



CITY OF BLACK DIAMOND
August 1, 2013 Council 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:

- 1.) **AB13-059** – Transportation Benefit District Mr. Williamson
(This legislative public hearing will not address a city ordinance as previously noticed)

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

UNFINISHED BUSINESS:

- 2.) **AB13-053B** – Ordinance Amending Sewer Rates Mr. Bacha
- 5.) **AB13-060** – Resolution Regarding Forming an Ad Hoc Committee for Exploration of
Long-Term Fire Protection and Emergency Medical Service Models Councilmember Deady

NEW BUSINESS:

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

EXECUTIVE SESSION:

- 3.) **Claim Checks** – August 1, 2013, Check No.39816 through No. 39869 (void check nos. 39754, 39823, 39825, 39826) in the amount of \$94,379.55
- 4.) **Minutes**– Workstudy Notes of July 11, 2013 and July 18, 2013 and Regular Meeting Minutes of July 11, 2013 and July 18, 2013

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 13-1007, adopting an annual inflationary increase on sewer charges.	Agenda Date: August 1, 2013	
	AB13-053B	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: Revenue Increase	Police – Jamey Kiblinger	
Fund Source: Sewer	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Proposed Ordinance No.13-1007 (redlined and clean versions)		
SUMMARY STATEMENT: At the July 11, 2013 meeting Council postponed action on this item until the August 1, 2013 Council meeting. This was due to the changes the attorney made to the ordinance that clarified the different pieces of the sewer rates and to also make it clearer which portion of the rate the inflationary adjustment is applied to. This increase will take effect on January 1 of each year.		
COMMITTEE REVIEW AND RECOMMENDATION: Council Reviewed Financial models prepared by rate consultant Mr. Ashley M. Emery at a Workstudy meeting June 6, 2013. A Public Hearing was held on June 20, 2013. The Finance Committee reviewed the proposed Ordinance and is recommending for Council consideration a yearly COLA be adopted for the sewer fund starting in 2014.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-1007, relating to sanitary sewer utility charges; amending section 13.24.010 of the Black Diamond Municipal Code; implementing an annual inflationary increase in charges to meet sanitary sewer service obligations; providing for severability and establishing an effective date.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
June 20, 2013	Motion for City Attorney to prepare Ordinance for adoption –	5-0
July 11, 2013	Motion to postpone to August 1 meeting –	3-0
August 1, 2013		

**CITY OF BLACK DIAMOND
WASHINGTON**

ORDINANCE NO. 13-1007

**AN ORDINANCE OF THE CITY OF BLACK
DIAMOND, KING COUNTY, WASHINGTON;
RELATING TO SANITARY SEWER UTILITY
CHARGES; AMENDING SECTION 13.24.010 OF
THE BLACK DIAMOND MUNICIPAL CODE;
IMPLEMENTING AN ANNUAL INFLATIONARY
INCREASE IN CHARGES TO MEET SANITARY
SEWER SERVICE OBLIGATIONS; 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 sanitary sewer systems, and establish the rates therefore; and

WHEREAS, the City has established a sanitary sewer utility system and regulations governing rates and charges for sanitary sewer utility services codified at Chapter 13.20, 13.24 and 13.26 of the Black Diamond Municipal Code; and

WHEREAS, BMDC 13.24.030 provides that the charges established by BDMC Ch. 13.24 shall be reviewed periodically by the city council, and that, as part of such review, the city's finance department shall present to the city council proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the city's sewer utility system; and

WHEREAS, pursuant to Resolution No. 13-864 the City Council authorized a contract with Ashley M. Emery of Peninsula Financial Consulting (the "Consultant") to conduct a cost-of-service

study to determine whether existing sanitary sewer utility rates are adequate to recover the cost of providing sanitary sewer service; and

WHEREAS, the Consultant has, together with Finance Department and other City staff, analyzed and processed available data relating to sanitary sewer utility system maintenance and operations, including revenues, expenditures, debt service obligations, and certain future capital needs, as well as planned growth and impacts upon sanitary sewer utility service, and utilizing this, and other data, has forecast total sanitary sewer utility system cash flows and expenditures for future years utilizing proprietary computer modeling; and

WHEREAS, Consultant forecasts that the total annual sanitary sewer utility system revenues in year 2013 and in each succeeding year will be less than the annual cost to provide sanitary sewer utility service and that sanitary sewer utility cash reserves are insufficient to sustain near-term and long-term sanitary sewer utility service and to meet future capital needs; and

WHEREAS, based upon the foregoing, the City Council has determined that the current monthly sanitary sewer utility system rates are insufficient to fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system; and

WHEREAS, the City Council has determined that it is reasonable and necessary to adopt annual inflationary rate adjustments to meet the City's obligation to adequately fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system, to meet its service obligations to sanitary sewer utility system customers, and to protect the public health, safety and welfare; and

WHEREAS, in consideration of the report and recommendation of Consultant, projected future growth, and future anticipated on-going operational, maintenance and capital costs of the sanitary sewer utility system, the City Council finds that an amendment to BDMC Ch. 13.24, adopting an annual inflationary rate adjustment to the City's base sewer service charge as set forth herein, is reasonable and necessary to meet revenue requirements to cover the costs necessary to maintain a self-supporting and financially viable sanitary sewer utility system; and

WHEREAS, the City contracts with King County for the transmission, storage and treatment of wastewater collected by the City through the City's sanitary sewer collection system; and

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WHEREAS, the costs to the City of the transmission, storage and treatment services provided by King County are currently included within the base rate for sewer services charged to Black Diamond sanitary sewer system customers; and

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WHEREAS, the King County charges for transmission, storage and treatment are subject to adjustment by King County and are not subject to inflationary adjustments and thus should not be subject to the inflationary adjustment as set forth herein; and

WHEREAS, the City Council finds that it is in the public interest to implement the sanitary sewer utility system rate increase to the base rate as set forth herein in order to ensure that the sanitary sewer utility has sufficient revenue to be self-supporting and financially viable;

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

Section 1. Incorporation of Recitals. The above-stated recitals are incorporated by this reference as though fully set forth herein and are adopted as the findings and conclusions of the City Council.

