamond City Council Members and Citizens:

I present to you a balanced budget for 2013. Unlike previous years, it was not possible to preserve all essential core services without using any General Fund balance. Resolution 08-560, Financial Management Policy, recommends that at least 10% of expenditures remains in the fund balance. The presented budget honors that recommendation. A five year forecast showed that we would have a deficit fund balance by 2014. Because of this there were very difficult decisions to be made. Our beginning reserve fund balance is \$426,608. With cuts in expenditures and increases to revenue described later in this letter we will add \$153,331 for a total of \$579,939 fund balance at the end of 2013. Any additional savings or unspent revenue will be put into the Reserve Fund barring any emergencies.

The final 2013 Budget has expected General Fund operating revenue of \$4,476,042 which is an increase of \$35,679. This increase is a result of proposed increases in taxes and fees. The increased revenue was needed to offset our otherwise declining revenues from utility, liquor, gas and sales tax. To increase revenue we intend to increase Cable and Stormwater Utility taxes; increase parking fees at the Boat Launch Park; impose a fee on certain special events; and increase cemetery, tree permit and other permit fees. We expect the entire D.A.R.E. program to be funded by donations.

General Fund expenditures were first projected with all vacant positions filled and with union and non-union COLA and step increases, as well as the elimination of all furlough days. This resulted in an out-of-balance amount of \$732,700. Significant reductions were achieved by continuing to freeze the two vacant police positions. The Court Administrator was cut to four days per week and the previous .5 Court Clerk position to 300 hours per year. The Municipal Court Judge, Prosecutor and Public Defender salaries have been reduced by approximately \$15,000. The City Administrator position was cut to 80% and will remain as a contract employee. After further review, all departments were able to reduce their budgets by an additional \$77,965 but the budget was still out of balance by \$248,783.

Increases to General Fund expenditures include a 3% cost of living adjustment (COLA) for commissioned police officers per the agreement between the Police Guild and the City. Our contract with Fire District #44 calls for a 3% increase in 2013. The City's liability insurance increased by 15%, medical benefits increased by 12% and there was an increase in L&I insurance for the police department. We anticipate more legal fees for the police union contract and an increase in jail rate and time and at least \$12,500 to cover any additional SEPA Appeal/Preliminary Plat costs (Hearing Examiner).

After receiving recommendations from Council and after further staff review the following steps were taken to balance the budget: freeze and layoff two police officers; freeze the Senior Accountant position (60% General Fund); eliminate the Police K-9 program; reduce court security costs; reallocate and cut parks expenditures; discontinue printing and mailing the City newsletter (on-line and limited number of hard copies available) and reduce City Attorney budget. City Council also volunteered to give up their salaries for the year 2013. There will be no non-union step increases other than two eligible public works employees; non-union/non-management will receive a 1% COLA; and furlough days have been reduced from four to two days (August 30; December 24, 2013) for all employees except police and utility workers.

Black Diamond operates three utilities: Water, Sewer and Stormwater, each with its own budget. Due to declining revenue (lack of new hook-ups and more conservation) and declining cash balance, we anticipate a need for a water rate increase in 2013. There will be a Sewer rate increase in 2013 which is strictly a "pass-through" to King County Metro (authorized by Council in 2012). Council has recommended an increase in Stormwater rates in 2013 and 2014 for anticipated utility tax increase and inflation.

In addition to the three utilities, the Public Works Department also manages City streets. The 2013 budget includes projects from the adopted 2013-2018 Capital Improvement Plan, including 288th Street overlay; 5th Avenue water main replacement; intersection improvement at Morgan Street; Boat Launch Improvement; Lake Sawyer Aquatic Weed Management Plan; Ginder Creek easement acquisition; trail projects; and mine hazard assessment study/map. We have applied for a Public Works Trust Fund loan for a regional stormwater pond. The City was fortunate to receive several grants in 2012 which helped fund the Roberts Drive sidewalk (phase 2); improvements to the Public Works shop; and the Equipment Washing Facility, which is near completion.

I want to take this opportunity to thank staff for their assistance in providing this balanced budget. It was not an easy task. Their continued hard work and the support of Council and citizens is greatly appreciated.

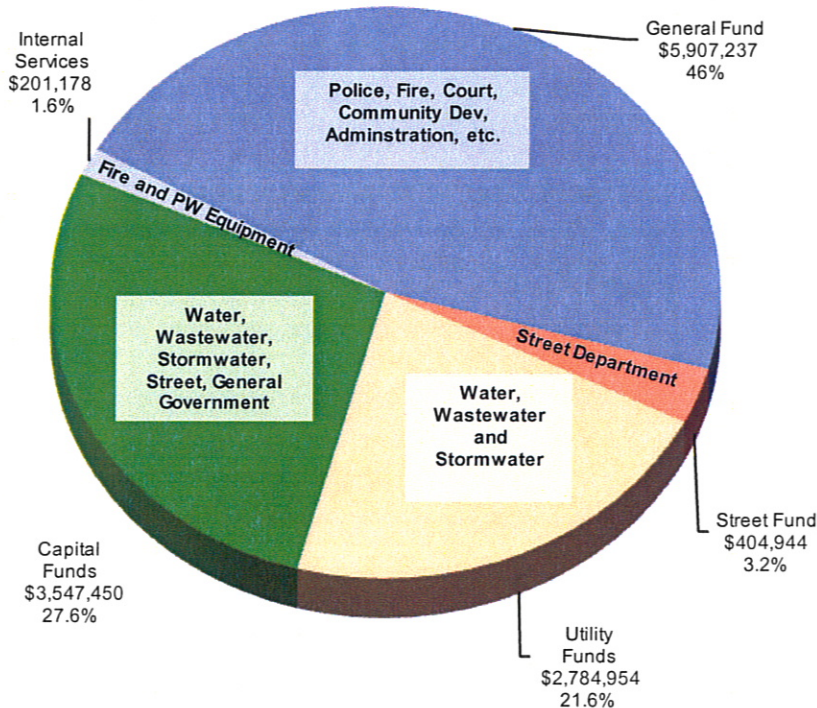


Rebecca Olness, Mayor
City of Black Diamond

All Funds 2013 Budget - Combined Operating Statement

	Beginning Fund Balance	2013 Revenue	Total Sources	2013 Expend- itures	Ending Fund Balance	Total Uses
General Fund 001	672,195	5,235,042	5,907,237	5,081,711	825,526	5,907,237
Special Revenue Fund			-			-
101 Street Fund	258,379	146,565	404,944	238,259	166,685	404,944
Utility Funds						
401 Water Fund	97,428	1,330,713	1,428,141	1,358,870	69,271	1,428,141
407 Sewer Fund	77,449	842,499	919,948	827,962	91,986	919,948
410 Stormwater Fund	80,840	356,025	436,865	345,242	91,623	436,865
Capital Funds						
310 General Government CIP fund	24,000	517,150	541,150	541,150	-	541,150
320 Street CIP Fund	-	220,000	220,000	220,000	-	220,000
402 Water Supply and Facility Fund	119,976	225,000	344,976	225,000	119,976	344,976
404 Water Capital Fund	649,825	210,000	859,825	340,000	519,825	859,825
408 Wastewater Capital Fund	685,766	125,780	811,546	115,000	696,546	811,546
410 Stormwater Capital Fund		70,576	70,576	70,576		70,576
104 REET Fund - General Govt	282,875	43,000	325,875	113,150	212,725	325,875
105 REET Fund - Street Projects	329,002	44,500	373,502	80,000	293,502	373,502
Internal Service Fund 510						
1 Fire Equipment Reserve Fund	-	10,000	10,000	-	10,000	10,000
2 Street Equipment Reserve Fund	140,878	40,300	181,178	41,500	139,678	181,178
3 Police Equipment Reserve Fund		10,000	10,000	10,000	-	10,000
Grand Total All Funds	3,418,613	9,427,150	12,845,763	9,608,420	3,237,343	12,845,763

Total Budget \$12,845,763



2013 Employee Allocations by Funding Source

Positions	Full Time Equivalent (FTE)	Funding Agreement	MDRT Team	General Fund	Street Fund	Water Fund	Sewer Fund	Storm water Fund
Municipal Court								
Court Administrator	0.80			0.80				
Court Clerk -Casual Labor								
Total Court	0.80			0.80				
Administration								
City Administrator (1 frozen & contracted)								
City Clerk/Asst City Administrator	1.00	1.00						
Admin Assistant I	1.00			0.10		0.30	0.30	0.30
Total Administration	2.00	1.00		0.10		0.30	0.30	0.30
City Clerk								
Deputy City Clerk	1.00			0.60	0.04	0.12	0.12	0.12
Total City Clerk	1.00			0.60	0.04	0.12	0.12	0.12
Finance Department								
Finance Director	1.00	1.00						
Deputy Finance Director	1.00	1.00						
Senior Accountant (1 frozen & unfunded)								
Total Finance	2.00	2.00						
Information Services								
Information Services Manager	1.00	1.00						
Total Information Services	1.00	1.00						
Police Department								
Police Chief	1.00			1.00				
Police Commander	1.00			1.00				
Sergeant	2.00			2.00				
Police Officer (4 frozen & unfunded)	4.00			4.00				
Police Records Coordinator	1.00			1.00				
Police Clerk	0.63			0.63				
Total Police Department	9.63			9.63				
Community Development								
Permit Technician Supervisor	1.00	1.00						
Total Community Development	1.00	1.00						
Master Development Review Team (MDRT)								
Executive Director Public Works/MDRT	1.00	1.00						
Exec Dir Community Development	1.00	1.00						
Senior Planner	1.00	1.00						
Senior Accountant	0.75	0.75						
Total MDRT Team	3.75	3.75						
Facilities Department								
Facilities Equipment Coordinator	1.00	1.00						
Total Facilities	1.00	1.00						
Natural Resources/Parks								
Natural Resources/Parks Director	1.00	1.00						
Total Natural Resources/Parks	1.00	1.00						
Public Works								
Public Works Director - Funding	1.00				0.25	0.25	0.25	0.25
Admin Assistant III- Funding	1.00				0.25	0.25	0.25	0.25
Total Funding					-0.50	-0.50	-0.50	-0.50
Utilities Supervisor	1.00			0.04	0.30	0.22	0.22	0.22
Utility Worker	1.00			0.10	0.15	0.25	0.25	0.25
Utilities Operator	1.00			0.10	0.15	0.25	0.25	0.25
Seasonal Help for Parks	0.25			0.11	0.05	0.05		0.04
Total Public Works	5.25	2.00		0.35	0.65	0.77	0.72	0.76
Grand Total Budgeted Positions (FTE's)	28.430	10.75		11.48	0.69	1.19	1.14	1.18
Approved but Frozen/Unfunded (FTE's)	6.0							
Total Authorized Positions (FTE's)	34.43							

General Fund Summary - 2013 Budget

	2012 Budget	2013 Budget	Chg \$ Org- Prel.	Change %
REVENUE				
Property, Sales, Utility and Misc Taxes	2,121,850	2,205,798	83,948	4.0%
Business License, Cable Franchise Fees and Misc.	81,520	83,800	2,280	2.8%
Land Use and Permitting Fees	61,290	70,190	8,900	14.5%
Intergovernmental Revenue	163,111	143,120	(19,991)	-12.3%
Charges for Service	158,013	120,849	(37,164)	-23.5%
Police Grants, Crim Justice & Misc	177,003	164,920	(12,083)	-6.8%
Court Fines and Fees	135,900	105,000	(30,900)	-22.7%
Miscellaneous Revenue	3,100	2,425	(675)	
Subtotal Operating Revenue	2,901,787	2,896,102	(5,685)	-0.2%
YarrowBay Funding Agreement - Preliminary	1,526,680	1,579,940	53,260	3.5%
Total General Fund Operating Revenue	4,428,467	4,476,042	47,575	1.1%
Developer Reimbursement	759,000	759,000	0	0.0%
Grand Total Revenue	5,187,467	5,235,042	47,575	0.9%
Beginning Fund Balance General Government	424,069	426,608	2,539	
Beginning Fund Balance Developer	497,145	245,587	(251,558)	
Total Sources	6,108,681	5,907,237	(201,444)	-3.3%
EXPENDITURES			0	
Executive	14,076	13,686	(390)	-2.8%
Legislative	12,599	2,500	(10,099)	-80.2%
Administration	213,258	260,345	47,087	22.1%
City Clerk	75,308	80,808	5,500	7.3%
Finance	283,110	258,337	(24,773)	-8.8%
Information Services	141,867	144,109	2,242	1.6%
Legal	56,500	62,750	6,250	11.1%
Legal-Prosecuting Attorney	48,000	25,600	(22,400)	-46.7%
Municipal Court	204,319	147,128	(57,191)	-28.0%
Police Department	1,788,860	1,630,407	(158,453)	-8.9%
Fire Department	446,337	458,729	12,392	2.8%
Natural Resources	166,094	169,577	3,483	2.1%
Master Development Review Team	235,231	421,389	186,158	79.1%
Hearing Examiner-SEPA	0	12,500	12,500	
Community Development	301,800	231,437	(70,363)	-23.3%
Economic Development	45,864	8,112	(37,752)	-82.3%
Facilities-staff & Misc	99,821	102,103	2,282	2.3%
Facilities Bldg Mtc-Funding agreement	180,000	180,000	0	0.0%
Animal Control	9,762	8,368	(1,394)	-14.3%
Emergency Management	5,000	5,000	0	0.0%
Parks	69,323	46,989	(22,334)	-32.2%
Cemetery	17,277	15,307	(1,970)	-11.4%
Central Services and Employee Recognition	36,727	37,530	803	2.2%
Total General Fund Operating Expenditures	4,451,133	4,322,711	(128,422)	-2.9%
Developer Expenditures	815,250	759,000	(56,250)	-6.9%
Total Expenditures	5,266,383	5,081,711	(184,672)	-3.5%
Ending Fund Balance General Government	401,403	579,939	178,536	
Ending Fund Balance Developer	440,895	245,587	(195,308)	
Total Uses	6,108,681	5,907,237	(201,444)	
	0	0		

General Fund Ending Fund Balance Forecast

Model C Mayor's Proposed 2013 Budget

	2011	2012	2013	2014	2015	2016	2017	*
General Fund Revenue	Actual	Budget	Budget	Budget	Budget	Budget	Budget	
Property Tax	1,360,491	1,383,500	1,403,648	1,417,684	1,431,861	1,446,180	1,460,642	1%
Other Taxes	771,492	738,350	741,450	763,694	786,604	810,202	834,509	3%
New Cable Utility Tax			46,900	58,030	59,771	61,564	63,411	3%
Stormwater Utility Tax			13,800	28,428	29,281	30,159	31,064	3%
Other Revenue	776,035	779,937	690,304	711,013	732,344	754,314	776,943	3%
MPD Funding Agreement	1,404,173	1,526,680	1,579,940	1,627,338	1,676,158	1,726,443	1,778,236	3%
Total Operating Revenue	4,312,191	4,428,467	4,476,042	4,606,188	4,716,019	4,828,863	4,944,805	

