



**CITY OF BLACK DIAMOND**  
**January 29, 2013 Special Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

**5:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**NEW BUSINESS:**

- |   |              |
|---|--------------|
| <b>1.) AB13-009</b> – Resolution Approving Contract with the Prothman Company         | Mayor Olness |
| <b>2.) AB13-010</b> – Ordinance Confirming Appointment of Contract City Administrator | Mayor Olness |

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Resolution No. 13-852, authorizing the Mayor to execute a contract with the Prothman Company to provide City Administrator Services to the City of Black Diamond.</b>	<b>Agenda Date: January 29, 2013</b>	
	<b>AB13-009</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	<b>X</b>
	City Administrator –	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: \$10,000 +3% monthly	Police – Jamey Kiblinger	
Fund Source: GF, Str, Wtr, Swr, Storm	Court – Stephanie Metcalf	
Timeline: 2013	Comm. Dev. – Steve Pilcher	
<b>Attachments: Proposed Resolution No. 13-852, Exhibit A (Contract)</b>		
<p><b>SUMMARY STATEMENT:</b></p> <p>During the 2013 Budget adoption funds were appropriated for a City Administrator as a contract position at four days per week.</p> <p>In 2012 the City used the Prothman Company to provide Interim City Administrator Services to the City. The City was happy with the services they provided so the Mayor contacted Greg Prothman about providing the City with a City Administrator for the year 2013. The Prothman Company is willing and able to provide the City with this service.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
<p>RECOMMENDED ACTION: <b>MOTION to adopt Resolution No. 13-852, authorizing the Mayor to execute a contract with the Prothman Company to provide City Administrator Services to the City of Black Diamond.</b></p>		
<b>RECORD OF COUNCIL ACTION</b>		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 29, 2013		

**RESOLUTION NO. 13-852**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE PROTHMAN COMPANY, FOR  
PROVIDING THE SERVICES OF AN INTERIM CITY  
ADMINISTRATOR FOR THE CITY**

**WHEREAS**, during the 2013 Budget adoption Council approved the appropriation of funds for a City Administrator for the year 2013; and

**WHEREAS**, Council decided the position will be a contract position; and

**WHEREAS**, the Mayor has retained the services of the Prothman Company to identify a qualified candidate to provide interim City Administrator services to the City of Black Diamond to perform duties as assigned by the Mayor and as more specifically described in BDMC 2.10.020; and

**WHEREAS**, the Prothman Company, by and through its principal Greg Prothman, has recommended that the City of Black Diamond enter into an agreement with the Prothman Company through which the Prothman Company will assign an employee to provide City Administrator Services to the City; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to approve a contract with the Prothman Company to provide City Administrator Services to the City upon the conditions herein set forth below;

**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, on behalf of the City the attached agreement labeled as Exhibit A with the Prothman Company providing the City with City Administrator services, upon condition of Council confirmation of the appointment of the City Administrator through this services agreement.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 29TH DAY OF JANUARY, 2013.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk



January 24, 2013

Ms. Rebecca Olness  
Mayor  
City of Black Diamond  
24301 Roberts Drive  
PO Box 599  
Black Diamond, WA 98010

Dear Mayor Olness:

Thank you for your confidence in the Prothman Company. Below is our standard agreement for providing services. Please sign and return a copy to our offices. Please call me if you have any questions.

**Term.** The term of this Agreement is ongoing, provided the City of Black Diamond may terminate this agreement at any time.

**Prothman City Administrator.** The Prothman City Administrator serves as a Prothman Company employee assigned to the City of Black Diamond and shall perform such duties as assigned by the City. The City shall have the right to direct the Prothman Company to replace the City Administrator at any time.

**Employer Duties of the Prothman Company.** The Prothman Company shall provide a Prothman Company employee qualified to act as the City's City Administrator during the term of the contract. The Prothman Company shall (1) pay all wages and other remuneration to its employee who is provided under this Agreement, (2) prepare and file all payroll tax returns and reports, (3) pay all amounts due and owing pursuant to the payroll tax returns and reports, (4) prepare, file, and furnish to the employee applicable employee tax forms, and (5) prepare and file, with a copy to the City, applicable employer tax forms.

**Duties of the City.** When applicable, the City shall provide a work place for the City Administrator and maintain the work place in accordance with applicable health and working standards, notify the Prothman Company immediately of all employee injuries and provide reimbursement to the City Administrator for costs incurred as a result of performing City business such as mileage, travel expenses and other similar costs at the normal City rates and in accordance with the City's cost reimbursement policies applicable to City employees.

**Fees & Expenses.** The fee for City Administrator services is \$10,000 per month. Partial months billed on a prorated basis at \$560 per day. A 3% charge will be added reflecting City of Issaquah and Washington State B&O tax. The City is also responsible for any client-required licenses, fees or taxes. Invoices will be submitted to the City every two weeks and are due within twenty (20) days of receipt.

**Finder's Fee.** If the City chooses to hire the City Administrator as a regular City employee, the City agrees to pay the Prothman Company the percentage of the starting annual salary based upon the length of the assignment with the City as represented below:

0 to 12 months - 15%

After 13 months - 10%

**Indemnification.** The Prothman Company shall indemnify, defend, and hold harmless the City for the purposes of all required payroll deductions and withholdings, legally required workers' compensation insurance and other employee benefits. The City releases and agrees to indemnify, defend, and hold harmless the Prothman Company, the employees of the Prothman Company, and personnel, directors, and officers of the Prothman Company from any and all actions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to the services performed by the employee that are under the control of the City and are within the course and scope of City employment. The Prothman Company releases and agrees to indemnify, defend, and hold harmless the City, its officers, employees and consultants, from any and all actions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to the acts or omissions of the employee that are not under the control of the City or are not within the course and scope of City employment. If the City is notified or becomes aware of any alleged improper or illegal activities by the employee the City shall notify the Prothman Company immediately.

Accepted by:

**CITY OF BLACK DIAMOND**

**PROTHMAN**

\_\_\_\_\_  
Rebecca Olness  
Mayor

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Greg Prothman  
President

1/24/2013

\_\_\_\_\_  
Date

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-995, confirming the appointment of the contract City Administrator</b>	<b>Agenda Date: January 29, 2013</b>	
	<b>AB13-010</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	<b>X</b>
	City Administrator –	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
<b>Attachments: Ordinance No. 13-995</b>		
<b>SUMMARY STATEMENT:</b>  This is the final step for the contract City Administrator provided by the Prothman Company.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-995, confirming the appointment of the contract City Administrator.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 29, 2013		

ORDINANCE NO. 13-995

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF BLACK DIAMOND, KING COUNTY, WASHINGTON,  
CONFIRMING THE APPOINTMENT OF THE CONTRACT  
CITY ADMINISTRATOR**

**WHEREAS**, the Prothman Company contract for City Administrator Services for the year 2013 has been approved at the January 29th Special Council meeting; and

**WHEREAS**, it is necessary for Council to confirm the appointment of the contract City Administrator;

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

**Section 1.** Mark Hoppen is confirmed as the contract City Administrator for the City of Black Diamond under the terms and conditions of the agreement with the Prothman Company to perform the services of contract City Administrator for the City of Black Diamond .

**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 special meeting on the 29th day of January, 2013.

Passed by a majority of the City Council at a special meeting held on the 29th day of January, 2013.

\_\_\_\_\_  
Mayor Rebecca Olness

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:



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Chris Bacha, City Attorney

Published: \_\_\_\_\_

Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_