Section 2. Amendment of BDMC 13.24.010 (Monthly rates designated). Section 13.24.010 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) by the addition of new subsection "G" reading as follows:

13.24.010 - Monthly rates designated.

Effective January 1, 2013 sewer service charges shall be as follows:

A. General. The Sewer service charge shall be the total of the base sewer service charge, the surcharge, and the applicable additional flow and unit charges.

B. Base Sewer Service Charge. The base sewer service charge shall be nineteen dollars and sixteen cents.

C. Surcharge. There shall be, in addition to the base sewer service charge, a surcharge reflecting the cost of service charged to the City by King County for wastewater transmission, storage and treatment. The surcharge shall be thirty-nine dollars and seventy nine cents.

~~A. For~~D. Single Family Residential Charge. Residential customers-users served by a single meter to the residence shall be subject to, the base sewer service charge plus the surcharge~~plus the surcharge~~fifty-eight dollars and ninety five cents.

~~B. For~~E. Lifeline Utility Program. Residential customers-users served by a single meter who have been approved under the Lifeline Utility Program, will receive a discount on the base sewer service charge~~city share of the sewer rate~~as shown in the city fee schedule.

~~C. For~~F. Other Users; Additional Flow and Unit Charges. For all other-users other than single-family residential, including but not limited to commercial users, multi-family residences and mobile home parks, served by a single water meter, fifty-eight dollars and ninety five cents per month shall, for each water meter in use, be subject to the base sewer service charge plus the surcharge plus additional flow charges of five dollars and ninety-one cents for each one hundred cubic feet of water consumed per month in excess of seven hundred fifty cubic feet, as measured by such water meter. The user shall, for each water meter in use that serves more than one unit, be subject to an additional unit charge of for the first unit, plus ten dollars for each additional unit served by that water meter, plus five dollars and ninety one cents for each one hundred cubic feet of water consumed per month in excess of seven hundred fifty cubic feet. For purposes of this section, the word "unit" shall be defined as any dwelling unit, home, condominium, mobile home, manufactured home or location at which business is conducted.

~~DG.~~ Irrigation and Landscaping. Any user subject to ~~an overage~~ an additional flow charge may apply to the city for installation of a separate meter to monitor water usage solely for irrigation and landscaping purposes. The individual or entity requesting such a meter shall pay the city for the cost of the meter and cost of installation. Water consumed for these purposes shall be subject to the base sewer service charge and surcharge but shall not be subject to the overage additional flow charge.

~~EH.~~ Home Occupations. For purposes of this chapter home occupations shall not be considered a second use.

~~FI.~~ Taxes. Federal, state and local taxes, where applicable, shall be added to the sums as set forth above

J. CPI-U Annual Adjustment. The monthly base sewer service, additional flow and unit charges set forth herein shall be adjusted annually at 12:01 a.m. on January 1st of each year by the annual percentage of change in the all urban consumer price index ("CPI-U") published by the Bureau of Labor Statistics of the U.S. Department of Labor for the Western Region, using the July index for the year immediately preceding the year of the adjustment.* In no event shall the monthly charges decrease as a result of the CPI-U adjustment without separate and specific action by the City Council. The CIP-U adjustment shall apply to the base sewer service, additional flow and unit charges, as annually adjusted pursuant to this section.

*Note: For example, if the annual percentage increase in the CPI-U for the Western Division for July 2013 was 1.8 percent (the percentage of change in the CPI-U from July of 2012 to July of 2013), the monthly base sewer service, additional flow and unit charges for 2014 would be increased on January 1, 2014 by 1.8 percent.

Section 3. Effective Date. This Ordinance shall be in full force and effect on **September 1, 2013**. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 4. 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
1ST DAY OF AUGUST, 2013.

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 OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 13-1007

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON; RELATING TO SANITARY SEWER UTILITY CHARGES; AMENDING SECTION 13.24.010 OF THE BLACK DIAMOND MUNICIPAL CODE; IMPLEMENTING AN ANNUAL INFLATIONARY INCREASE IN CHARGES TO MEET SANITARY SEWER SERVICE OBLIGATIONS; 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 sanitary sewer systems, and establish the rates therefore; and

WHEREAS, the City has established a sanitary sewer utility system and regulations governing rates and charges for sanitary sewer utility services codified at Chapter 13.20, 13.24 and 13.26 of the Black Diamond Municipal Code; and

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study to determine whether existing sanitary sewer utility rates are adequate to recover the cost of providing sanitary sewer service; and

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WHEREAS, Consultant forecasts that the total annual sanitary sewer utility system revenues in year 2013 and in each succeeding year will be less than the annual cost to provide sanitary sewer utility service and that sanitary sewer utility cash reserves are insufficient to sustain near-term and long-term sanitary sewer utility service and to meet future capital needs; and

WHEREAS, based upon the foregoing, the City Council has determined that the current monthly sanitary sewer utility system rates are insufficient to fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system; and

WHEREAS, the City Council has determined that it is reasonable and necessary to adopt annual inflationary rate adjustments to meet the City's obligation to adequately fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system, to meet its service obligations to sanitary sewer utility system customers, and to protect the public health, safety and welfare; and

WHEREAS, in consideration of the report and recommendation of Consultant, projected future growth, and future anticipated on-going operational, maintenance and capital costs of the sanitary sewer utility system, the City Council finds that an amendment to BDMC Ch. 13.24, adopting an annual inflationary rate adjustment to the City's base sewer service charge as set forth herein, is reasonable and necessary to meet revenue requirements to cover the costs necessary to maintain a self-supporting and financially viable sanitary sewer utility system; and

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Section 3. Effective Date. This Ordinance shall be in full force and effect on **September 1, 2013.** A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

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ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
1ST DAY OF AUGUST, 2013.