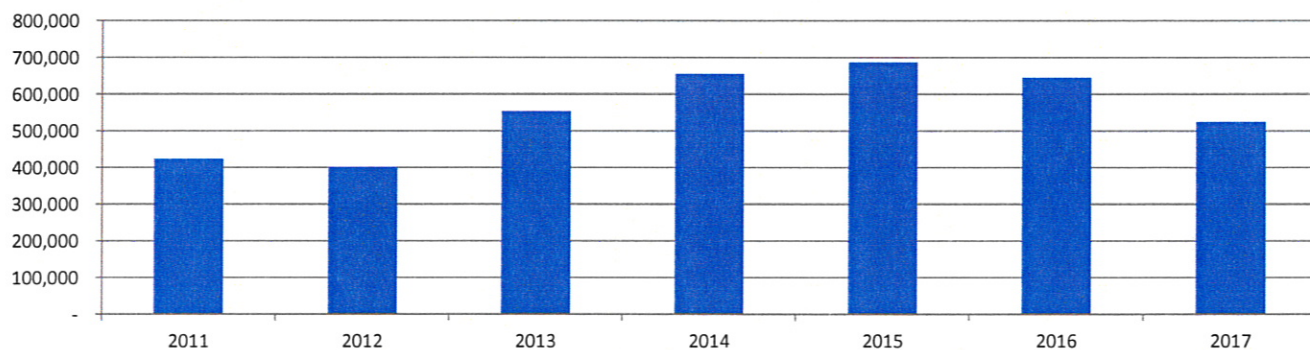
General Fund Spending

Public Safety	2,064,197	2,315,936	2,215,341	2,326,108	2,442,413	2,564,534	2,692,761	5%
Public Safety 2nd Officer			(114,205)	(119,915)	(125,911)	(132,207)	(138,817)	5%
City Council Salary & Benefit				10,908	10,908	10,908	10,908	0%
Other General Fund	2,017,798	2,135,197	2,221,575	2,288,222	2,356,869	2,427,575	2,500,402	3%
Total Operating Spending	4,081,995	4,451,133	4,322,711	4,505,323	4,684,279	4,870,811	5,065,254	

Change in Reserves 230,196 (22,666) 153,331 100,864 31,740 (41,948) (120,449)

Ending Reserves **424,069** **401,895** **555,226** **656,090** **687,831** **645,883** **525,434**
 10.4% 9.0% 12.8% 14.6% 14.7% 13.3% 10.4%

Ending Reserves



* Percentages used from Councils 2013 Budget Suggestions.

Mayor's 2013 Budget Balancing

Budget Summary	
Out of Balance to original 2013 Proposed Budget	(248,783)
Revenue Changes	
Increase Cable Utility Tax from 1% to 6%	46,900
Increase Stormwater Util Tax from 6% to 12%	13,800
Increase Stormwater Util Tax from 12 to 18% in 2004	0
Increase Parks Parking Fees	4,500
Increase Parks Special Event Fees	1,700
Increase Cemetery Fees	400
New Tree Permit Fees	2,000
Increase Permit Fees	3,450
Increase Donations for Dare from 500 to 1000	2,500
Misc. Revenue Increases & Decreases	7,995
Total Revenue Increase	83,245 (165,538)
Expenditure	
Police	
Freeze and layoff one officer	108,574
Freeze and layoff 2nd officer Dec. 31, 2013	114,205
Elimination of K9 Unit	1,801
Reduce Police overtime for Court	15,000
Add back Court Security Officer Costs	(6,807)
Add Legal for Police Contract	(6,000)
Add to Jail budget -rate & Addt'l Jail time	(6,000)
Police L&I Rate Increase	(1,274)
Parks & Cemetery	
Reallocate and cut Parks Expenditures	25,500
See also Revenue Increase of \$4,500	
General Government	
Increase Furlough Days, remove 1% COLA or other savings	
Freeze and take out budget for Sr. Accountant	40,811
Decrease furlough Days from 4 to 2 days	(3,754)
Leave 1% COLA for non Management, non union	0
Paper cost saving w/online Newsletter-no mailing	624
Council Salaries & Benefit elimination (2013 only)	10,908
City Administrator @ 4 days a week Contract	0
Reduce City Attorney Budget to 2012 level	5,250
Take out or reduce Hearing Examiner Costs	12,500
Reallocate costs to Yarrow Bay	0
Misc. Expenditure Changes	7,531
Total Expenditure Changes	318,869
Add to Fund Balance for Next years increases	153,331
Out of Balance	0

2013 Budget Funding Agreement

Version ©

MDRT	FTE	Salaries	Benefits	2,013
1 Exec Dir-EC Dev & Eng Svs	0.85	86,347	33,719	120,066
2 Exec Dir-Comm Development	1.0	107,977	27,563	135,540
3 MDRT Senior Accountant/Adm Asst	0.75	48,345	25,134	73,479
4 Senior Planner	1.0	69,228	20,916	90,144
5 MDRT Total	3.6	311,897	107,332	419,229
6 Core Agreement (254)				
7 City Clerk/Asst City Administrator	1.0	112,528	44,668	157,196
8 Natural Resources/Parks Director	1.0	102,719	44,715	147,434
9 Information Services Manager	1.0	101,025	34,771	135,796
10 Finance Director	1.0	112,528	19,119	131,647
11 Deputy Finance Director	1.0	86,289	23,842	110,132
12 Permit Center Supervisor	1.0	78,799	22,558	101,357
13 Facilities Equipment Coordinator	1.0	69,237	25,462	94,699
14 SubTotal Core Agreement	7.0	663,124	215,137	878,261
15 Subtotal GF Salary and Benefits	10.6	975,022	322,469	1,297,490
16 Maintenance and Operations-Gen Govt.				180,000
17 Maintenance and Operations-MDRT				40,950
18 Total Staff and Building Costs				1,518,440
19 Code Enforcement				16,500
20 MDRT Vehicle Addition				45,000
21 Subtotal Funding Agreement General Fund		975,022	322,469	1,579,940
22 Other MPD Reimbursables				759,000
23 General Fund Funding Total Reimbursement		975,022	322,469	2,338,940
24 *Utilities - Public Works Director	1.00	105,648	43,639	149,287
25 Utilities - Executive Director	0.15	15,238	5,950	21,188
26 Utilities - Admin Assistant III Public Works	1.00	57,461	36,952	94,413
27 Subtotal Utilities Salary & Benefits	2.15	178,347	86,542	264,888
28 Grand Total Funding Agreement	12.8	1,153,368	409,010	2,603,829

City of Black Diamond - Executive

2013 Budget Summary

Executive	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	12,000	12,000	9,000	12,000	0	0.00%
Benefits (2)	972	976	702	986	10	1.02%
Wage & Benefit Subtotal	12,972	12,976	9,702	12,986	10	0.08%
Supplies	14	100	29	100	0	0.00%
Services	582	1,000	215	600	(400)	-40.00%
Total Executive	13,568	14,076	9,946	13,686	(390)	-2.77%

(1) Wages for the Mayor are unchanged for 2013.

(2) Represents mandatory industrial insurance increase.

City of Black Diamond - Legislative

2013 Budget Development Summary

Legislative	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	10,080	10,080	5,040	-	(10,080)	-100.00%
Benefits (2)	38	38	25	-	(38)	-100.00%
Wages & Benefits Subtotal	10,118	10,118	5,065	-	(10,118)	-100.00%
Services (3)	1,759	2,481	1,340	2,500	19	0.77%
Legislative Total	11,877	12,599	6,405	2,500	(10,099)	-80.16%

(1) Council authorized a process for councilmembers to refuse their salaries & benefits for 2013.

(2) Increase represents mandatory industrial insurance increase.

City of Black Diamond - Administration

2013 Budget Summary

Administration	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	111,228	111,654	86,763	112,528	874	0.78%
Benefits (2)	33,161	38,026	31,350	43,816	5,790	15.23%
Wage & Benefit Subtotal	144,389	149,680	118,113	156,344	6,664	4.45%
Supplies	-	-	342	200	200	100.00%
Services (3)	2,958	63,578	(41,661)	103,800	40,222	63.26%
Total Department Cost	147,347	213,258	76,793	260,344	47,086	22.08%

(1) Wages are not increased for administrative personnel. City Administrator position remains frozen and unfunded for 2013. Furlough Days reduced from four to two days. Salaries and benefits are 100% reimbursed through the funding agreement.

(2) Benefits Include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase). Fully funded cost.

(3) Services include \$95,652, the General Fund portion for 4 days a week City Administrator contract for a full year. This cost is not funded by the funding agreement.

City of Black Diamond - Municipal Court

2013 Budget Summary

Municipal Court	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	92,679	89,944	62,814	61,783	-28,161	-31.31%
Benefits (2)	21,334	23,287	15,268	19,058	-4,229	-18.16%
Wages & Benefits Subtotal	114,014	113,231	78,082	80,841	-32,390	-28.61%
Supplies (3)	49,356	54,438	(10,429)	48,717	-5,721	-10.51%
Services (4)	29,440	36,650	16,894	17,570	-19,080	-52.06%
Municipal Court Total	180,045	186,319	77,047	132,128	-54,191	-29.09%
Public Defender Total	12,765	18,000	7,500	15,000	-3,000	-16.67%

(1) Wages include a 1% Cola and Reduction to 80% time for the Court Administrator. Part-time reduced to 300 hours.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase), together with reductions from full time to 80% time for the Court Administrator.

(3) Supplies-operating supplies.

(4) Services include telephone, security, court interpreters, witness costs as well as printing of forms, insurance and credit card processing costs for receiving court payments.

City of Black Diamond - City Clerk

2013 Budget Summary

City Clerk	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	35,496	35,635	27,743	36,275	640	1.80%
Benefits (2)	16,337	18,165	13,906	19,249	1,084	5.97%
Wage & Benefit Subtotal	51,833	53,800	41,649	55,524	1,724	3.20%
Supplies	571	200	199	250	50	25.00%
Services (3)	16,601	21,308	-12,076	25,035	3,727	17.49%
City Clerk Total	69,005	75,308	29,773	80,809	5,501	7.31%

(1) Wages include 1% Cola increase and two Furlough Day deductions. Salaries & Benefits represent 60% of the Deputy City Clerk and 10% of the Administrative Assistant.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase).

(3) Services include \$5,500 2012 Special Elections costs plus \$11,600 for 2012 General election costs all paid in 2013 and \$4,000 for a city code update.

City of Black Diamond - Finance

2013 Budget Summary

Finance	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	216,556	221,179	158,796	198,817	(22,362)	-10.11%
Benefits (2)	44,605	52,231	28,674	42,965	(9,266)	-17.74%
Wage & Benefit Subtotal	261,161	273,410	187,470	241,782	(31,628)	-11.57%
Supplies	536	600	212	400	(200)	-33.33%
Services (3)	12,185	9,100	7,282	16,155	7,055	77.53%
Finance Total	273,882	283,110	194,964	258,337	(24,773)	-8.75%

(1) Wages include 1% Cola increase for non management and two Furlough Days deducted. Finance Director and Deputy Finance Director salary and benefits 100% reimbursed through the funding agreement. Reduction due to frozen unfunded 3/4 Sr. Accountant position.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase)

(3) 2013 costs increase due to the semi annual audit.

City of Black Diamond - Information Services

2013 Budget Summary

Information Services	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	98,868	99,248	77,507	101,025	1,777	1.79%
Benefits (2)	33,255	33,459	24,774	34,791	1,332	3.98%
Wage & Benefit Subtotal	132,123	132,707	102,281	135,816	3,109	2.34%
Supplies	253	300	23	300	0	0.00%
Services (3)	7,192	8,860	3,941	7,994	-866	-9.78%
Information Services Total	139,567	141,867	106,245	144,110	2,243	1.58%

(1) Wages include 1% Cola increase and two Furlough Days deducted. Salaries & Benefits are 100% reimbursed through the Funding Agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase)

All benefits are 100% fully funded through the Funding Agreement.

(3) Services include \$2,000 for IS training on new products and \$2,500 professional services assistance.

City of Black Diamond - Legal

2013 Budget Summary

Legal	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Legal Services - All (1)	55,479	56,500	40,491	62,750	6,250	11.06%
Declaratory Judgement & Capital Facilities Cost	-	-	14,212	-	-	-
Legal Total	55,479	56,500	54,702	62,750	6,250	11.06%
Prosecutor						
Prosecuting Attorney (2)	48,200	48,000	30,400	25,600	-22,400	-46.67%

(1) Legal Services in these areas include a 4% increase. NOTE: The rate has remained steady during 2011 so the increase is over a three-year period.

(2) Prosecuting Attorney fees reduced from \$4,000 a month to \$2,000 a month in 2013.

City of Black Diamond - Central Services

2013 Budget Summary

Central Services	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Supplies (1)	5,151	9,700	4,931	5,476	-4,224	-43.55%
Services (2)	27,489	23,927	14,139	30,754	6,827	28.53%
KC Mental Health	1,012	3,100	895	1,300	-1,800	-58.06%
Central Services Total	33,652	36,727	19,965	37,530	803	2.19%

(1) Supplies include \$3,500 for postage & \$2,253 for General Insurance, supplies for all Departments.

(2) Services include city wide memberships such as Suburban Cities, AWC, Software maintenance, Banking costs, newsletter costs, postage & printing of vouchers, checks & receipts.

City of Black Diamond - Facilities
2013 Budget Summary

Facilities	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	68,152	68,019	52,622	69,236	1,217	1.79%
Benefits (2)	21,864	23,141	16,822	25,482	2,341	10.12%
Wage & Benefit Subtotal	90,016	91,160	69,445	94,719	3,559	3.90%
Supplies (3)	2,685	4,650	1,491	3,100	-1,550	-33.33%
Services (4)	2,602	4,011	2,463	4,284	273	6.81%
Total Facility Costs	95,302	99,821	73,399	102,103	2,282	2.29%

(1) Wages include 1% Cola increase and two Furlough Days deducted. Salaries & Benefits are 100% reimbursed through the Funding Agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase)

(3) Supplies include fuel & tools.

(4) Services include vehicle costs.

Yarrow Bay Facility Cost	Actual	Budget	Actual thru August	Budget Request	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Yarrow Bay Facility Cost (1)	183,433	180,000	143,030	180,000	0	0.00%
Total YB Facility Costs	183,433	180,000	143,030	180,000	0	0.00%

(1) Yarrow Bay facilities costs includes rental of land & buildings, modules, utilities, maintenance and of general facility costs at City Hall site. These costs are 100% reimbursed through the Funding Agreement.

City of Black Diamond - Animal Control & Emergency Management

2013 Budget Summary

Animal Control	Actual	Budget	Actual thru August	Budget	Budget Request Increase (Decrease)	Budget Request Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Animal Control Prof Svcs	15,663	9,762	11,988	8,368	(1,394)	-14.28%
Animal Control Total	15,663	9,762	11,988	8,368	(1,394)	-14.28%

Emergency Management	Budget		Actual thru August	Budget Request	Budget Request	Budget Request
	2012		2012	2013	2013	2013
Emergency Management Training	270	-	89	2,500	2,500	100.00%
EMS MGMT Operating Supplies	233	5,000	45	2,500	(2,500)	-50.00%
Emergency Management Total	502	5,000	134	5,000	-	0.00%

City of Black Diamond - Police Department

2013 Budget Summary

Police Department	Actual 2,011	Budget 2012	Actual thru August 2012	Budget 2013	Budget Increase (Decrease) \$	Budget Increase (Decrease) %
Operating						
Wages (1)	969,316	1,017,356	767,443	907,841	-109,515	-10.76%
Benefits (2)	337,094	362,964	263,537	338,129	-24,835	-6.84%
Wages & Benefits Subtotal	1,306,410	1,380,320	1,030,979	1,245,970	-134,350	-9.73%
Supplies (3)	52,599	58,400	44,981	57,650	-750	-1.28%
Services (4)	78,872	81,166	84,648	88,690	7,524	9.27%
Police Operating Total	1,437,881	1,519,886	1,160,609	1,392,311	-127,575	-8.39%
Communication						
Communication Expense (5)	97,652	147,425	96,806	122,100	-25,325	-17.18%
Safety Equip.						
Safety Equipment	2,287	3,000	940	1,000	-2,000	-66.67%
Jail						
Jail Expense	18,153	28,000	10,203	29,300	1,300	4.64%
Police Facilities						
Police Facilities	20,569	19,995	20,603	23,298	3,303	16.52%
Civil Service						
Civil Service	1,757	2,660	2,021	2,550	-110	-4.14%
Marine						
Marine	24,552	33,429	34,717	36,000	2,571	7.69%
Criminal Justice						
Criminal Justice (6)	29,181	34,465	26,678	23,850	-10,615	-30.80%
Total Police Dept.						
Police Department Total	1,632,032	1,788,860	1,352,577	1,630,409	-158,451	-8.86%

(1) Wages include Step Increases (\$14,187) & 3% Cola (\$16,974) for represented personnel. Decrease due to two additional officer positions frozen and unfunded for 2013.

(2) Benefits include mandatory employer costs (taxes & medical which represents the majority of the increase).

(3) Supplies includes \$38,000 for fuel, \$7,400 for uniforms and \$7,000 for fire arms.

(4) Services includes \$57,000 for liability, building & vehicle insurance, a \$12,300 increase over 2012 and \$17,000 vehicle maint.

(5) Communication decrease due to reduced Valley Comm fees as a result of calls for service.

(6) No longer renting the exercise facility (\$7,590). Reduction due to elimination of K9 program.

City of Black Diamond - Natural Resources

2013 Budget Summary

Natural Resources	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	101,831	101,921	79,788	102,717	796	0.78%
Benefits (2)	33,592	41,101	30,401	44,735	3,634	8.84%
Wages & Benefits Subtotal	135,423	143,022	110,189	147,452	4,430	3.10%
Supplies	348	50	-	100	50	100.00%
Services (3)	22,386	23,022	(21,765)	22,025	(997)	-4.33%
Natural Resources Total	158,157	166,094	88,424	169,577	3,483	2.10%

(1) Wages do not increase for management personnel and include two Furlough Days deducted. All Salary & Benefit costs are 100% fully funded through the Funding Agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase)

(3) Services include \$15,920 of recycle expenditures covered by grant revenue.

City of Black Diamond - Development & Planning

2013 Budget Summary

Community Development

Planning	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	65,788	61,413	51,812	38,902	-22,511	-36.65%
Benefits (2)	17,490	16,370	13,494	10,743	-5,627	-34.38%
Wage & Benefit Subtotal	83,279	77,783	65,306	49,645	-28,138	-36.18%
Supplies	1,276	850	327	300	-550	-64.71%
Services	86,279	1,334	2,584	3,063	1,729	129.58%
Planning Total	170,833	79,967	68,217	53,007	-26,960	-33.71%
Permitting						
Wages (1)	79,426	93,439	73,915	89,597	-3,842	-4.11%
Benefits (2)	19,556	25,067	18,747	25,316	249	0.99%
Wage & Benefit Subtotal	98,982	118,506	92,662	114,913	-3,593	-3.03%
Supplies	1,297	850	154	2,050	1,200	141.18%
Services (3)	245,026	133,559	28,767	25,640	-107,919	-80.80%
Permitting Total	345,305	252,915	121,583	142,602	-110,313	-43.62%
Code Enforcement						
Wages (1)	3,468	10,684	8,068	10,797	113	1.06%
Benefits (2)	541	2,596	1,911	2,757	161	6.19%
Wage & Benefit Subtotal	4,009	13,280	9,979	13,554	274	2.06%
Supplies	-	-	-	50	50	100.00%
Services (4)	24,399	35,605	13,596	17,223	-18,382	-51.63%
Code Enforcement Total	28,409	48,885	23,575	30,827	-18,058	-36.94%
Hearing Examiner						
Hearing Examiner SEPA (5)	-	-	-	12,500	7,500	150.00%
Hearing Examiner/Prof. Svcs.	2,245	5,000	2,709	5,000	-	-
Hearing Examiner Total	2,245	5,000	2,709	17,500	12,500	250.00%
Community Development Total	546,792	386,767	216,085	243,937	(142,830)	-36.93%

(1) Wages include 1% Cola increase for non management and Furlough Days deducted. Salaries & Benefit costs for all personnel as well as Code Enforcement contract services are 100% reimbursed through the funding agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase) (Fully Funded)

(3) Permitting Services include \$25,500 Inspection Service cost & \$9,000 Permit Software maintenance cost.

(4) Code Enforcement Services include Code Enforcement Service of \$16,500, down \$18,500 from 2012. 100% Funded via Funding Agreement

(5) Includes \$12,500 for Hearing Examiner Services to cover the cost of SEPA appeal plus overall Community Development cost reductions

City of Black Diamond - Economic Development

2013 Budget Summary

Economic Development	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	100,404	32,755	30,247	5,077	-27,678	-84.50%
Benefits (2)	32,647	12,336	11,103	1,984	-10,352	-83.92%
Wage & Benefit Subtotal	133,051	45,091	41,350	7,061	-38,030	-84.34%
Supplies	20	300	12	500	200	66.67%
Services	2,072	473	517	550	77	16.28%
Economic Development Total	135,143	45,864	41,878	8,111	-37,753	-82.32%

(1) Wages include 1% Cola increase for non management and two Furlough Days deducted. The large reduction reflects the reallocation of Economic Development Director costs to the Master Development Review Team (MDRT). All Salary & Benefit costs are 100% reimbursed through the Funding Agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical). As in wages, the reduction in benefits reflects the reallocation of Economic Development cost to MDRT.

City of Black Diamond - MDRT

2013 Budget Summary

MDRT	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	n/a	166,756	109,380	246,320	79,564	47.71%
Benefits (2)	n/a	45,024	29,177	89,119	44,095	97.94%
Wages & Benefits Subtotal	n/a	211,780	138,557	335,439	123,659	58.39%
Supplies (3)	n/a	2,000	1,119	2,400	400	20.00%
Services (4)	n/a	21,451	13,571	83,550	62,099	289.49%
Capital (5)						
MDRT Total	n/a	235,231	153,246	421,389	186,158	79.14%

All Master Plan Development Team costs are 100% fully reimbursed through the Funding Agreement.

(1) Wages include 1% Cola increase for non management and two Furlough Days deducted. Large increase for 2013 reflects the reallocation of Community & Economic Development Director costs to the Master Plan Review Team (MDRT). Also included in the 2013 increase is a full year of the Senior Accountant position which was only funded a half year in 2012. (Reimbursed 100% through the Funding Agreement.

(2) Benefits include mandatory employer costs (taxes, retirement & medical). As with wages, the large increase in 2013 reflects the reallocation of personnel costs from Community & Economic Development Director costs to MDRT.

(3) Supplies includes fuel, postage and supplies

(4) Services include vehicle insurance & maintenance as well as memberships and training & other operating costs.

(5) Capital includes the acquisition of a vehicle for \$45,000.

City of Black Diamond - Parks

2012 Budget Summary

Parks	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Wages (1)	26,553	26,145	20,668	14,901	(11,244)	-43.01%
Benefits (2)	9,244	9,944	7,611	5,969	(3,975)	-39.97%
Wages & Benefits Subtotal	35,797	36,089	28,278	20,870	(15,219)	-42.17%
Supplies	8,467	10,760	7,500	5,378	(5,382)	-50.02%
Services	23,117	22,474	18,117	20,741	(1,733)	-7.71%
Parks Department Total	67,381	69,323	53,895	46,989	(22,334)	-32.22%

(1) Wages include 1% Cola increase for non management and two Furlough Days deducted for non Public Works personnel. Reductions due to reallocation of staff.

(2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase)

(3) Supplies include fuel and operating supplies.

(4) Services include the annual cost of the venue pay station (\$2,000), parks share of shop costs, insurance, utility costs as well as Museum and Community Center insurance. Decrease due to reallocation and reduction of portable restrooms.

and Community Center Insurance. Decreases due to reduction and reduction of portable restrooms.

City of Black Diamond - Cemetery						
2013 Budget Summary						
Cemetery	Actual	Budget	Actual thru August	Budget	Budget Request Increase (Decrease)	Budget Request Increase (Decrease)
	2011	2012	2012	2013	\$	%
Wages (1)	10,072	9,983	7,765	8,410	(1,573)	-15.76%
Benefits (2)	3,980	4,283	3,237	3,983	(300)	-7.00%
Wage & Benefit Subtotal	14,052	14,266	11,002	12,393	(1,873)	-13.13%
Supplies (3)	335	1,395	1,157	1,220	(175)	-12.54%
Services (4)	1,055	1,516	3,378	1,294	(222)	-14.63%
Taxes/Transfers/Other (5)	54	100	213	400	300	300.00%
Total	15,497	17,277	15,750	15,307	(1,970)	-11.40%
(1) Wages include 1% Cola increase for non management and two Furlough Days deducted for non Public Works personnel. (2) Benefits include mandatory employer costs (taxes, retirement & medical which represents the majority of the increase). (3) Supplies include fuel, safety equipment & tools. (4) Services include share of insurance, shop & vehicle maintenance & security costs. (5) Excise taxes.						

City of Black Diamond - Fire Department						
2013 Budget Summary						
Fire Department	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2,011	2012	2012	2013	\$	%
Fire Dist 44 Prof Serv (1)	428,585	442,300	221,150	455,569	13,269	3.00%
PR Svcs KC Fire Investigation (2)	2,130	2,032	2,649	1,503	-529	-26.03%
Other Operating cost	1,450	2,005	1,320	1,657	-348	-17.36%
Fire Department Total	432,165	446,337	225,119	458,729	12,392	2.78%
(1) 2013 Contract Services for Fire District 44 include a 3% CPI estimate. (2) King County Fire investigation costs decreased due to number of investigations.						

2013 Budget Summary

Funding Agreement	Actual	Budget	Actual thru August	Budget	Budget Increase (Decrease)	Budget Increase (Decrease)
	2011	2012	2012	2013	\$	%
Yarrow Bay SEPA Costs	591,175	170,850	170,858	84,000	-86,850	-50.83%
Refund Application Fees	0	104,000	104,000	0	-104,000	
Yarrow Bay SEPA Cost Subtotal	591,175	274,850	274,858	84,000	-190,850	-69.44%
MDRT Consultant Costs:						
MDRT Legal	0	34,000	10,288	60,000	26,000	76.47%
MDRT Fiscal Henderson & Young	0	100,000	57,533	50,000	-50,000	-50.00%
MDRT Civil Engineering -RH2	0	100,000	80,604	200,000	100,000	100.00%
MDRT Traffic Engineering					-5,000	-8.33%
Parametrix	0	60,000	10,755	55,000		
MDRT Environmental Consultant-Perteet	0	70,000	18,957	30,000	-40,000	-57.14%
MDRT Geotech-Sub Terra	0	60,000	0	30,000	-30,000	-50.00%
MDRT Surveyor-Parametrix	0	60,000	1,858	50,000	-10,000	-16.67%
MDRT Vehicle costs	0	56,400	0	200,000	143,600	100.00%
MDRT Consultant Cost Subtotal	0	540,400	179,996	675,000	134,600	200.00%
Funding Agreement Total (1)	591,175	815,250	454,854	759,000	-56,250	-6.90%

(1) All Costs are 100% Reimbursed through the Funding Agreement.

Grand Total General Fund Expenditures	6,108,681	5,081,711
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101 Street Fund Finance Report

	2011 Actual	2012 Budget	Sept 2012 (75%)	2012 YE Est Act	2013 Budget	% Change 2012 to 2013
STREET FUND REVENUE						
1 Street Gas Tax	87,246	85,870	62,524	83,295	84,000	-2.2%
2 Annex-Diverted Road Tax	6,200	0		0		
3 Street/Sidewalk cut/Curb variance	300	300		0		-100.0%
4 Right of way permit	3,000	3,000	1,650	2,000	1,000	-66.7%
5 Grant Reim. Proj mgmt	18,276	0		0		
6 Charges for service/Misc	1,620	0	30	30		
7 Operating Revenue	116,642	89,170	64,204	85,325	85,000	-4.7%
8 YarrowBay-Sal & Ben Reimb	40,765	42,946	33,031	42,946	60,965	42.0%
9 Investment Interest	629	610	423	560	600	-1.6%
10 Total Other Revenue	41,394	43,556	33,454	43,506	61,565	41.3%
11 Total All Revenue	158,036	132,726	97,658	128,831	146,565	10.4%
12 Beginning Cash & Invest. Balance -Unreserved	323,854	328,145	328,145	328,145	258,379	-21.3%
13 Total Sources	481,890	460,871	425,803	456,976	404,944	-12.1%
STREET FUND EXPENDITURES						
15 Salaries 1	67,440	69,497	50,988	69,497	99,886	43.7%
16 Benefits 2	25,354	27,769	21,748	27,769	43,436	56.4%
17 Total Salaries and Benefits	92,794	97,266	72,736	97,266	143,322	47.4%
18 Supplies 3	5,701	7,019	5,563	7,219	9,790	39.5%
19 Services 4	62,498	69,424	47,879	64,112	75,147	8.2%
20 Total Operating Expenses	160,993	173,709	126,178	168,597	228,259	31.4%
21 Total Transfers for Equip & Projects 5	(7,248)	30,000	30,000	30,000	10,000	-66.7%
22 Total All Expenditures	153,745	203,709	156,178	198,597	238,259	17.0%
23 Three Months Cash and Investments	40,248	42,959	42,959	42,959	59,595	38.7%
24 Unreserved C&I Balance	287,897	214,203	226,666	215,420	107,090	-50.0%
25 Total Ending Cash & Investments	328,145	257,162	269,625	258,379	166,685	-35.2%
26 Total Uses	481,890	460,871	425,803	456,976	404,944	-12.1%

1 Salaries include step increases & a 1% COLA for non management personnel. Increase due to reallocation of Utility Superintendent from Parks to Street based on audit of time worked in 2011 & 2012.