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: Public Hearing – Transportation Benefit District	Agenda Date: August 1, 2013 AB13-059	
Cost Impact: Fund Source: Timeline:	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	X
Police – Jamey Kiblinger		
Court – Stephanie Metcalf		
	Comm. Dev. – Stacey Welsh	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: TBD Overview; Transportation Plan and Map; Public Hearing Notice		
SUMMARY STATEMENT: Please see attached material.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: PUBLIC HEARING ONLY – NO ACTION.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
August 1, 2013		

OVERVIEW
TRANSPORTATION BENEFIT DISTRICTS
(Ch. 36.73. RCW)

By Chris Bacha
Black Diamond City Attorney
Kenyon Disend, PLLC

July 23, 2013

What are Transportation Benefit Districts?

Transportation benefit districts (“TBD”) are quasi-municipal corporations and independent taxing authorities. This means that a TBD is a corporate body that is separate and distinct from the City with the power and authority to self-govern and to impose taxes within the district boundaries.

Background:

In 1987, the Legislature created TBDs as an option for local governments to fund transportation improvements. In 2005, the Legislature amended the TBD statute to expand its uses and revenue authority. In 2007, the Legislature amended the TBD statute to authorize the imposition of vehicle fees and transportation impact fees without a public vote. In 2010, the Legislature amended the TBD statute again to clarify project eligibility, the use of impact fees, and sales tax expenditures, and make TBD governance more flexible.¹

Why is it necessary to create a separate and independent taxing district?

One reason the legislature authorized separate independent taxing districts was to allow taxes to be imposed within targeted areas of the City. For example, some transportation improvement projects may have a significant benefit within some part of the city and only marginal benefits in other parts of the City. Thus, if a voter approved tax was proposed to fund that project, the vote may fail because the residents that do not benefit from that project might vote against it. On the other hand, if the tax to fund the project was limited to the voters benefitting from the project, the tax might pass or at the very least the City will find out if those residents are willing to tax themselves to help pay for the costs of that project.

¹ The foregoing background information was taken verbatim from the July 2010 AWC fact sheet.

However, Article VII, Section 1 of the Washington Constitution provides that all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax.² Thus, the City does not have the option of a taxing only those residents within the benefitted area because such a tax would be unconstitutional. To solve this problem, the state legislature in 1987 authorized the creation of TBD's to give cities and counties the ability to create separate taxing districts to fund transportation improvements through taxes upon and approved by voters living in those districts.

In addition, a separate taxing district is beneficial because debt incurred by the TDB will not be counted against the debt limitations upon the city. Cities are subject to voter approved and no-voter approved statutory debt limits. Thus, if a separate taxing district is created, the debt incurred by the taxing district will not be counted against the statutory limits imposed upon the debt limits of the City.³

Why is it important for the TBD and City Council to function separately?

As explained above, a TBD must be created as a separate and independent governing body. Independent taxing districts have been subject to constitutional challenge by persons who believed that the taxing district was simply an instrumentality of the city creating it. Thus, it is important not only that the laws and ordinance creating the TBD be written to ensure that governance is separate and distinct, it is also important that the City Council and the TBD Board act independently.

How is a TBD Created?

A public vote is not required to establish a TBD. All that is required is a public hearing and approval of an ordinance creating the TBD.

Notice and Hearing Requirements.

The Public Notice must be published at least once no less than ten (10) days prior to the public hearing. The Notice must specify the activities or functions proposed to be provided or funded by the TDB. At the hearing all persons affected by formation and wishing to speak or object to the formation must be allowed to speak.

Contents of the Ordinance.

The ordinance establishing the district shall set forth the functions of the TBD, including the funding mechanism, the improvements to be funded and the boundaries of the district.

² For a discussion of this requirement, see, *Granite Falls Library v Taxpayers*, 134 Wn.2d 825, 953 P.2d 1150 (1998)

³ This assumes that the City does not pledge its full faith and credit to bonds issued by the District and that the District maintain its status as a separate and independent quasi-municipal corporation.

What improvements may be funded?

Only transportation improvements as defined in the TDB statute are eligible for funding. Prior to amendments to RCW Ch. 36.73 in 2010, transportation projects had to be listed in a regional transportation plan. In addition, it was unclear whether or not street maintenance, operation and preservation expenses could be funded through a TPD. In 2010 the state legislature amended state law so that the definition of transportation projects eligible for funding was expanded to include projects contained in a city transportation plan. In addition the definition of “transportation improvements” was amended to include the operation, maintenance and preservation of facilities identified in the city transportation plan.

What if the City Council or the TBD wants to fund projects not included in the notice and the enabling ordinance?

The TBD may only fund those transportation projects included within the notice of public hearing creating the TBD. RCW 36.73.050(2)(b).⁴ Thus, if the City or TBD wants to add a new project for funding by the District, the City must conduct a new hearing and in the same manner as the first hearing. Thus, any additional projects must be set forth in the notice of hearing. Thereafter, the City Council must approve an amendment to the enabling ordinance authorizing the additional projects.

What if the City Council or the TBD wants to fund projects with revenue authority not included in the notice and the enabling ordinance?

The TBD may only use revenue authority to fund projects that were included within the notice of public hearing creating the TBD. Thus, if the City or TBD wants to add a new revenue authority for the District, the City must give notice of and conduct a new hearing and in the same manner as the first hearing. Thus, any additional revenue authority must be set forth in the notice of hearing. Thereafter, the City Council must approve an amendment to the enabling ordinance authorizing the additional revenue authority.

What if the district boundaries will be different for a project to be added?

If separate boundaries are to be adopted for a particular project, a new and separate taxing district must be created for that project. Otherwise, the project will violate the constitutional requirement for uniform taxation.

⁴ (b) The ordinance establishing a district shall specify the functions and transportation improvements described under RCW [36.73.015](#) to be exercised or funded and establish the boundaries of the district. Subject to the provisions of RCW [36.73.160](#), functions or transportation improvements proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or transportation improvements proposed to be provided or funded.

What revenue options do TBD's have?

Non-Voter Approved:

- Annual vehicle fee up to \$20⁵. This fee is collected at the time of vehicle renewal. The following vehicles are exempt:
 - (a) Campers;
 - (b) Farm tractors or farm vehicles;
 - (c) Mopeds;
 - (d) Off-road and non-highway vehicles;
 - (e) Private use single-axle trailer;
 - (f) Snowmobiles; and
 - (g) Vehicles registered under chapter 46.87 RCW and the international registration plan like rental vehicles and long haul semi-trailers.
- Transportation impact fees on commercial and industrial buildings. Residential buildings are excluded. In addition, a county or city must provide a credit for a commercial or industrial transportation impact if the respective county or city has already imposed a transportation impact fee.

Voter approved:

- Property taxes – a 1-year excess (excess of the 1% limit) levy or an excess levy for capital purposes to retire bonds;
- Up to 0.2% sales and use tax (may be subject to a 10 year limit);
- Up to \$100 annual vehicle fee per vehicle registered in the district; and
- Vehicle road tolls.

On-Going District Obligations:

1. Annual Report. The TBD must issue an annual report indicating the, (1) status of transportation improvement costs, (2) transportation improvement expenditures, (3) revenues, and (4) construction schedules. The report must be made available to the public and newspapers of record in the district. Thus, the District must identify its newspaper or record.
2. Material Change Policy. The District must develop a material change policy to address major plan changes (costs, scope and schedule) that affect project delivery or the ability to finance a project. If a material change will cause the project to exceed its original projected cost by more than 20% the City is required to conduct a public hearing.

⁵ The State Department of Licensing can collect a fee (capped at 1%) to be taken from the revenues collected to fund the collection costs.

3. Finance Plan. The enabling statute assumes that the District will prepare a finance plan. Thus, the District adopts a plan for financing the transportation projects it chooses to fund.

4. Dissolution. The TBD statute requires that all taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements are completed and paid. Thus, the ordinance authorizing the imposition of the revenue authority need not be self-executing. In other words, except for those revenue options that include statutory time limits, the City does not have to set a specific date or time period for termination of the fee or tax. However, once the projects are completed and debt service is complete, the City must give notice of dissolution.

Are TBD revenues required to be spent as they are collected?

No. The City must develop a plan that specifies the transportation improvements to be provided or funded by the TBD. As part of this plan, the TBD's governing board can indicate if the funds will be used immediately, or if they will be collected for a specified period, prior to spending the accumulated funds. Typically, funds that are collected for a specified period before being expended are used to fully fund large projects, when bonding, or serve as a match for state or federal funds that may only become available in a specified time frame.⁶

⁶ This paragraph was copied from the AWC July 2010 fact sheet.

CITY OF BLACK DIAMOND TRANSPORTATION PLAN

**Prepared by:
Public Works Department
City of Black Diamond
Seth Boettcher, P.E.
PO Box 599
Black Diamond, WA 98010
(360) 886-5700**



July 2013

Purpose

The Purpose of this Transportation Plan is to establish a list of street preservation and improvement projects of existing City streets that are needed to keep traffic flowing efficiently within the City based on the need not on the constraints of the City's current funding available. This Transportation Plan seeks to enhance local capability for Black Diamond to fund transportation projects that improve the performance of the existing transportation system.

Goal

The goal of the Transportation Plan is to relieve congestion by preserving, improving and maintaining the existing street network for the public good. With the existing local roadways in good condition traffic tends to flow smoothly along the most efficient routes relieving congestion. This Transportation Plan identifies street improvement projects needed to meet that goal and identify the needed funding. The City of Black Diamond intends to encourage joint efforts with the state, federal government and the private sector along with local efforts to respond to the need for those transportation improvements on existing city streets.

Outline of the Plan

The first section of the Plan identifies the 6 year Transportation Improvement Program in the format for the annual submittal to the Washington State Department of Transportation.

The second section of this Transportation Plan is the specific list of local improvement projects beyond the current funding ability of the City and selected to meet the goals of congestion and preservation and improvement of the existing street system and to generally benefit all of the citizens of the City.