2 Benefit increase includes mandatory employer costs (taxes, retirement and medical-which represents the majority of the increase).

3 Supplies include sand & salt (\$1,300), fuel (\$3,000), and operating supplies, tools, uniforms and small parts.

4 Services include the PSE street light cost (\$28,500), insurance (\$7,674), street portion of the City Administrator contract (\$3,189), traffic signal maint. (\$3,500), professional services (\$1,000), and the balance for equipment and street maintenance cost.

5 Transfer to Equipment Replacement Fund for future equipment and radio replacement.

401 Water Fund Financial Report

	2011 Actual	2012 Budget	Sept 2012 (75%)	2012 YE Est Act	2013 Budget	% Change 2012 to 2013
WATER FUND REVENUE						
1 User Charges	426,263	454,000	320,063	430,000	430,000	-5.3%
2 Surcharge @ \$2.30 per customer	28	0	28	0		
3 Late Charges & Name Changes	16,127	15,000	12,885	16,500	16,500	10.0%
4 Subtotal Operating Revenue	442,418	469,000	332,976	446,500	446,500	-4.8%
6 YarrowBay PW Reimbursement	47,724	70,013	42,458	70,013	60,925	-13.0%
7 FA Contributions Tacoma Water	684,433	683,505	677,101	677,101	671,063	-1.8%
8 Deposits and Reimbursements	1,326	700	-2	100	100	-85.7%
9 New water meter setting & Misc.	3,929	4,000	2,085	2,090	2,000	-50.0%
10 Investment Interest	228	260	99	132	125	-51.9%
11 Insurance Reimbursement	26,584	0	5,006	5,006	0	
12 Transfer from Water Capital Fund	125,000	125,000	125,000	150,000	150,000	20.0%
13 Subtotal Other Revenue	889,224	883,478	851,747	904,442	884,213	0.1%
14 Total Revenue	1,331,642	1,352,478	1,184,723	1,350,942	1,330,713	-1.6%
15 Beg Cash and Investment Balance - Reserved	78,790	89,620	89,620	89,620	99,392	10.9%
16 Beg C&I Balance - Unreserved	67,271	18,077	18,077	18,077	-1,964	-110.9%
17 Total Cash & Investment	146,061	107,697	107,697	107,697	97,428	-9.5%
18 Total Sources	1,477,703	1,460,175	1,292,420	1,458,639	1,428,141	-2.2%
WATER FUND EXPENDITURES						
20 Salary 1	119,019	133,050	93,832	133,050	121,427	-8.7%
21 Furlough Days 2		(1,099)		(1,099)	(485)	-55.9%
22 Benefits 3	44,587	54,692	39,067	54,692	54,299	-0.7%
23 Total Salaries and Benefits	163,606	186,643	132,899	186,643	175,241	-6.1%
24 Supplies 4	28,942	32,476	19,573	27,498	31,050	-4.4%
25 Services 5	165,931	178,448	132,547	174,583	186,126	4.3%
26 Total Operating Expenditures	358,479	397,567	285,019	388,724	392,417	-1.3%
27 Subtotal Other Expenditures (Net Debt Payment) 6	1,011,529	980,275	972,487	972,487	966,453	-1.4%
28 Total Expenditures	1,370,008	1,377,842	1,257,506	1,361,211	1,358,870	-1.4%
29 Three Months Cash and Investments	89,620	99,392	99,392	99,392	99,830	0.4%
30 Unreserved C&I Balance	18,075	-17,059	-61,478	-1,964	-30,559	79.1%
31 Total Ending Cash & Investments	107,695	82,333	38,914	97,428	69,271	-15.9%
Total Uses	1,477,703	1,460,175	1,296,420	1,458,639	1,428,141	-2.2%

1 Salaries include step increases for non office and non management personnel and a 1% COLA for non management personnel. Majority of decrease due to reallocation of Public Works & Community Development Executive Directors out of Utilities to the Master Development Review Team.

2 Furlough represents two unpaid days off for office and management personnel.

3 Benefit increase includes mandatory employer costs (taxes, retirement and medical which represents the majority of the increase).

4 Supplies include caustic (\$12,500), fuel (\$4,000), and operating and maintenance supplies, uniforms and small tools.

5 Services include insurance (\$30,714), Electricity/Gas (\$32,000), utility & B&O taxes (\$49,500), water portion of the City Administrator contract (\$9,562), legal & professional services (\$17,000), audit (\$6,050), with the remainder for other maintenance and operating costs.

6 Includes the transfer to equipment replacement fund for future equipment (\$10,000) and the 2013 debt payment on the Public Works infrastructure loans and internal sewer loan for meter replacement (\$283,557). Plus reimbursed debt payments.

407 Sewer Fund Financial Report

	2011 Actual	2012 Budget	2012 Actual thru Sept 2012(75%)	2012 YE Est Actual	2013 Budget	% Change 2012 to 2013
SEWER FUND REVENUE						
1 User Charges	622,521	650,000	474,076	634,000	693,000	6.6%
2 Operating Revenue	622,521	650,000	474,076	634,000	693,000	
3 Other Revenues						
4 Misc Reimb	3,402	2,100	1,320	1,500	1,500	-28.6%
5 YarrowBay PW Director Reimburse	47,724	70,013	48,233	70,013	60,925	-13.0%
6 Investment Interest	176	150	63	100	100	-33.3%
7 Insurance Recovery			1,975	1,975	1,974	100.0%
8 Transfer from Capital or Operating	50,000	50,000	50,000	50,000	85,000	70.0%
9 Total Other Revenue	101,302	122,263	101,591	123,588	149,499	22.3%
10 Total Revenue	723,823	772,263	575,667	757,588	842,499	9.1%
11 Beg Cash & Investments - Unreserved	79,000	81,085	81,085	81,085	81,240	0.2%
12 Beg C&I Bal-Reserved	30,589	799	799	799	(403)	-150.4%
13 Total Beg Cash and Investments	109,589	81,884	81,884	81,884	77,449	-5.4%
14 Total Sources	833,412	854,147	657,551	839,472	919,948	7.7%
SEWER FUND EXPENDITURES						
16 Salaries 1	119,018	131,250	93,782	131,250	119,961	-8.6%
17 Furlough Days 2		(1,099)		(1,099)	(485)	-55.9%
18 Benefits 3	44,588	55,175	39,067	55,175	54,239	-1.7%
19 Total Salaries & Benefits	163,606	185,326	132,849	185,326	173,715	-6.3%
20 Supplies 4	12,781	14,976	9,978	13,523	13,350	-10.9%
21 Services 5	118,696	124,038	87,142	118,529	136,897	10.4%
22 Subtotal Operating Expenses	295,083	324,340	229,969	317,378	323,962	-0.1%
23 Other Expenses						
24 King County Metro 6	446,413	448,000	325,983	434,645	494,000	10.3%
25 Total Operating Expenditures	741,496	772,340	555,952	752,023	817,962	5.9%
26 Capital Expenses 7	10,000	10,000	10,000	10,000	10,000	0.0%
27 Total Expenses	751,496	782,340	565,952	762,023	827,962	5.8%
28 Three Months Cash and Investments	73,779	81,085	81,085	81,240	82,084	1.2%
29 Unreserved C&I Balance	8,137	(9,278)	10,514	(403)	13,290	-243.2%
30 Total Ending Cash and Investments	81,916	71,807	91,599	77,449	91,986	28.1%
31 Total Uses	833,412	854,147	657,551	839,472	919,948	7.7%

1 Salaries include step increases for non office and non management personnel and a 1% COLA for non management personnel.

2 Furlough represents unpaid days off for office and management personnel.

3 Benefit increase includes mandatory employer costs (taxes, retirement and medical which represents the majority of the increase).

4 Supplies include fuel (\$4,000), and other maintenance and operating supplies.

5 Services include insurance (\$13,900), sewer portion of City Administrator contract (\$9,562), legal & professional services (\$17,700), Utility and B&O taxes (\$51,200), audit (\$6,050), with the remainder for other maintenance and operating costs.

6 King County Metro includes a 10.2% rate increase for 2013.

7 Transfer to Equipment Replacement Fund for future equipment and radio replacement.

410 Stormwater Fund Financial Report

	2011 Actual	2012 Budget	2012 Actual thru Sept 2012(75%)	2012 YE Est Actual	2013 Budget	% Change 2012 to 2013
REVENUE						
1 Operating Revenue	267,265	270,000	210,596	280,800	295,000	9.3%
2 Other Revenue						
3 YarrowBay-PW Dir Reimburse	47,724	70,012	48,233	70,012	60,925	-13.0%
4 Insurance recovery			1,975	1,975	0	
5 Investment Interest	89	200	71	100	100	-50.0%
6 Total Other Revenue	47,813	70,212	50,279	72,087	61,025	-13.1%
8 Beginning Cash and Investment Balance-Unreserved	41,287	57,827	41,287	57,827	80,840	39.8%
9 Total Sources	356,365	398,039	302,162	410,714	436,865	9.8%
EXPENDITURES						
11 Salaries 1	119,018	129,647	95,957	129,647	118,633	-8.5%
12 Furlough Days 2		(1,099)		(1,099)	(485)	-55.9%
13 Benefits 3	44,588	54,144	39,100	54,144	54,053	-0.2%
14 Total Salaries & Benefits	163,606	182,692	135,057	182,692	172,201	-5.7%
15 Supplies 4	12,094	11,828	11,290	14,748	14,000	18.4%
16 Services 5	96,384	97,659	60,492	92,268	118,541	21.4%
17 Total Operating Expenses	272,084	292,179	206,839	289,708	304,742	4.3%
18 Total Other Expenditures 6	41,500	48,400	40,165	40,500	40,500	-16.3%
19 Total Expenditures	313,584	340,580	247,004	330,208	345,242	1.4%
20 Reserved C&I Balance	68,021	68,021	68,021	68,021	86,311	26.9%
21 Unreserved C&I Balance	(25,240)	(10,562)	(12,863)	12,819	5,312	-150.3%
22 Total Ending Cash & Investments	42,781	57,459	55,158	80,840	91,623	59.5%
23 Total Uses	356,365	398,039	302,162	410,714	436,865	9.8%

1 Salaries include step increases for non office and non management personnel and a 1% COLA for non management personnel. Majority of decrease due to reallocation of Public Works & Community Development Executive Directors out of Utilities to the Master Development Review Team.

2 Furlough represents two unpaid days off for office and management personnel.

3 Benefit increase includes mandatory employer costs (taxes, retirement and medical which represents the majority of the increase).

4 Supplies include fuel (\$4,000), and other maintenance and operating supplies.

5 Services include insurance (\$6,654), Stormwater portion of City Administrator contract (\$9,562), legal & professional services (\$20,708), Utility and Excise taxes (\$40,318), audit (\$6,050), with the remainder for other maintenance and operating costs.

6 Transfer to Equipment Replacement Fund for future equipment and radio replacement (\$10,000), debt repayment on internal sewer loan for stormwater start-up (30,500).

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104 REET I Gen Gov't Fund							Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
1	REVENUE											
2	R1 1/4% REET						35,271	38,500	31,921	42,500	4,000	10.4%
3	LGIP Investment Interest						1,258	1,200	405	500	(700)	-58.3%
4	Transfer in from REET II						70,000	93,500	93,500		(93,500)	-100.0%
5	Subtotal Revenue						106,529	133,200	125,826	43,000	(90,200)	-67.7%
6	Beginning Cash & Investments						401,486	325,165	325,165	282,875	(42,290)	-13.0%
7	Total REET I 104 Fund Sources						508,014	458,365	450,991	325,875	(132,490)	-28.9%
8	EXPENDITURES											
9	Transfer to 310 Gen Gov't Capital Fund						139,000	98,750	98,750	103,150	4,400	4.5%
10	Trans 510 Fund - Police & Fire Equipment						43,850	79,915	79,915	10,000	(69,915)	-87.5%
11	Subtotal Expenditures						182,850	178,665	178,665	113,150	(65,515)	-36.7%
12	Ending Cash & Investments						325,164	279,700	272,326	212,725	(66,975)	-23.9%
13	Total REET I 104 Fund Uses						508,014	458,365	450,991	325,875	(132,490)	-28.9%

310 Government Capital Fund						
	Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
1 REVENUE						
2 Transfer in REET I	12,500	98,750	98,750	103,150	4,400	4.5%
3 King Co Parks Tax Levy	8,461	8,000	4,687	8,000		0%
4 Tree Mitigation	700			1,000	1,000	100%
5 RCO Boat Launch Grant				85,000	85,000	
6 DOE Grant for Lake Sawyer Weed Management				25,000		
7 King Co Regional Park Environmental Grant				10,000	10,000	100%
8 Ginder Creek Land Grants						
9 Trail Grants		20,000				
10 KC Conservation Grant-Ginder Cr Easement		300,000		15,000	(285,000)	
11 DOE Grant for Shoreline MP	39,521	13,776	13,776		(13,776)	-100.0%
12 Conservation Grant-Ginder Cr ROW Acq.				150,000	150,000	100%
13 Loan- Fire Truck & surplus -\$365,000-Deferred until spring CIP Update						
14 Culture or DOC Mine Hazard Study				15,000	15,000	100%
15						
16 Impact fees, in-kind or developer		17,500		105,000	87,500	500.0%
17 Subtotal Revenue	61,182	458,026	117,213	517,150		
18 Beginning Cash & Investments	86,178	250,227	250,302	24,000	(226,227)	-90%
19 Total 310 Govt Capital Fund Sources	147,360	708,253	367,515	541,150	(167,103)	-23.6%
20 EXPENDITURES						
21 Lake Sawyer Boat Launch Improvement	8,312		103	115,000	115,000	
22 Lake Sawyer Acuatic Weed Mgmt Plan				40,000		
23 Ginder Creek Easement				30,000	30,000	100%
24 Ginder Creek ROW Acquisition		300,000		150,000	(150,000)	-50.0%
25 Ginder Creek Trail Restoration				28,000		
26 Grant Matching	26,804	77,056	281	10,000	(67,056)	-87.0%
27 Mine Hazard Assesment Study/Map			121	15,000	15,000	100%
28 Tree Mitigation	1,058	3,010	755	1,000	(2,010)	-66.8%
29 Lake Sawyer Regional Park bulkhead				10,000		
30 Trails Projects		52,555				
31 Parks Signs & Mower		16,515	3,046			
32 Shoreline Master Plan		10,000	11,537			
33 Prior year & Carry over park projects	30,220		338			
34 Council Chambers, Police & Court Building	11,124	79,349	2,582		(79,349)	-100%
35 Police Technology & other	15,876	15,396	4,437	16,300	904	5.9%
36 Police Tiberon required revision-added				15,250		
37 Police record system loan payment - principal	40,000	40,000	40,000	40,000		0%
38 Police record system loan - interest	800	2,000	1,600	1,600	(400)	0%
39 Fire Impact Fees & CF Henderson/Young		65,300	12,489		(65,300)	-100%
40 Fire Station 99 study & design		1,250		25,000	23,750	1900%
41 General Government technology	21,844	21,822	12,804	20,000	(1,822)	-8.3%
42 Way Finding Signs		24,000		24,000		
43 Subtotal General Govt Capital Projects	147,725	708,253	90,093	541,150	(296,283)	-41.8%
44 Ending Cash & Investments	310,164		277,422			
45 Total 310 Gen Govt Capital Fund Uses	457,889	708,253	367,515	541,150	(296,283)	-41.8%
46 * Note that fire and police vehicles and equipment are funded out of the 510 Fund						