2014-2019 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
1	2014	General Street Improvement	N/A	N/A	Chip sealing, crack sealing, patch work, addressing minor safety problems	N/A	\$30,000/year; \$180,000 total	Local City Funds
2	2014	Street Signs Replacement	N/A	N/A	Replace various street signs to meet retroreflectivity requirements	N/A	\$ 20,923	Grant/WSDOT Local Programs
3	2014	Roberts Drive/SR 169 Roundabout	N/A	N/A	Two lane Roundabout	N/A	\$ 7,070,000	Developer Mitigation and Grant
4	2015	Roberts Drive Rehabilitation	Rock Creek Bridge	S.R. 169	Grind, patch, replace panels, crack sealing, shoulder reinforcement	1.09	\$ 366,000	PWTF Loan
5	2014	Grant Matching Fund	N/A	N/A	Matching funds for grants	N/A	\$40,000/year; \$240,000 total	Local City Funds
6	2015	Rock Creek Bridge	N/A	N/A	Replace barriers, add lead in guard rails, concrete surface treatment and attached pedestrian walkway	N/A	\$ 291,000	Bridge Grant, Developer Mitigation, Local City Funds
7	2015	Lawson Street Sidewalk	Newcastle Drive	S.R. 169	5-foot sidewalk on the north side of Lawson Street	0.28	\$ 850,000	Grant/ TIB, Grant/Safe Routes to School, Developer Mitigation
8	2014	Jones Lake Road	S.R. 169	Railroad Ave.	Patching and overlay	0.29	\$ 122,000	Grant/ TIB, Local City Funds

2014-2019 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
9	2016	228th/224th/216th Chip Seal	SE 312th St.	Covington- Sawyer Road	Patching and chip sealing (excluding in front of Kentlake Highlands & Fire Station)	1.46	\$ 129,000	Grant/ TIB, Local City Funds
10	2017	5th Ave. Reconstruction	Lawson St.	Baker St.	Grinding, excavating, preparing base, and overlaying 5th and a portion of Baker St. (5th to 6th)	0.28	\$ 267,000	Local City Funds
11	2017	232nd Ave. SE Overlay	SE 288th St.	SE 293rd St.	Patching and overlay	0.29	\$ 143,000	Grant/ TIB, Local City Funds
12	2019	216th Ave. SE Overlay	Covington- Sawyer Road	SE 288th St.	Patching and overlay	0.22	\$ 136,000	Local City Funds
13	2018	1st/Railroad/Miner Improvements	N/A	N/A	Grading and paving unpaved streets	0.38	\$ 188,000	Local City Funds
14	2019	5th & Pacific Improvements	Lawson St.	South end of streets	Patching, grading, and overlay	0.3	\$ 93,000	Grant/ TIB
15	2014	Intersection Improvements in Morganville Neighborhood	N/A	N/A	Acquire easements and construct new intersection radii.	8 inter- sections	\$ 100,000	Local City Funds
16	2015	Sidewalk Extension	N/A	N/A	General Sidewalk extension	0	\$ 360,000	Sidewalk Grant; Local City Funds
17	2015	Morgan Creek Neighborhood Roads Preservation	N/A	N/A	Seal Coat	1.19	\$ 97,000	Local City Funds
18	2015	Plass Road Improvements	Private Road	South City Limits	Patching, clearing, and install turnaround	0.23	\$ 25,000	Local City Funds
TOTAL ALL PROJECTS							\$ 10,677,923	

PROJECT TITLE**Roberts Drive Rehabilitation****14.02****DESCRIPTION**

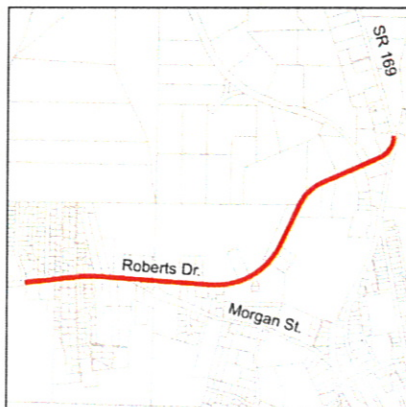
Grind, Patch and Replace concrete panels; Seal joints and cracks; and Reinforce the shoulder of Roberts Drive Concrete road to extend the life of the existing roadway and improve the comfort of the driving surface.

BACKGROUND

The concrete roadway is about 100 years old but needs some major repair work. This project is to repair and preserve the existing road. The City is also looking to bring the road up to an urban standard in project T8 with major grant assistance.

COMMENTS

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
Engineering & bid docs	28,000		28,000				
Management & Inspection	18,000		18,000				
Construction	320,000		320,000				
TOTAL COSTS	366,000	-	366,000	-	-	-	-
REQUESTED FUNDING	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
PWTF Loan	366,000		366,000				
TOTAL SOURCES	366,000	-	366,000				
Debt Payments		2014	2015	2016	2017	2018	2019
TBD 10 year loan payments	150,456			37,614	37,614	37,614	37,614



PROJECT TITLE

5th Avenue Reconstruction

14.05

DESCRIPTION

This project is to reconstruct and widen 5th Ave from Lawson Street to Baker Street and a 250 foot section south of Park St. This project also includes a 420 foot section of Baker Street from 5th to 6th Ave. The scope of work includes; Grind up any remaining asphalt; Excavate unsuitable material; Import gravel base; finish grade with crushed rock; Pave a 4 inch asphalt road section 22 feet wide.

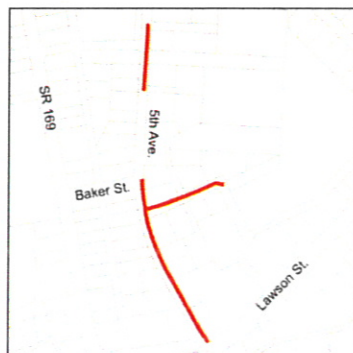
BACKGROUND

The existing road surface is failing rapidly. The road is too narrow for cars to pass on a hardened surface. Cars driving off the edge of the asphalt cause muddy and turbid runoff conditions. Since this project will involve more than 5000 square feet of new impervious surface area storm water treatment and detention improvements will be required.