105 REET II Public Works Capital Projects

	Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE						
1 R2 1/4% REET Tax	34,973	38,500	31,921	42,500	4,000	10.4%
2 LGIP Investment Interest	1,390	2,000	564	2,000		
3 Subtotal REET II Fund Revenue	36,363	40,500	32,485	44,500	4,000	9.9%
4 Beg Cash & Investments	543,991	487,785	487,785	329,002	(158,783)	-32.6%
5 Total REET II Fund Sources	580,354	528,285	520,270	373,502	(154,783)	-29.3%
EXPENDITURES						
7 Transfer to REET I	70,000	93,500	93,500		(93,500)	-100.0%
8 Transfer out 320 PW Capital	120,000	168,782	108,783	80,000	(88,782)	-52.6%
9 Transfer to 320 Fund - Misc Overlays - Match	32,000					
10 Trans Back from RR Project	(145,670)					
11 Transfer to 288th Project	16,239					
12 Total REET I Fund Expenditures	92,569	262,282	202,283	80,000	(182,282)	-69.5%
13 Ending Cash & Investments	487,785	266,003	318,007	293,502	27,499	10.3%
14 Total REET II Fund Uses	580,354	528,285	520,290	373,502	(154,783)	-29.3%

320 REET II Public Works Capital Projects

	Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE						
1 Transfers Street Fund	20,000	20,000	(22,224)		(20,000)	-100%
2 Transfers REET II	323,283	108,783	(145,670)	80,000	(28,783)	-26.5%
3 TIB Grants	908,362	283,189	39,714	130,000	(153,189)	-54.1%
4 CDBG Grant	62,839					
5 Transfers to and from Utilities	40,000		(17,715)			
6 Developer or In Kind				10,000	10,000	100%
7 Grant Matching and Reimbursements			79,007			100%
8 Subtotal PW Capital Fund Revenue	1,354,484	411,972	(66,888)	220,000	(191,972)	-46.6%
9 Beginning Cash & Investments	149,741	170,635	170,635		(170,635)	-100%
10 Total PW Capital Fund Sources	1,504,225	582,607	103,747	220,000	(362,607)	-62.2%
EXPENDITURES						
12 St Mtc, Asphalt, Chip Seal, Striping, Signs		135,256	4,796	30,000		
13 Lawson & Misc Street paving		6,724	1,773		(6,724)	-100.0%
14 288th Street Overlay				150,000		
15 Roberts Sidewalk/ Morgan St to KC Library		340,829	44,626		(340,829)	-100.0%
16 Roberts Drive/Sr 169 Roundabout						
17 Intersection at Morgan St						
18 Railroad Avenue Project	947,265		10,647			
19 Morgan Street Project	395,725		90,839			
20 Rock Crk Bridge prelim engr (grant matching)		20,000	1,885		(20,000)	100%
21 Elevate Abrahms preliminary engineering		20,000	6,305		(20,000)	100%
22 233rd Ave Street Repair	34,783					
23 FEMA Disaster Clean up			78,621			
24 Grant Matching - Streets		59,798		40,000	(19,798)	0%
25 Subtotal PW Capital Fund Projects	1,377,774	582,607	239,492	220,000	(362,607)	-62.2%
26 Ending Cash & Investments Unreserved	126,451		81,571			
27 Total PW Capital Fund Uses	1,504,225	582,607	321,063	220,000	(362,607)	-62.2%

402 WSSFA Fund*

	Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
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*Water Supply Facility Funding Agreement

REVENUE

1	Developer Contribution Springs/Task 3		300,000	89,311	225,000	(75,000)	100%
2	Springs/Task 3 - Palmer CC	4,343					
3	LGIP Investment Interest	38		42			
4	Subtotal WSSFA Revenue	4,381	300,000	89,353	225,000	(75,000)	-25.0%
5	Beg Cash & Investments	28,881	33,262	33,262	119,976	86,714	260.7%
6	Total WSSFA Fund Sources	33,262	333,262	122,615	344,976	11,714	3.5%

EXPENDITURES

8	Reservior Construction-Tacoma Water						
9	Springs/Task 3- Engineering		300,000	2,639	225,000	(75,000)	-25.0%
10	Total WSSFA Expenditures		300,000	2,639	225,000	(75,000)	-25.0%
11	Ending Cash & Investments Unreserved	33,262	33,262	119,976	119,976	86,714	260.7%
12	Total WSSFA Fund Uses	33,262	333,262	122,615	344,976	11,714	3.5%

404 Water Capital Fund		Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE							
1	In From REET II				30,000		
2	LGIP Investment Interest	919	1,000	490		(1,000)	0%
3	Water Connection Charges	23,906	20,000	17,929	20,000		0%
4	CDBG Grant 5th Ave Water Main		175,000		160,000	(15,000)	100%
5	Transfer reimb from Developer Contribution			281,115			
6	Subtotal Water Capital Fund Revenue	24,825	196,000	299,534	210,000	14,000	7.1%
7	Beg Cash & Investment Unreserved	580,436	377,226	392,226	649,825	272,599	72.3%
8	Total Water Capital Fund Sources	605,261	573,226	691,760	859,825	286,599	50.0%
EXPENDITURES							
10	5th Ave Water Main Replacement		175,000	672	175,000		100%
11	Meter Replacement Project	93,940	6,060	332		(6,060)	-100%
12	Reservoir Painting & Mtc.				15,000		
13	Transfer out to Water Fund 401-for debt	125,000	125,000	125,000	150,000	25,000	0%
14	Professional Services - Water		5,000	3,719		(5,000)	100%
15	Previous year WSFFA Transfer	155		6,476			
16	Subtotal Water Capital Fund Expenditures	219,095	311,060	136,199	340,000	28,940	9.3%
17	Ending Cash & Investments	386,166	262,166	555,561	519,825	257,659	98.3%
18	Total Water Capital Fund Uses	605,261	573,226	691,760	859,825	286,599	50.0%

408 Sewer Capital Fund		Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE							
1	Connection/Hook up Fees	6,400	6,400	4,800	6,000	(400)	0%
2	Loan Repay - Stormwater	30,000	30,400	30,000	30,000	(400)	0%
3	Loan Repay - Technology	40,000	40,000	40,000	40,000		0%
4	Loan Repay - Water Meters	46,000	46,000	46,000	46,000		0%
5	Loan repay, Interfund	7,289	4,050	630	2,180	(1,870)	0%
6	LGIP Investment Interest	1,414	1,600	1,058	1,600		
8	Insurance Claim recovery		36,871	36,815		(36,871)	
7	Trans in from Wastewater Projects		12,000			(12,000)	0%
9	Subtotal Wastewater Capital Revenue	131,103	177,321	159,303	125,780	(51,541)	-29.1%
10	Beginning Cash & Investments	728,893	765,302	765,302	685,766	(79,536)	-10.4%
11	Total Wastewater Capital Sources	859,996	942,623	924,605	811,546	(131,077)	-13.9%
EXPENDITURES							
12	Infiltration & Inflow	2,309	30,000	2,640	30,000		
13	Lawson Lift Station Engineering		50,000			(50,000)	-100%
14	Preserve Wastewater Treatment Plant		24,456			(24,456)	-100%
15	Sewer Comprehensive Plan	5,766	5,240			(5,240)	-100%
16	Wastewater Storage Project/RH2 Engineering		12,000			(12,000)	-100%
17	Emergency Repairs	36,872		3,745			
18	Morganville Wastewater Lift Station		80,000			(80,000)	100%
19	Transfers out to Sewer Operating	50,000	50,000	50,000	85,000	35,000	70%
20	Subtotal Wastewater Capital Expenditures	94,947	251,696	56,385	115,000	(136,696)	-54.3%
21	Ending Cash & Investments	815,049	690,927	868,220	696,180	5,253	0.8%
22	Total Wastewater Capital Fund Uses	909,996	942,623	924,605	811,180	(131,443)	-13.9%

410 Stormwater Capital Fund

	Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE						
23 Department of Ecology Grant #1	27,953					
24 Department of Ecology Grant #2	500	130,576	9,536	70,576	(60,000)	-46.0%
25 Transfer from Stormwater operating for capital		8,000			(8,000)	-100%
26 Total Stormwater Capital Revenue	28,453	138,576	9,536	70,576	(68,000)	-49.1%
27 Beginning Cash & Investments	(3,236)					
28 Total Stormwater Capital Sources	25,217	138,576	9,536	70,576	(68,000)	-49.1%
EXPENDITURES						
30 Stormwater Management Program	15,975					
31 DOE Grant #1 Catch Basin Cleaning	9,310					
32 Dept of Ecology Grant #1	24,171		102			
33 Dept of Ecology Grant #2	500	70,576		35,576	(35,000)	-49.6%
34 DOE Grant #2 Catch Basin Cleaning		35,000		35,000		
35 DOE Grant #2 PW Wash Rack Project		25,000	11,537			
36 Transfer back from RR Proj.	(11,810)					
37 Total Stormwater Capital Expenditures	38,146	130,576	11,639	70,576	(60,000)	-46.0%
38 Ending Cash & Investments		8,000	(2,103)			
39 Total Stormwater Capital Uses	38,146	138,576	9,536	70,576	(68,000)	-49.1%

510 -1 Fire Equipment Reserves		Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE							
1	LGIP Investment Interest Fire Equipment	173	100	74		(100)	0%
2	Transfer in REET I		34,915	34,915		(34,915)	100%
3	Sale of Fire Surplus Vehicles				10,000		
4	Fire Fee - Eagle Creek Plat						
5	Subtotal Revenue	173	35,015	34,989	10,000		0%
6	Beg Cash & Invest Unreserved - Fire Equip	58,510	34,637	34,637		(34,637)	-100.0%
7	Total Fire Equipment Revenue	58,682	69,652	69,626	10,000	(59,652)	-85.6%
EXPENDITURES							
9	Fire Truck Repairs & Maintenance						
10	Two Fire Support Vehicles		69,500			(69,500)	100%
11	Subtotal Fire Expenditures		69,500			(69,500)	-100.0%
12	Ending Cash & Investments - Fire	58,682	152	69,262	10,000	9,848	6478.9%
13	Subtotal 510 Fire Equipment Uses	58,682	69,652	69,262	10,000	(59,652)	-85.6%

510 -2 PW Equipment Reserves		Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE							
14	LGIP Investment Interest City Equipment	424	300	203	300		
15	Sale of PW Equip			9,500			
16	Subtotal Interest & Other Revenue	424	300	9,703	300		
17	Transfer in from Water Fund	10,000	10,000	10,000	10,000		0%
18	Transfer in from Wastewater Fund	10,000	10,000	10,000	10,000		0%
19	Transfer in from Stormwater Fund	10,000	10,000	10,000	10,000		0%
20	Transfer in from Street Fund	10,000	10,000	10,000	10,000		0%
21	Subtotal 510 Fund Transfers	40,000	40,000	40,000	40,000		
22	Subtotal 510 Fund Revenue	40,424	40,300	49,703	40,300		
23	Beg Cash & Invest Unreserved - City Equip	163,675	134,578	134,578	140,878	6,300	4.7%
24	Total 510 Fire Equip. Fund Sources	204,099	174,878	184,281	181,178	6,300	3.6%
EXPENDITURES							
26	Utility Truck Purchase		25,000	25,762	30,000	5,000	20%
27	Grass mower Deck or Attachment				6,500		
28	Pw Sander/Snow Plow		10,000			(10,000)	-100%
29	Pw Utility Trailer		3,500				
30	Radios for Utilities		5,000	4,735	5,000		
31	Surplus Costs			691			
32	Dump Truck 2010 Purchase	24,705					
33	Subtotal City Equipment Expenditures	24,705	43,500	31,188	41,500	(2,000)	-4.6%
34	Ending Cash & Investments - City	179,394	131,378	153,093	139,678	8,300	6.3%
35	Total 510 City Equip. Fund Sources	204,099	174,878	184,281	181,178	6,300	3.6%

510 -3 Police Vehicle Reserve		Actual 2011	2012 Amended Budget	2012 Act thru September	2013 Budget	12 to 13 Budget Change	% Budget Change
REVENUE							
1	Transfer in REET I		45,000	45,000	10,000		100%
2	Police Sale of Surplus Equipment			4,975			
3	Subtotal Police Vehicle Revenue		45,000	49,975	10,000		100%
4	Beginning Cash & Investments						
5	Total Police Equipment Revenue		45,000	49,975	10,000	(35,000)	100%
6	EXPENDITURES						
7	Police Vehicles (2006 Black & White VIN 20)		45,000	44,834		(45,000)	-100.0%
8	Replace Police Radios (3 years @ 10k each)				10,000		
9	Total Police Vehicle Expenditures		45,000	44,834	10,000	(45,000)	-100%



CITY OF BLACK DIAMOND

2012 Calendar for 2013 Budget

	Process	Workstudy	City Council Meetings	State Law Limitations
1	Budget Requests and instructions go out to all Departments			Sep 10
2	Finance prepares revenue sources and preliminary expenditures for salaries and benefits			N/A
3	Introduction to the 2013 Budget Process	Aug 16		
4	Departments provide budget requests to City Administrator's office			N/A
5	Estimates to be filed with the City Clerk and Administration			Sep 24
6	City Clerk submits to CAO the proposed preliminary budget setting forth the complete financial program			Oct 1
7	CAO provides Council with current info on revenue from all sources as adopted in 2012 budget, and provides the Clerk's proposed preliminary budget setting forth the proposed General Fund Revenues	Oct 18		Nov 2
8	Mayor and department heads review General Fund Expenditure budgets with Council	Oct 18		Nov 2
9	Council reviews Public Works budgets for Revenues And Expenditures for all Public Works budgets, including Street, Water, Sewer, drainage and all Associated funds. 4:30 PM	Oct 29		Nov 2
10	Council Work Study - REET 1 & 2 and Gen Govt, Utilities & Capital Projects. 5:30 PM	Nov 1		
11	City Clerk publishes Notice of Public Hearing on 2013 Budget for two weeks out & filing of preliminary budget – once a week for two consecutive weeks – Draft budget submittal ready			Nov 2-15
12	Copies of Preliminary Budget made available to Public			Nov 19
13	City Council holds 1 st public hearing on revenue sources and expenditures for the upcoming budget year including possible increases in property tax revenue		Nov 15	Nov 19
14	Public Hearing and adoption of Property Tax for 2013		Nov 15	Nov 30
15	Council Works Study-2013 Budget Council Framework 4:30 PM	Nov 26		
16	City Council holds 2 nd final public hearing on 2013 Budget Special Meeting-7:00 PM		Dec 3	Dec 3
17	City Council adopts Final 2013 Budget and transmits to the State Auditor's Office (plus possible amendment to property taxes)		Dec 20	Dec 31

Bold = Regular or Special Council Meeting Night

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 12-844, authorizing, grant agreement with Transportation Improvement Board for the SE 288th St. Overlay project (from 228th to 236th)	Agenda Date: December 20, 2012	
	AB12-106	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Ec. Dev/PW – Andy Williamson	X
Cost Impact: \$143,507 of unbudgeted revenue	Police – Jamey Kiblinger	
Fund Source: TIB Grant	Court – Stephanie Metcalf	
Timeline: 2013	Comm. Dev. – Steve Pilcher	
Attachments: Resolution No. 12-844; Grant Agreement; Award letter; CIP summary page		
SUMMARY STATEMENT: <p>Black Diamond was selected for a Small City Preservation Program grant from the Washington Transportation Improvement Board (TIB). This project would be to complete repairs on SE 288th Street from 228th to 236th. Public Works recently completed another project funded by TIB for repairs of SE 288th from 216th to 224th.</p> <p>The City has a match requirement of \$15,945. This amount can be made up from cash contributions as well as staff labor. \$10,000 in REET II funds were targeted in the 2013-2018 CIP.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution 12-844, authorizing the Mayor to execute a Grant Agreement for the SE 288th St. Overlay from 228th to 236th project, TIB #2-P-800(003)-1.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

RESOLUTION NO. 12-844

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE A GRANT
AGREEMENT WITH WASHINGTON STATE
TRANSPORTATION IMPROVEMENT BOARD FOR THE
OVERLAY OF SE 288TH STREET FROM 228TH TO 236TH**

WHEREAS, the City's grant application for the Transportation Improvement Board Small City Preservation Program was selected for SE 288th St. from 228th to 236th in the amount of \$143,507; and

WHEREAS, the City has the staff and funds to complete the project in 2013; and

WHEREAS, a grant agreement with Washington State Transportation Improvement Board is required to establish the terms of funding for the SE 288th St. overlay from 228th to 236th project;

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

Section 1. The Mayor is hereby authorized to execute the grant agreement for the SE 288th St. from 228th to 236th Overlay project TIB #2-P-800(003)-1, substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF DECEMBER, 2012.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk



City of Black Diamond
2-P-800(003)-1
FY 2014 Overlay Project
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Black Diamond
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2014 Overlay Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Black Diamond, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$143,507 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Signature of Chairman/Mayor

Date

Executive Director

Date

Print Name

Print Name



Washington State Transportation Improvement Board

TIB Members

Mayor James Irish, Chair
City of La Center

Commissioner Mike Wilson, Vice
Chair
Grays Harbor County

Jim Albert
Office of Financial Management

Councilmember Jeanne Burbridge
City of Federal Way

Todd Coleman, P.E.
Port of Vancouver

Councilmember Sam Crawford
Whatcom County

Kathleen Davis
WSDOT

Mark Freiburger, P.E.
City of Sedro-Woolley

Secretary Paula Hammond, P.E.
WSDOT

Councilmember R.E. Bob Olson
City of Kennewick

Commissioner Greg Patch
Whitman County

Laura Philpot
City of Sammamish

Heidi Stamm
HS Public Affairs

Harold Taniguchi
King County Metro Transit

John Vodopich
City of Bonney Lake

Jay Weber
County Road Administration Board

Ralph Wessels, P.E.
Bicycle Alliance of Washington

Clay White
Snohomish County

Stevan E. Gorcester
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

November 16, 2012

Mr. Seth Boettcher, P.E.
Public Works Director
City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010-0599



Dear Mr. Boettcher:

Congratulations! We are pleased to announce the selection of your project, FY 2014 Overlay Project, Multiple Locations, TIB project number 2-P-800(003)-1.

Total TIB funds for this project are \$143,507. TIB expects this project to be constructed during 2013.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement;
- Return the above items to TIB;
- You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.84, you must certify full funding by November 16, 2013 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Greg Armstrong, TIB Project Engineer, at (360) 586-1142 or e-mail GregA@TIB.wa.gov.

Sincerely,

Stevan Gorcester
Executive Director

Enclosures

Small City Preservation Program (SCPP)
Approved Segment Listing
FY 2014 Overlay Program

BLACK DIAMOND

Street	Termini	Pavement Length	Pavement Width
SE 288th St	228th Ave SE to 236th Ave SE	2,650 feet	28 feet

Capital Improvement Plan 2013 - 2018

Project for the

Street Department

T2

PROJECT TITLE

SE 288th Street Overlay

DESCRIPTION

Patch and overlay the existing roadway from 228th Ave SE to 236th Ave SE.

BACKGROUND

The city completed the overlay of the west half of the project from 224th to 216th in 2011. The City will continue to seek TIB pavement preservation grant funding for the second half.

CAPITAL PROJECT COSTS

Construction Engineering

Construction Costs

TOTAL COSTS

		Capital Plan 2013 - 2018					
Total \$ Requested 2013-2018		2013	2014	2015	2016	2017	2018
10,000		10,000					
140,000		140,000					
150,000		150,000	-	-	-	-	-
Total \$ Requested 2013-2018		2013	2014	2015	2016	2017	2018
130,000		130,000					
10,000		10,000					
10,000		10,000					
150,000		150,000	-	-	-	-	-

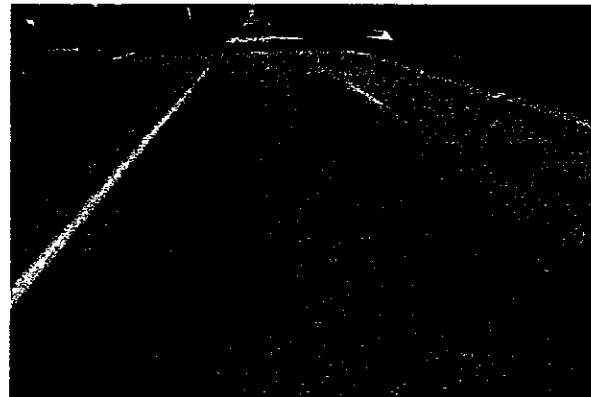
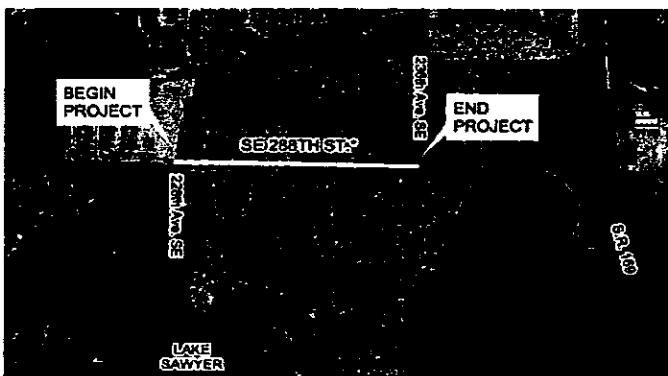
REQUESTED FUNDING

Grants TIB

In-Kind Match

Real Estate Excise Tax II

TOTAL SOURCES



CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 12-845, authorizing the Mayor to execute a one-year extension of the Interlocal Agreement that created the South County Area Transportation Board (SCAT Bd)	Agenda Date: December 20, 2012	
	AB12-107	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator --Pete Butkus	X
	City Attorney --Chris Bacha	
	City Clerk -- Brenda L. Martinez	
	Finance -- May Miller	
	Public Works -- Seth Boettcher	
	Economic Devel. -- Andy Williamson	
Cost Impact: \$100 annual membership fee	Police -- Jamey Kiblinger	
Fund Source: General Fund - PW	Court -- Stephanie Metcalf	
Timeline: Effective 01 JAN 2013	Comm. Dev. -- Steve Pilcher	
Attachments: Resolution 12-845; Extension Agreement (2 pages), Original Agreement (8 pages), regional map with project descriptions (2 pages) and copy of the Regional tri-fold brochure (2 pages).		
SUMMARY STATEMENT: <p>This Resolution is a small part of the 2013 Budget process. Most significantly, the SCAT Bd promotes and facilitates regional cooperation and is directly related to fulfillment of part of the City's Capital Improvement Plan. The cost of annual membership is \$100 per year.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: N/A		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 12-845, authorizing the Mayor to execute a one-year extension to the South County Area Transportation Board Interlocal Agreement.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

RESOLUTION NO. 12-845

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, WASHINGTON AUTHORIZING THE
MAYOR TO EXECUTE A ONE-YEAR EXTENSION TO THE
SOUTH COUNTY AREA TRANSPORTATION BOARD
INTERLOCAL AGREEMENT**

WHEREAS, by Resolution No. 09-577 the City of Black Diamond entered into an Interlocal Agreement that created the South County Area Transportation Board (hereinafter: SCAT Bd); and

WHEREAS, that agreement will expire on December 31, 2012; and

WHEREAS, the SCAT Bd member representatives meeting in an open session on November 20, 2012 have recommended an extension of the Interlocal Agreement for a one-year period; and

WHEREAS, maintaining membership in the SCAT Bd promotes and facilitates regional cooperation and is directly related to fulfillment of part of the City's Capital Improvement Plan;

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

Section 1. The Mayor is hereby authorized to execute a one-year extension of the Interlocal Agreement establishing the South County Area Transportation Board substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF DECEMBER, 2012.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

**SOUTH COUNTY AREA TRANSPORTATION BOARD
STATEMENT OF EXTENSION**

The South County Area Transportation Board's (SCATBd) current agreement expires on December 31, 2012, but it includes a provision that allows for extending the agreement for up to two years.

All parties wish to extend the agreement to December 31, 2013, pursuant to the authority outlined in the agreement.

The following Statement of Extension was approved by the South County Area Transportation Board at the November 20, 2012 meeting and signed by the parties below.

According to Section 11.0 of the current South County Area Transportation Board (SCATBd) interlocal agreement, the SCATBd hereby approves the extension of the current agreement for one year, until December 31, 2013.

**SOUTH COUNTY AREA TRANSPORTATION BOARD
STATEMENT OF EXTENSION**

City of Algona By: _____ Date: _____	City of Auburn By: _____ Date: _____	City of Black Diamond By: _____ Date: _____
City of Burien By: _____ Date: _____	City of Covington By: _____ Date: _____	City of Des Moines By: _____ Date: _____
City of Enumbleaw By: _____ Date: _____	City of Federal Way By: _____ Date: _____	City of Kent By: _____ Date: _____
City of Maple Valley By: _____ Date: _____	City of Milton By: _____ Date: _____	City of Normandy Park By: _____ Date: _____
City of Pacific By: _____ Date: _____	City of Renton By: _____ Date: _____	City of Sea Tac By: _____ Date: _____
City of Tukwila By: _____ Date: _____	King County By: _____ Date: _____	Muckleshoot Tribe By: _____ Date: _____
Pierce County By: _____ Date: _____	Pierce Transit By: _____ Date: _____	Port of Seattle By: _____ Date: _____
Puget Sound Regional Council By: _____ Date: _____	Sound Transit By: _____ Date: _____	Transportation Improvement Board By: _____ Date: _____
Washington State Department of Transportation By: _____ Date: _____	Washington State Transportation Commission By: _____ Date: _____	

RESOLUTION NO. 09-577

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
AUTHORIZING THE MAYOR TO EXECUTE AN
INTERLOCAL COOPERATION AGREEMENT WITH SOUTH
COUNTY AREA TRANSPORTATION BOARD FOR
INFORMATION SHARING, CONSENSUS BUILDING AND
COORDINATING TO PROVIDE ADVICE ON REGIONAL
TRANSPORTATION ISSUES**

WHEREAS, the South King County sub-area has been involved in multi-jurisdictional transportation planning to develop coordinated plans for transportation improvements and programs for this area; and

WHEREAS, these plans have been approved and efforts continue to be made to work cooperatively to implement the recommended projects; and

WHEREAS, the South County Area Transportation Board has been an effective forum for information sharing, consensus building and providing valuable input on transportation planning and implementation decisions; and

WHEREAS, the South County Area Transportation Board recognizes the need to coordinate with its regional partners to address issues that cross sub-area and county boundaries; and

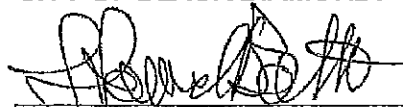
WHEREAS, the City of Black Diamond, King County has participated as a member;

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

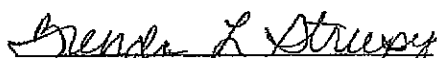
Section 1. The Mayor is authorized to execute an Interlocal Cooperation Agreement with South County Area Transportation Board for the years 2009-2012 as contained in form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF
FEBRUARY, 2009.**

CITY OF BLACK DIAMOND:


Howard Botts, Mayor

Attest:


Brenda L. Streepy, City Clerk

**2009-2012 Agreement
for the
South County Area Transportation Board**

Parties to Agreement

City of Algona	City of Renton
City of Auburn	City of SeaTac
City of Black Diamond	City of Tukwila
City of Burien	King County
City of Covington	Muckleshoot Tribe
City of Des Moines	Pierce County
City of Enumclaw	Pierce Transit
City of Federal Way	Port of Seattle
City of Kent	Puget Sound Regional Council
City of Maple Valley	Sound Transit
City of Milton	Transportation Improvement Board
City of Normandy Park	Washington State Department of Transportation
City of Pacific	Washington State Transportation Commission

Transmittal date to participating members for approval: December 30, 2008

THIS AGREEMENT is made and entered into by and among the CITY OF ALGONA, hereafter called "Algona"; the CITY OF AUBURN, hereafter called "Auburn"; the CITY OF BLACK DIAMOND, hereafter called "Black Diamond"; the CITY OF BURIEN, hereafter called "Burien"; the CITY OF COVINGTON, hereafter called "Covington"; the CITY OF DES MOINES, hereafter called "Des Moines"; the CITY OF ENUMCLAW hereafter called "Enumclaw"; the CITY OF FEDERAL WAY, hereafter called "Federal Way"; the CITY OF KENT, hereafter called "Kent"; the CITY OF MAPLE VALLEY, hereafter called "Maple Valley"; CITY OF MILTON, hereafter called "Milton"; the CITY OF NORMANDY PARK, hereafter called "Normandy Park"; the CITY OF PACIFIC, hereafter called "Pacific"; the CITY OF RENTON, hereafter called "Renton"; the CITY OF SEATAC, hereafter called "SeaTac"; the CITY OF TUKWILA, hereafter called "Tukwila"; the MUCKLESHOOT TRIBE; KING COUNTY, a legal subdivision of the State of Washington, hereafter called "King County"; PIERCE COUNTY, a legal subdivision of the State of Washington, hereafter called "Pierce County"; the PUGET SOUND REGIONAL COUNCIL, hereafter called the "PSRC"; the CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, hereafter called "Sound Transit"; PIERCE TRANSIT; the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, hereafter called "WSDOT"; the WASHINGTON STATE TRANSPORTATION COMMISSION, hereafter called the "Transportation Commission"; the TRANSPORTATION IMPROVEMENT BOARD, hereafter called "TIB"; and the PORT OF SEATTLE.