COMMENTS

The City likely will need a storm drainage easement to convey storm water to a storm pond site. The City will purchase easements from willing sellers and will not be condemning property.

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Land/Right of Way				10,000		
	Design Engineering				20,000		
	Management & Inspection				8,000	8,000	
	Construction Costs					221,000	
TOTAL COSTS	267,000	-	-	-	38,000	229,000	-
REQUESTED FUNDING	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Transportation Benefit Dist.				38,000	229,000	
TOTAL SOURCES	267,000	-	-	-	38,000	229,000	-



PROJECT TITLE

216th Ave SE Overlay

14.06

DESCRIPTION

Grind and Patch the failed pavement sections; Overlay from fog line to fog line or curb. Traffic loops may need to be replaced. Restripe the street by the signal at the Lake Sawyer sign to the Coal Car.

BACKGROUND

The City has been keeping up with crack sealing but the road will need an overlay to prevent more rapid deterioration and prevent extra spending on grinding and patching.

COMMENTS

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Design Engineering	20,000					20,000
	Management & Inspection	16,000					16,000
	Construction Costs	100,000					100,000
	TOTAL COSTS	136,000	-	-	-	-	136,000
REQUESTED FUNDING	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Transportation Benefit Dist.	136,000					136,000
	TOTAL SOURCES	136,000	-	-	-	-	136,000



PROJECT TITLE

1st Ave & RR Ave N & Miner Street

14.07

DESCRIPTION

Grade and pave these gravel streets. Excavation of unsuitable material and import of base rock will be required in some areas. Storm water treatment will be required for the new impervious at a minimum.

BACKGROUND

The public served by these streets do not have the same level of service as most of the City. Although these improvement will not bring in curb, gutter and sidewalks the paved surface will be a significant improvement.

COMMENTS

No costs are shown in the 6 year time frame as this project is expected to be designed and constructed after 2019 to keep the TBD fund in balance.

CAPITAL PROJECT COSTS

Design Engineering
Management & Inspection
Construction Costs

TOTAL COSTS

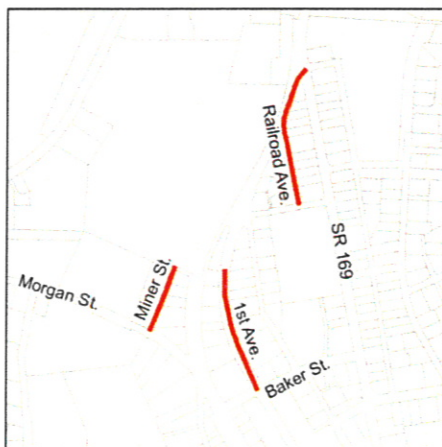
REQUESTED FUNDING

Transportation Benefit Dist.

TOTAL SOURCES

Capital Plan 2014 - 2019

Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
24,000					24,000	
12,000					12,000	
152,000					152,000	
188,000	-	-	-	-	188,000	-
Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
188,000					188,000	
188,000	-	-	-	-	188,000	-



PROJECT TITLE**Morgan Creek Road Preservation****DESCRIPTION**

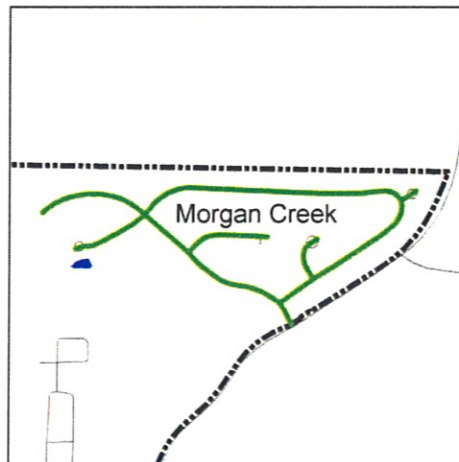
Extend the life of the existing pavement with an asphalt seal coat.

BACKGROUND

A seal coat can extend the life of the pavement by 5 to 10 years at ¼ of the cost.

COMMENTS

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Admin, Mgmt., Inspection	7,000	7,000				
	Construction	90,000	90,000				
TOTAL COSTS	97,000	-	97,000	-	-	-	-
REQUESTED FUNDING	Total \$ Requested 2014-2019	2014	2015	2016	2017	2018	2019
	Transportation Benefit Dist.	97,000	97,000				
TOTAL SOURCES	97,000	-	97,000	-	-	-	-



PROJECT TITLE**Plass Road Rehabilitation****DESCRIPTION**

Cut back the overhanging limbs and trees to open up the roadway. Install a turnaround at the north end of the roadway. Patch deteriorated sections.

BACKGROUND

This portion of public road became the City responsibility in 2010 with the annexation of the south Villages property.

COMMENTS**CAPITAL PROJECT COSTS**

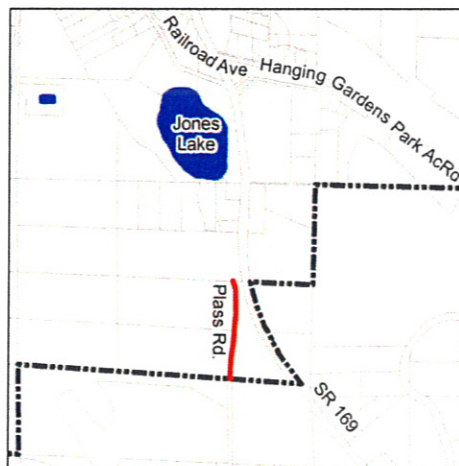
Admin, Mgmt., Inspection
Construction

TOTAL COSTS**REQUESTED FUNDING**

Transportation Benefit Dist.