WHEREAS, the parties to this agreement recognize that multi-jurisdictional transportation planning and coordinated transportation plans benefit their citizens; and

WHEREAS, the South County Area Transportation Board (SCATBd) has effectively served as the central forum for information sharing, consensus building, and coordination to develop recommendations for transportation policies, projects and programs for the South King subarea; and

WHEREAS, the King County Comprehensive Plan for Public Transportation - Long Range Policy Framework, adopted in 1993, divided Metro service into three geographic subareas for the purpose of allocating new transit subsidy; and

WHEREAS, the Six-Year Transit Development Plan, adopted in 1995, called for the three subarea transportation boards (the Eastside Transportation Partnership, South County Area Transportation Board, and SeaShore Transportation Forum) to review, refine, and recommend service priorities to the King County Executive; and

WHEREAS, Sound Transit relies on the three subarea transportation boards to review and recommend Sound Transit plans and implementation of projects and services; and

WHEREAS, the geographic subarea boundary area for the South King Subarea is the area represented on the attached map (Exhibit A);

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1.0 Purpose of Agreement

The purpose of the Agreement is to provide for the continuation of the South County Area Transportation Board (SCATBd) as the South forum for local governments to share information, build consensus, and coordinate among jurisdictions and agencies with the goal of providing advice on plans, programs, policies and priorities for regional transportation decisions.

2.0 Role of Subarea Transportation Boards

1. The South County Area Transportation Board (SCATBd) is the forum established for the South subarea of King County for elected officials to provide advice into the following decisions:
 - a. The King County Metro six year transit development plan, and implementation of transit service priorities
 - b. Sound Transit plans and implementation of projects and services
2. The SCATBd may also provide input on other countywide and regional transportation issues.
3. The three subarea transportation boards shall hold at least one joint meeting annually to address issues of mutual interest and concern and promote regional decisions.

3.0 Voting and Non-voting Members

3.1 The voting members of SCATBd and their voting rights shall be as follows:

Voting Members	Number of Reps.	Voting Rights			
		Sound Transit ¹	Metro Transit ²	Regional Competition ³	Other ⁴
Algona	1	Yes	Yes	Yes	Yes
Auburn	1	Yes	Yes	Yes	Yes
Black Diamond	1	No	Yes	Yes	Yes
Burien	1	Yes	Yes	Yes	Yes
Covington	1	No	Yes	Yes	Yes
Des Moines	1	Yes	Yes	Yes	Yes
Enumclaw	1	No	Yes	Yes	Yes
Federal Way	1	Yes	Yes	Yes	Yes
King County	3	Yes	Yes	Yes	Yes
Kent	1	Yes	Yes	Yes	Yes
Maple Valley	1	No	Yes	Yes	Yes
Milton	1	Yes	Yes	Yes	Yes
Muckleshoot Tribe	1	Yes	Yes	Yes	Yes
Normandy Park	1	Yes	Yes	Yes	Yes
Pacific	1	Yes	Yes	Yes	Yes
Renton	1	No	Yes	Yes*	Yes
SeaTac	1	Yes	Yes	Yes	Yes
Tukwila	1	Yes	Yes	Yes	Yes
Pierce County	1	No	No	No	Yes

3.2 The non-voting members of SCATBd shall be as follows:

Non-Voting Member	Number of Representatives
Sound Transit	1
PSRC	1
WSDOT	1
TIB	1
Pierce Transit	1
Port of Seattle	1
Washington State Transportation Commission	1
Private sector representation (if approved by SCATBd)	1

¹ Recommendations on Sound Transit capital and service plans and implementation

² Recommendations on Metro Transit service plans

³ Identification of projects for the regional competition, if prescribed by the process approved by the King County members of the Transportation Policy Board (*projects in Renton south of the Cedar River)

⁴ Other recommendations including:

- Recommendations to the PSRC on plans, policies and programs, such as input on alternatives, policies and criteria for the regional transportation plan; on studies and analyses conducted; on criteria; on funding policies; and on regional priorities.
- Recommendations to the State Legislature, committees and commissions established by the Legislature, such as input on proposed legislation, on recommendations from commissions, and on transportation budgets and priorities.
- Recommendations to WSDOT on projects, policies, programs, priorities and funding, such as input on alternatives, funding, and priorities for major corridors; on tolling; on transportation demand management, on Commute Trip Reduction; on active traffic management; and on state transportation plans.
- Recommendations to the State Transportation Commission, such as input on policies regarding tolling, preservation, capacity improvements and funding.
- Recommendations to the federal delegation on federal legislation, such as input on reauthorization; and on funding priorities.

3.3 A roll call vote shall be taken on recommendations from the subarea board regarding Sound Transit capital and service plans and implementation, Metro Transit service plans, and identification of projects for the regional competition, if prescribed by the process approved by the King County caucus of the Transportation Policy Board. The results shall be recorded by jurisdiction.

4.0 Representation and Conduct

4.1 The representation on the South County Area Transportation Board (SCATBd) shall be as follows:

1. Elected officials appointed for a one-year term from each of the participating counties and cities, in the number specified above. King County representation shall be a maximum of two Councilmembers and the King County Executive or his designee.
2. High level staff from WSDOT, Pierce Transit, the Port of Seattle and the PSRC; a South King subarea board member of Sound Transit; the Director of the TIB; and a representative designated by the Washington Transportation Commission.
3. A representative of a private sector group or groups as determined by SCATBd.

4.2 Each participating member shall appoint an alternate. Designated alternates may vote in place of designated voting representatives in the absence of the designated representative.

4.3 On an annual basis, member jurisdictions shall inform the Lead Agency in writing of its representatives and alternates and provide the appropriate contact information for each.

4.4 The SCATBd will be responsible for overall program direction, approving Technical Advisory Committee recommendations and providing direction for input on transportation decisions

4.5 The SCATBd may establish its own bylaws and rules of procedures and may modify these as appropriate. Such bylaws and rules shall be consistent with the provisions of this Agreement and modifications to such bylaws and rules will not alter this Agreement.

4.6 The SCATBd may establish subcommittees as it determines appropriate.

4.7 With a simple majority of voting members as shown in Section 3.1, the SCATBd can adopt resolutions, authorize correspondence, request studies, or provide other advisory input to member jurisdictions or regional and state activities, including plans policies, programs, projects or legislative issues.

4.8 Any voting member may request that a minority statement be included in communications or otherwise distributed with the adopted majority position.

5.0 Chair and Vice Chair

5.1 The chair and vice chair of SCATBd shall be representatives of a member county or city located within the subarea's geographic boundaries. The chair and vice chair shall be elected by a majority of the voting representatives from jurisdictions within the subarea's geographic boundaries.

5.2 The chair and vice chair shall be nominated by a nominating committee established in November of each year, and nominated in December of each year.

5.3 The chair and vice chair shall serve a term of one year from February 1 through January 31 of the following year.

5.4 The chair and the vice chair shall conduct the SCATBd activities within adopted procedures and guidelines. The chair and vice chair are responsible for setting meeting agendas, ensuring fair opportunity for discussion, signing correspondence, and speaking on behalf of the SCATBd.

6.0 Technical Advisory Committee (TAC)

6.1 Each member jurisdiction or agency shall appoint at least one planning, public works and/or intergovernmental staff person to the Technical Advisory Committee (TAC). Private sector groups shall not participate in TAC activities. Each member jurisdiction and agency is expected to contribute such staff as is necessary to accomplish the work program adopted by the SCATBd.

6.2 The TAC shall provide technical assistance as requested by the SCATBd and shall advise the SCATBd and their respective members on emergent transportation issues, and be responsible for overall program development including drafting of the work program. The TAC shall also review consultant work, and coordinate its activities with adjacent jurisdictions, including the other subarea transportation forums.

6.3 When appropriate, the TAC will make recommendations for consideration of the SCATBd. The TAC's recommendations shall be arrived at by consensus of a majority of the TAC members present. If the Technical Advisory Committee is unable to reach consensus on a particular issue, TAC members may present discussion questions or a dissenting opinion to the SCATBd for consideration.

7.0 Lead Agency

7.1 King County will be the lead agency for the purposes of receipt of funds, contract administration, and disbursement of funds associated with consultant contracts and study-related expenses. King County shall appoint a staff member to serve as Project Manager for special projects. King County shall also provide general administrative and program support for the SCATBd. King County assumes wage and benefits cost of its staff performing Lead Agency responsibilities.

7.2 Lead Agency responsibilities include administrative and technical support for meetings and ongoing operations; collection, administration and distribution of dues; support to the chair and vice chair; preparation of correspondence and other materials; development and monitoring of work program; and coordination of consultant services or other special projects as directed by the SCATBd.

8.0 Annual Work Program

The SCATBd may undertake activities consistent with its purposes and shall prepare an annual progress report and work program for the following year for submittal to its members.

9.0 Financing and Cost Sharing Guidelines

9.1 Yearly Dues -- Each member city will contribute \$100.00 annually per vote awarded to remain members in good standing. The designated Lead Agency shall not be required to pay yearly dues. This revenue shall be used for special events, including an annual joint meeting of the subarea transportation boards, public education, or other expenses authorized by the SCATBd.

9.2 The following guidelines shall generally apply:

1. **Annual Review of Financing:** The SCATBd shall determine by June 30 of each year whether an additional financial contribution will be requested of the SCATBd jurisdictions.
2. **Voting Members:** If additional financial contributions are determined to be necessary, costs shall be shared among member jurisdictions other than King County by a method as determined by action of the SCATBd. Unless agreed to otherwise, King County's share shall be limited to the costs of providing staff support.
3. **Non-voting Members:** The member agencies shall not be expected to make a direct funding contribution.
4. **Modification to Agreement Required:** A modification to this agreement specifying cost-sharing, purpose, scope of work and other details is required to obligate a member jurisdiction to funding participation.

10.0 Withdrawal of a Party from this Agreement

Each party, for its convenience and without cause or for any reason whatsoever, may withdraw from participation in this Agreement by providing written notice, sent certified mail, return receipt required, to all of the other parties at least thirty (30) days in advance of the effective date of the withdrawal. A withdrawing party shall not be entitled to a refund of any payments to SCATBd but shall make any contributions required to be paid to other parties under this Agreement for costs which had been obligated prior to the effective date of the withdrawal. In the event a party withdraws, the remaining parties shall amend this Agreement as necessary to reflect changes in the named parties and cost and revenue allocations. In the event of withdrawal by a party, this Agreement shall terminate as to that party but shall continue in effect with respect to the remaining parties. However, the termination of this Agreement with respect to one or more parties shall not affect any of the parties' rights or obligations, including any rights or obligations of a withdrawing party, that are expressly intended to survive termination.

Each party's funding to perform its obligations under the Agreement, beyond the current appropriation year, is conditional upon appropriation by the party's governing body of sufficient funds to support said obligations. Should such an appropriation not be approved for a future year, a party may exercise its right to withdraw as provided herein.

11.0 Duration

This Agreement shall take effect upon being duly adopted by the governing bodies of all parties and executed by the authorized representatives of all parties. This Agreement shall remain in effect until all the tasks have been completed to the satisfaction of the SCATBd or until such time as the participating members choose to conclude the program for other reasons, but in no case shall the program extend beyond December 31, 2012, unless terminated earlier or extended in accordance with Section 11.0. If all parties desire to extend this Agreement beyond December 31, 2012, they shall

execute a Statement of Extension. In no event shall the Agreement be extended beyond December 31, 2014.

12.0 Termination

All parties to this Agreement must agree to terminate this Agreement in order for such termination to be effective. If all parties desire to terminate this Agreement, they shall execute a Statement of Termination. Upon termination, no party shall be required to make any additional contributions. Any remaining funds shall be refunded to the parties to this Agreement according to Section 13.0.

13.0 Real and Personal Property

The acquisition of real property is not anticipated under this Agreement. Any personal property acquired pursuant to this Agreement shall be held by the Lead Agency. In the event this Agreement expires or is terminated in accordance with Section 11.0, any personal property other than cash shall remain with the Lead Agency.

14.0 Return of Funds

At such time as this Agreement expires or is terminated in accordance with Section 11.0, any unexpended and uncommitted funds shall be distributed proportionately to those parties to this Agreement at the time of termination based on each party's percentage share of the original contribution.

15.0 Filing

This Agreement shall be filed with the King County Department of Records and Elections.

16.0 Legal Relations

16.1 The parties shall comply with all applicable state and federal laws and regulations.

16.2 This Agreement is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this Agreement. No employees or agents of one party or any of its contractors or subcontractors shall be deemed, or represent themselves to be, employees of any other party.

16.3 Each party shall defend, indemnify and hold harmless the other party and all of its officials, employees, principals and agents from all claims, demands, suits, actions, and liability of any kind whatsoever which arise out of, are connected with, or are incident to any negligent acts of the first party, its contractor, and/or employees, agents, and representatives in performing the first party's obligations under this Agreement. The parties agree that their obligations under this paragraph extend to claims made against one party by the other party's own employees. For this purpose, the parties, by mutual negotiation, hereby waive any immunity that, as respects the other party only, would otherwise be available against such claims under the industrial insurance provisions of RCW Title 51. In the event either party incurs attorney's fees, costs or other legal expenses to enforce the provisions of this section, against the other party, all such fees, costs and expenses shall be recoverable by the prevailing party.

16.4 The provisions of this Section 16 shall survive and remain applicable to each of the parties notwithstanding any termination or expiration of this Agreement and notwithstanding a party's withdrawal from this Agreement.