TOTAL SOURCES

		Capital Plan 2014 - 2019					
Total \$ Requested 2014-2019		2014	2015	2016	2017	2018	2019
5,000			5,000				
20,000			20,000				
25,000		-	25,000	-	-	-	-
Total \$ Requested 2014-2019		2014	2015	2016	2017	2018	2019
25,000			25,000				
25,000		-	25,000				



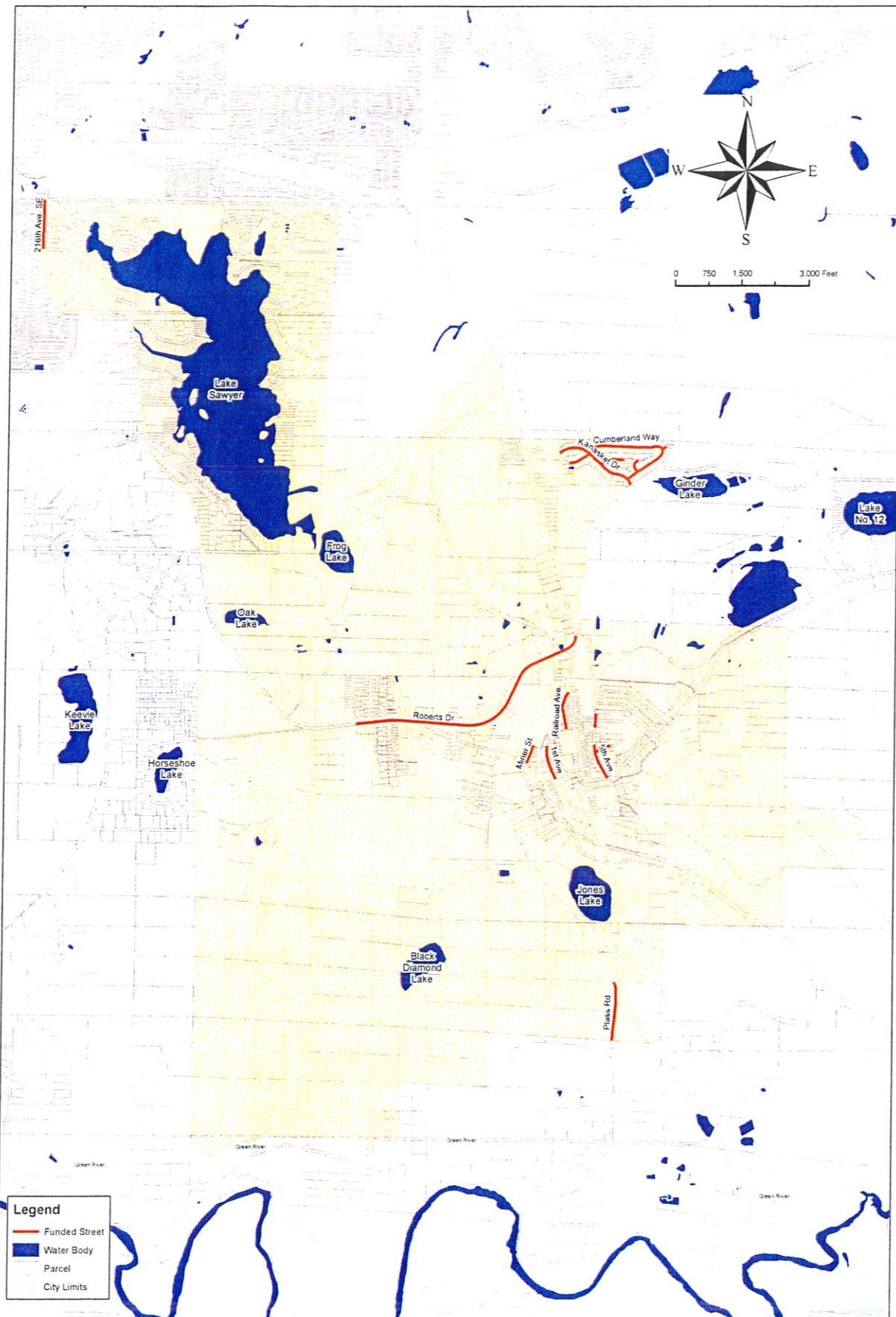
**CITY OF BLACK DIAMOND
NOTICE OF PUBLIC HEARING
REGARDING THE FORMATION OF THE
BLACK DIAMOND TRANSPORTATION BENEFIT DISTRICT NO. 1**

NOTICE IS HEREBY GIVEN that the Black Diamond City Council will be holding a public hearing on Thursday, August 1st, 2013 at 7:00 p.m. at Black Diamond City Council Chambers; located at 25510 Lawson St., Black Diamond, WA. The **PURPOSE** of the public hearing is to receive comments and evidence in support of, or in opposition to, formation of a transportation benefit district as authorized pursuant to Ch. 36.73 RCW. The functions or activities proposed to be provided or funded by the transportation benefit district are limited to the following transportation improvements that are intended to improve, preserve and maintain transportation infrastructure:

1. Robert's Drive: Repair and preserve Robert's Drive to extend the life of the existing roadway and improve the driving surface.
2. 5th Avenue and Baker Street. Reconstruct and widen 5th Ave from Lawson Street to Baker Street together with a 250 foot section south of Park Street and a 420 foot section of Baker Street from 5th Avenue to 6th Avenue.
3. 216th Avenue S.E. Repair and preserve 216th Avenue to extend the life of the existing roadway and improve the driving surface.
4. First Avenue; Railroad Avenue & Minor Street. Grade and pave these gravel roads.
5. Morgan Creek, Subdivision Streets. Extend the life of the existing pavement with an asphalt seal coat on all of the streets within the Morgan Creek Subdivision.
6. Plass Road. Install turnaround at the north end of the roadway and patch deteriorated sections.

A copy of the proposed ordinance creating the transportation benefit district is available at City Hall, 24301 Roberts Drive, Black Diamond, WA 98010, or on the City's website at www.ci.blackdiamond.wa.us.

Dated this 12th day of July, 2013
Brenda L. Martinez, CMC
Asst. City Admin/City Clerk



Drawn and Approved By: SH/SB

Date: July 12, 2013

Transportation Benefit District Funded Streets

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 13-883, authorizing establishment of an ad hoc committee of the City Council with District #44 Board of Fire Commissioners to explore long-term fire protection and emergency medical service models	Agenda Date: August 1, 2013	
	AB13-060	
	Public Safety Chair – Tamie Deady	X
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input checked="" type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution No. 13-883; Fire District Letter of Intent		
SUMMARY STATEMENT: The proposed resolution is being sponsored by the Public Safety Committee consisting of Councilmembers Taylor and Deady.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-883, authorizing the establishment of an ad hoc joint committee of the City Council with the King County Fire District No.44 Board of Fire Commissioners to explore long-term fire protection and emergency medical service models.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
August 1, 2013		

Sponsored by: *Council Member Ron Taylor*
Council Member Tamie Deady

CITY OF BLACK DIAMOND WASHINGTON

RESOLUTION NO. 13-883

A RESOLUTION OF THE CITY OF BLACK DIAMOND, WASHINGTON, AUTHORIZING ESTABLISHMENT OF AN AD HOC JOINT COMMITTEE OF THE CITY COUNCIL WITH THE KING COUNTY FIRE DISTRICT NO. 44 BOARD OF FIRE COMMISSIONERS TO EXPLORE LONG-TERM FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE MODELS

WHEREAS, the City of Black Diamond currently contracts with King County Fire District 44 (the “**District**”) for fire protection and emergency medical services; and

WHEREAS, the current model of contracting with the District for such services does not appear to be sustainable for the long-term because the City has little control over the future contract rates charged by the fire district and, the City has no capital reserves with which to fund fire service improvements; and

WHEREAS, the City Council Public Safety Committee has recommended that the City Council support exploration and study of the viability, sustainability, and financial impact of various long-term fire protection models to provide fire protection and emergency medical services within the City, including, but not be limited to, the annexation of the City to the District; and

WHEREAS, the Public Safety Committee has further recommended that, because the District is already providing such services within the City and has knowledge, resources and expertise in the area of providing fire protection and emergency medical services, the City should engage in joint efforts with the District to explore and study fire protection models for the City; and

WHEREAS, the City Council having considered and concurred in the recommendation of the Public Safety Committee;

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

Section 1. Creation of Ad Hoc Joint City Council Fire District Committee. That there is hereby created an Ad Hoc Joint Committee of the City Council and King County Fire District No. 44 Fire Commissioners to be known as the **FIRE PROTECTION JOINT AD HOC COMMITTEE** and to be composed of two members of the City Council, nominated and appointed by the City Council, and two members of the Fire District Board of Fire Commissioners, nominated and appointed by the Board of Fire Commissioners. The purpose of the Fire Protection Joint Ad Hoc Committee will be to explore and study the viability, sustainability, and financial impact of various long-term fire protection models to provide fire protection and emergency medical services within the City, including, but not be limited to, the annexation of the City to the District. The Fire Protection Joint Ad Hoc Committee shall be constituted upon the appointment of all four members and shall thereupon meet and appoint a chair and establish a meeting schedule, order of business and, procedural rules. All meetings shall comply with the open public meetings act and shall be advertised by both the City and the District. The Fire Protection Joint Ad Hoc Committee will terminate upon completion of its report and recommendation to the City Council and the Board of Fire Commissioners.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF AUGUST, 2013.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris Bacha, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Resolution No.:

Date Posted:



MOUNTAIN VIEW/BLACK DIAMOND FIRE AND RESCUE
King County Fire District 44

32316 148th AVE SE Auburn, WA 98092 253 735 0284 info@kcfd44.org www.kcfd44.org

July 2, 2013

Black Diamond Council, Public Safety Committee
Black Diamond City Hall
24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

At our regular Board of Fire Commissioners meeting June 9, 2013, Council Members Deady and Taylor spoke with the Board of Fire Commissioners inquiring if the Board would be interested in entering into discussions and exploration of the possibility of the City of Black Diamond being annexed into Fire District 44.

At the fire district 44 Board of Fire Commissioners meeting, June 23, 2013, the Board of Fire Commissioners discussed this question and with each of the members approving in an affirmative, support the concept of exploring annexation of the City into the Fire District as provided for in RCW 52.04.

Chief Smith will be the main point of contact for this process; two Commissioners will be assigned as committee members, should the City wish to form a committee to work on this issue.

James Farrell, Chair
KCFD 44 Board of Fire Commissioners

Gregory M. Smith
Fire Chief
KCFD44/Mountain View/Black Diamond Fire and Rescue



MOUNTAIN VIEW/BLACK DIAMOND FIRE AND RESCUE
King County Fire District 44

32316 148th AVE SE Auburn, WA 98092 253 735 0284 info@kcfd44.org www.kcfd44.org

July 2, 2013

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