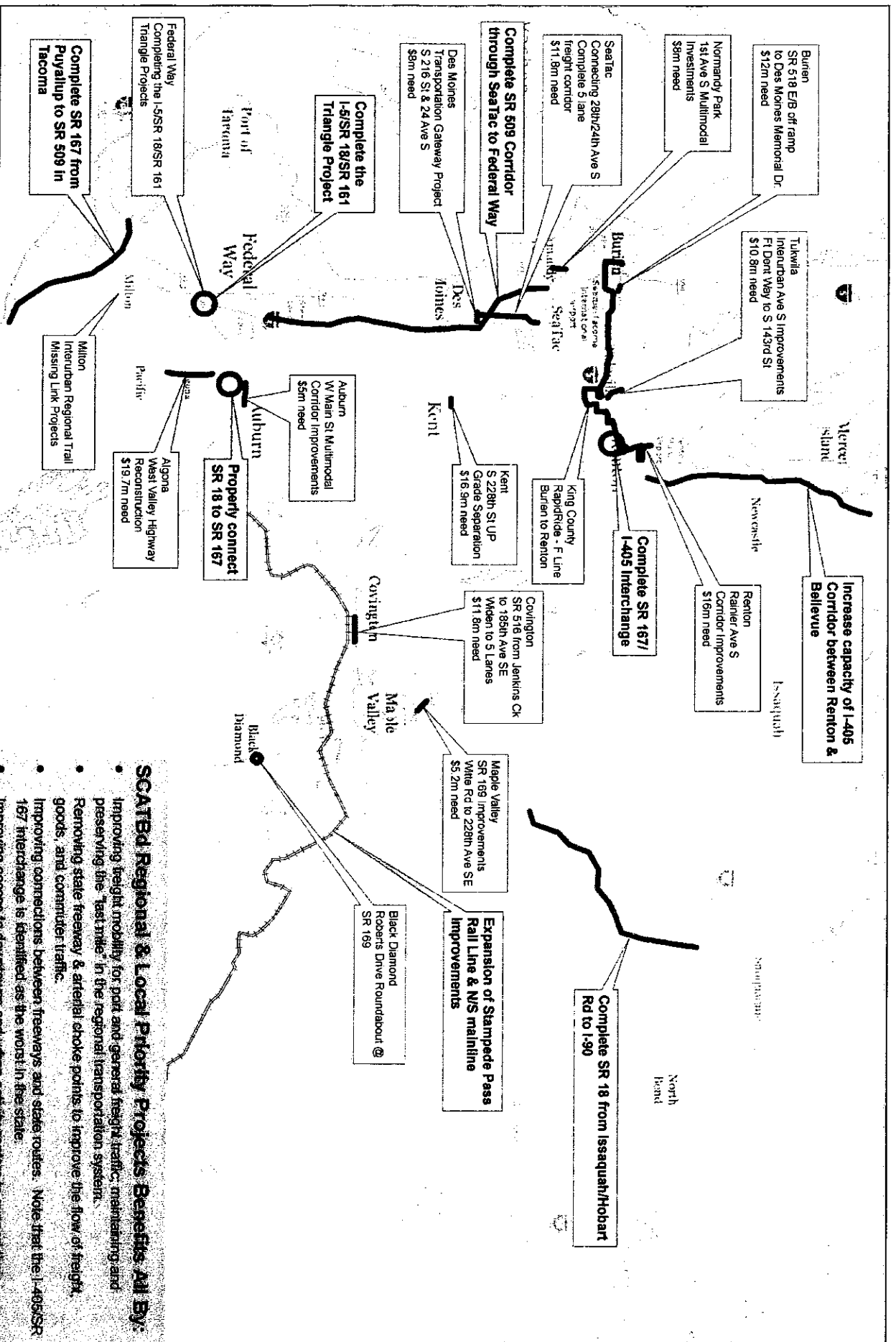
17.0 Entirety and Modifications

17.1 This Agreement merges and supersedes all prior negotiations, representations and agreements between the parties relating to the subject matter hereof and constitutes the entire agreement between the parties.

17.2 This Agreement may be modified or extended only by written instrument signed by all the parties hereto.

18.0 Counterparts

The signature pages of this Agreement may be executed in any number of counterparts, each of which shall be an original.



South County Area Transportation

Board (SCATBd)

Regional & Local Project Priorities

SCATBd Regional & Local Priority Projects Benefits All By:

- Improving freight mobility for port and general freight traffic, maintaining and preserving the "fast lane" in the regional transportation system.
- Removing state freeway & arterial choke points to improve the flow of freight, goods, and commuter traffic.
- Improving connections between freeways and state routes. Note that the I-405/SR 167 interchange is identified as the worst in the state.
- Improving access to downtowns and urban activity centers to support their continued economic vitality.
- Removes freight and passenger rail choke points to improve rail & vehicular traffic flow and improves emergency response times.
- Providing bicycle and pedestrian facilities that improve the health and well-being of our citizens.
- Providing transit/mobility options for commuters and residents.

SCATBd REGIONAL PRIORITIES

WSDOT	I-5/SR 509 Corridor Completion and Freight Improvement Project	Complete the SR 509 Corridor through the City of SeaTac to the City of Federal Way
WSDOT	I-405/SR 167 Interchange Project, I-405 Widening	Reconstruct interchange to connect HOV lanes and increase capacity in the I-405 Corridor, increase capacity in I-405 Renton to Bellevue Corridor.
WSDOT	I-5/SR 18/SR 161 Triangle Project	Complete the remaining phases of the Triangle Project
WSDOT	SR 18 Widening Project	Complete the SR 18 widening from the Issaquah Hobart Road to I-90
WSDOT	SR 18/SR 167 Interchange	Properly connect SR 18 to SR 167
WSDOT	Complete SR 167 connection	Complete SR 167 from Puyallup to SR 509 in Tacoma
Other	Stampede Pass Rail Line Improvements	Expand the Stampede Pass rail line, and north south mainline improvements.

SCATBd LOCAL PRIORITIES

Algona	W Main Street Multi-Modal Corridor Improvements	This Project will reconstruct and widen the existing travel lanes to 12' and add 4' shoulders in both directions.
Auburn	W Main Street Multi-Modal Corridor Improvements from W Valley Highway to Interurban Trail	This project will close a gap in the local non-motorized network by transforming West Main St between the Interurban Trail Crossing and W Valley Highway from a four lane section to a three lane section including a two way left turn lane and bike lanes.
Black Diamond	Intersection of SR 169 & Roberts Drive	The project will add a roundabout at this intersection and will accommodate a future road connection to the east for the Lawson Hills Master Planned Development.
Burien	SR 518: Eastbound Off-ramp to Des Moines Memorial Drive	A new east bound off-ramp at SR 518 and Des Moines Memorial Drive. This project will enable a heavily impacted and underused area in Burien to begin an economic revitalization that will benefit the City, the State, the Port of Seattle, and many others.
Covington	SR 516 from Jenkins Creek to 185th Ave SE	The project will widen SR 516 to five lanes from the vicinity of Jenkins Creek to the vicinity of 185th Ave SE. The project will also widen the structure over the Jenkins Creek crossing.
Des Moines	Transportation Gateway Project	The Transportation Gateway project improves two arterials: S. 216th Street and 24th Avenue S., serving as the City's centerpiece for economic development.
Federal Way	Triangle Improvements, Federal Way, I-5/SR 18/SR 161	Phase one of the project, which includes two new flyover ramps, began in August 2010 and was completed in July 2012. Phase two has been broken up into five parts, and funding has not yet been secured for any part of phase two.
Kent	South 228th Street Union Pacific Railroad Grade Separation	Construct a railroad overpass to separate the road from the Union Pacific railroad tracks and eliminate the existing at-grade crossing.
King County	RapidRide F Line	RapidRide will serve the Burien Transit Center, the Link Tukwila International Boulevard Station, Tukwila Sounder Station, South Renton Park-and-Ride, and Renton Transit Center.
Maple Valley	SR 169 Improvement Project (Witte Road to 228th Ave SE)	Construct a second northbound lane on SR 169 from Witte Road to 228th Ave SE. Other improvements include the construction of bike lane and an ADA compliant sidewalk and curb ramps, street illumination and landscaping.
Milton	Interurban Regional Trail Missing Link Project	The City of Milton's portion of the project is a tunnel or pedestrian bridge crossing of SR 161 (Meridian) in King County and a short surface connection link to the Edgewood trail to the east.
Normandy Park	First Avenue South Multi-modal Enhancement Project	The First Avenue South Multi-modal Enhancement Project Phase 3; adds sidewalks, bicycle lanes, and street & pedestrian lights and landscaping to the existing arterial, which is also designated as SR 509.
Renton	Rainier Avenue South Corridor Improvements	Phase 2 will complete the improvements from S 3rd St (SR 900) to Airport Way. It includes installation of landscaped medians, curb, gutter, wider sidewalks, planted pedestrian buffer, street lighting including pedestrian scale illumination.
SeaTac	Connecting 28th/24th Avenue South	The project will complete a five lane principal arterial corridor with bicycle lanes and sidewalks. The project provides a vital connection within and between the City of SeaTac's Regional Growth Center, the City of Des Moines, the Port of Seattle's SeaTac International Airport, and Sound Transit's 200th St Link Light Rail Station.
Tukwila	Interurban Ave South (Fort Dent Way to South 143rd Street)	The project benefits include converting the center lane to a planted median; left and u-turns will be provided for at several locations along the roadway to maintain access to abutting properties.

Who Are We?

The South (King) County Area Transportation Board (SCATBd) is a collaborative effort of local elected officials who are committed to improving the regional transportation system. SCATBd represents an area that encompasses:

- 16 Cities
- Portions of Two Counties
- Three Transit Agencies
- The Ports of Seattle & Tacoma
- 9 State Legislative Districts.
- 691,600 People
- 36% of County Population
- Over 300,000 Jobs

**The largest freight,
manufacturing and
industrial center
in the
Pacific Northwest!**



Don Wilson/Port of Seattle

Membership

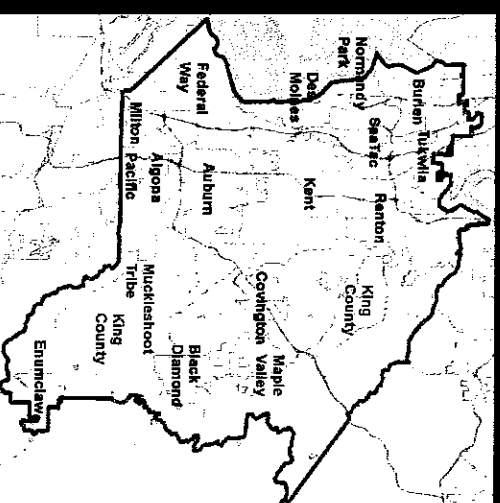
VOTING MEMBERS:

Algona
Auburn
Black Diamond
Burien
Covington
Des Moines
Federal Way
Kent
King County Executive
King County Council (2)
Maple Valley
Milton
Muckleshoot Tribe
Normandy Park
Pierce County
Renton
SeaTac
Tukwila

NON-VOTING MEMBERS:

Pierce Transit
Port of Seattle
Port of Tacoma
Puget Sound Regional Council
South Sound Chambers Coalition
Sound Transit
Transportation Improvement Board
WA State Department of Transportation
WA State Transportation Commission

MS: KSC-TR-0814
201 South Jackson Street
Seattle, WA 98104-3856
206-684-1417



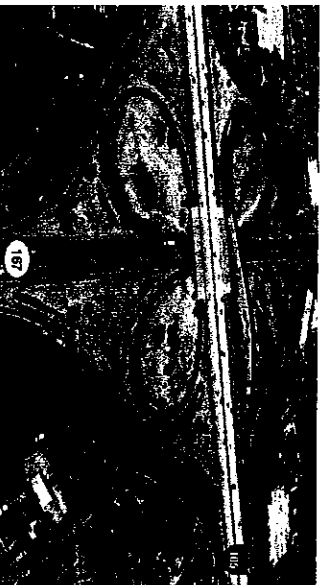


Effective Transportation Systems Equal Jobs & Quality of Life!

Fund Major Projects for an Integrated Transportation Grid:

The following projects are necessary to create a *fully functional and integrated transportation grid* to move people and freight in the South Sound Region. Transit, all types of vehicular transportation choices and air quality will benefit!

- Completion of I-5/SR 509 through SeaTac to Federal Way.
- Completion of SR 167 from Puyallup to SR 509 in Tacoma.
- Completion of the I-405/SR 167 Interchange and increasing capacity in the I-405 Renton to Bellevue corridor.
- Completion of the I-5/SR 18/SR 161 Interchange (Triangle Project).
- Properly connecting SR 18 to SR 167.
- Completion of SR 18 from Hobart/Issaquah Road to I-90 at Snoqualmie.
- Expansion of the Stampede Pass Rail Line & N/S Main Line improvements.



Create Better Funding Tools for Preservation of Local Systems:

Available local financing tools do not allow local jurisdictions to maintain, operate and preserve their existing systems. In South King County alone, the estimated cost to preserve roads over the next 30 years is over \$2 billion. Further, local transit funding is not sufficient to maintain existing transit services. *We request that the Legislature:*

- *Provide funding for expansion and maintenance of local streets used for regional freight and vehicle mobility.*
- *Authorize new local options for funding local transportation maintenance.* One of these potential funding sources showing promise is the Street Maintenance Utility legislation.
- *Support a more diverse and stable funding source to maintain transit service.* This is important to provide travel options for our diverse communities in the South County Area.



Provide Funding for Local Government GMA Needs:

For many years, local governments have been accepting growth consistent with the requirements of the Growth Management Act. However, revenues have not been sufficient to provide the infrastructure necessary to support this growth. We are short hundreds of millions of dollars to provide street and transit improvements. *New funding sources must be provided to finance growth!*



Invest Now to Keep/Grow Jobs:

Competition from Canadian ports and the expansion of the Panama Canal has the potential to relocate thousands of jobs from our region. We must improve freight mobility in and out of our region! Jobs provide security and a stable community. Long commute times take away from family time and stalled traffic creates air pollution. Cutbacks in transit service cause more traffic and greenhouse gas. *The time is NOW to invest in regional transportation improvements!*

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 12-846, returning the donation from Save Black Diamond due to elimination of the K-9 program in 2013.	Agenda Date: December 20, 2012	
	AB12-108	
	Department/Committee/Individual	City Council
	Mayor Rebecca Olness	
	City Administrator --Pete Bukus	X
	City Attorney --Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Cost Impact: \$1801	Police – Jamey Kiblinger	
Fund Source: General Fund	Court – Stephanie Metcalf	
Timeline: Effective 01 JAN 2013	Comm. Dev. – Steve Pilcher	
Attachments: Draft Resolution No. 12-846		
SUMMARY STATEMENT: This Resolution is a part of the 2013 Budget process.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 12-846 Providing for the return of a donation as previously accepted in Resolution No. 12-830.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
December 20, 2012		

RESOLUTION NO. 12-846

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, WASHINGTON PROVIDING FOR THE
RETURN OF A DONATION AS PREVIOUSLY ACCEPTED
IN RESOLUTION NO. 12-830**

WHEREAS, the City of Black Diamond has by Resolution No. 12-830 accepted a monetary donation from Save Black Diamond for the support of the police K-9 unit; and

WHEREAS, under the terms of Resolution No. 12-830, the funds were to be allocated solely to costs and expense of the K-9 unit; and

WHEREAS, as a part of the 2013 Budget, the K-9 unit will no longer exist; and

WHEREAS, given that the terms and conditions of the acceptance and allocation of the funds cannot be fulfilled, it is necessary and proper to return the unexpended funds to the donor;

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

Section 1. The Mayor is hereby authorized to return the aforementioned donation to Save Black Diamond.

Section 2. Nothing in this Resolution limits Save Black Diamond from further donations to municipal programs or causes.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF DECEMBER, 2012.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk