



CITY OF BLACK DIAMOND
January 9, 2014 Special Meeting Agenda Revised
25510 Lawson St., Black Diamond, Washington

6:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

PUBLIC COMMENTS: Due to the limited time for this special meeting, public comments will be heard during the Town Hall meeting.

NEW BUSINESS:

- 1.) **AB14-010** – Resolution Appointing Interim City Attorney Mayor Gordon
- 2.) **AB14-007 - Workstudy** – To Discuss the Mayor’s Appointment for City Administrator Mayor Gordon
- 3.) **Executive Session:** RCW 42.30.110(1)(g) - To Discuss the Qualifications of an Applicant for Public Employment. Possible action may follow the executive session.

OLD BUSINESS:

- 4.) **AB14-008** – Resolution Confirming the Mayor’s Appointment of City Administrator Mayor Gordon
- 5.) **AB14-009** – Resolution Authorizing the Mayor to Execute an Employment Contract with Christy Todd Mayor Gordon

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 14-921, appointing Stephen DiJulio as the Interim City Attorney	Agenda Date: January 9, 2014	
	AB14-010	
	Department/Committee/Individual	
	Mayor Dave Gordon	X
	City Administrator –	
	City Attorney –	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	
Police – Jamey Kiblinger		
Court – Stephanie Metcalf		
Comm. Dev. – Stacey Welsh		
Cost Impact:		
Fund Source:		
Timeline:		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution No. 14-921		

SUMMARY STATEMENT:

As you are aware, I am asking the City Council to confirm Ms. Todd as City Administrator, an a separate item on tonight's agenda. On January 7, 2014, I was informed by City Attorney Chris Bacha that his law firm, Kenyon Disend, PLLC, has an irreconcilable conflict with Christy Todd, Assistant City Manager. This statement was made to me after Mr. Bacha worked directly with me and separately with Ms. Todd for at least three working days, on January 2, 3 and 6. In addition, Mr. Bacha indicated that Kenyon Disend wishes to retract their response to the City's RFP for city attorney services, and that a resignation letter would be forthcoming.

Due to this situation, I believe it is in the City's best interest to terminate the services provided to the City by Kenyon Disend effectively January 10. It is not workable to have a city attorney that refuses to work with a member of my executive staff.

I am therefore proposing that the City Council approve Resolution No. 14-921, appointing Stephen DiJulio as Interim City Attorney. Mr. DiJulio is a partner in the law firm Foster Pepper, PLLC, and an attorney with vast municipal law experience. Many of you may have already met Mr. DiJulio through AWC seminars that he provides to newly elected officials. Mr. DiJulio has stepped into the role of Interim City Attorney several times under similar situations, most recently for the City of Puyallup. It is my expectation that Mr. DiJulio would serve as Interim City Attorney until such time as the City Council makes a decision on the applications for city attorney services according to the RFP responses received last December. Mr. DiJulio is not one of the applicants for city attorney services and his firm does not provide general counsel services on an on-going basis. I do not recommend that the City consider hiring one of the applicants for city attorney, as interim city attorney. Instead, my recommendation is that the City Council stay with the current plan to consider the applicants for city attorney services for the first time at the upcoming Regular Business Meeting on January 16. Finally, it is also my expectation that we

can bring a contract for Mr. DiJulio's services to the Council on January 16. Mr. DiJulio is willing to significantly discount his hourly fee in order to assist the City as an Interim City Attorney. His usual hourly rate is \$535/hour, and he is willing to charge \$267.50/hour. This fee is not much higher than some of the applicants for long term city attorney services have proposed in their responses to the recent RFP.

COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 14-921, to appoint Stephen DiJulio as the Interim City Attorney.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 9, 2014		

RESOLUTION NO. 14-921

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
APPOINTING STEPHEN DiJULIO AS INTERIM CITY
ATTORNEY**

WHEREAS, the law firm Kenyon Disend, PLLC has indicated it intends to resign from providing city attorney services; and

WHEREAS, the City desires to hire an attorney to provide services as an Interim City Attorney;

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

Section 1. The City Council hereby confirms Stephen DiJulio, of the law firm Foster Pepper, PLLC, as Interim City Attorney, at the rate of \$267.50/hour.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 9TH DAY OF JANUARY, 2014.

CITY OF BLACK DIAMOND:

Dave Gordon, Mayor

Attest:

Brenda L. Martinez, City Clerk

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Workstudy Material	Agenda Date: January 9, 2014	
	AB14-007	
	Department/Committee/Individual	
	Mayor Dave Gordon	X
	City Administrator –	
	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 checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Todd Resume and supporting documents		
<p>SUMMARY STATEMENT:</p> <p>On January 2, 2014, the first working day of my administration, I exercised the power of my elected office and decided to make a change in City Administration. As is common in a strong mayor form of government, I wished to have a City Administrator working for me that I chose. To that end, I have dismissed Mark Hoppen from the position. Mr. Hoppen was very cooperative and professional about my decision, he understands it, and is not taking the issue personally.</p> <p>My choice for City Administrator is Christy Todd. Ms. Todd first came to my attention as a possible candidate for an Interim City Attorney, but after meeting with her and discussing her background and experiences I came to the conclusion that she was a better fit to work as City Administrator. On the advice of the City Attorney, I have hired Ms. Todd as Assistant City Administrator pending her confirmation by the Council.</p> <p>I asked Ms. Todd to submit her resume to you, along with any other materials pertinent to her municipal and management experiences that she wanted to share, for the purposes of informing the City Council about her municipal and management background and experiences. Those materials are included with this agenda bill.</p> <p>I am seeking your timely confirmation as possible in order that I may move forward with my management team to accomplish the objectives of my administration as quickly as possible.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: Workstudy material		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote

CHRISTY A. TODD

27665 241st Avenue SE
Maple Valley, WA 98038
360-790-3781; catodd07@gmail.com

- Education:** *Creighton University School of Law, Juris Doctor, 1997.*
University of Washington, B.A., 1983.
- Admission to Practice:** Admitted to practice in all Washington State Courts; the U.S. District Court for the Western District of Washington; the Ninth Circuit Court of Appeals; the U.S. Supreme Court, all New York State Courts.
- Municipal and Management Experience:** **Municipal Legal Experience – below.**
City Attorney, City of Maple Valley, 12/2007 - 12/2012.
Associate & Town Attorney for Ruston, McGavick Graves, 9/2006 - 11/2007.
City Attorney; Asst. City Attorney, City of Tumwater, 1/2003 - 8/2006.
Management Positions, Law School – below.
Interim City Manager, City of Maple Valley, 7/2008 - 4/2009. 38 FTE's, including 6 Department Directors including police; population 23,000; operating budget of \$14 million.
Business Owner (solo attorney practice), 11/1998 – 12/2002. 1 FTE.
Law Student, Creighton University School of Law, 8/1994 – 5/1997.
Manager of Student Accounts, University of Nebraska at Omaha, 10/1992 – 2/1994. 5 FTE's including two assistant managers.
Clinic Supervisor, University of Washington, Psychology Department, 1989 – 1992; 2 PTE's.
Conference Coordinator, University of Washington, School of Dentistry, 1986 – 1989; 2 PTE's.
Branch Manager, City University, 1983 – 1986; 1 PTE.
- Memberships and Volunteer Service:** *Member, Washington State Bar Association, 11/1997 – present.*
Member, New York State Bar Association, 4/2013 – present.
Member, Civil Topics Committee, Washington State Association of Municipal Attorneys (conference planning), 7/2006 – 12/2012.
Secretary/Treasurer; Trustee, Thurston County Bar Assoc., 6/2001 - 6/2005.
President, Past President, Thurston County Young Lawyers, 1/1999 - 12/2000.
- Conference Presentations:** *American Planning Association Conference, 4/2011, Bellevue, Washington:*
--1.5 hour presentation as a co-presenter on the legal considerations for a pro rata contribution toward mitigation of traffic impacts from developers.
Washington State Association of Municipal Attorneys Conference:
--10/2010, half hour presentation as a co- presenter on understanding traffic impact analyses and using appropriate mitigation formulas for pro rata share contributions from developers;
--5/2007, one hour presentation on the Public Records Act, and the Open Public Meetings Act;
--10/2007, half-hour presentation as a co- presenter on utility franchises and related litigation with Puget Sound Energy.
- References:** Available upon request.

November 15, 2013

Councilmember Ron Taylor
P.O. Box 599
Black Diamond, WA 98010

RE: City Attorney Services:

Dear Councilmember Taylor:

I have recently learned that you may be seeking either interim or more long-term city attorney services. If that information is correct, I am immediately available to assist the City of Black Diamond. I have practiced municipal law exclusively since 2003, and have been practicing law since 1997. You may recall that I was the City Attorney for the City of Maple Valley for several years, from late 2007 to the end of 2012.

I am very familiar with the land issues in Black Diamond relating to the master planned developments known as The Villages and Lawson Hills because of my own involvement in that matter in 2010 on behalf of the City of Maple Valley. I believe that I can assist the existing council in responsibly navigating the myriad land use issues facing the city in the coming years. In addition, I am well versed in other aspects of municipal law: public works contracting, zoning, planning, code enforcement, council operations, public records responses, etc. Also, I have worked for cities with a strong mayor form of government, and for cities with a city manager form of government.

Because my municipal career has been spent working in small cities (under 25,000 in population), I am used to working closely and having an open door policy with city staff, so that anyone is comfortable coming to me with questions. I have developed trainings for staff and elected officials in several subject areas with the goal of reducing liability and lowering insurance expenses. I would be able to offer those trainings to you, your staff, and your new elected officials.

In summary, my background and familiarity with the land use issues in Black Diamond, combined with my years of municipal experience would allow for a fairly seamless transition if you are seeking city attorney services. It would be my honor to serve you in whatever capacity you may need in the near future and to assist in making a transition with your incoming mayor-elect.

Sincerely yours,

Christy A. Todd
catodd07@gmail.com
360-790-3781



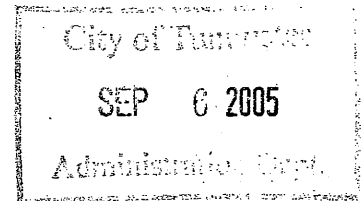
ANIMAL SERVICES

3120 Martin Way NE • Olympia, WA 98506-4950 • (360) 352-2510
email: shelter@olywa.net • website: www.olywa.net/shelter

September 1, 2005

Susanne Beauregard, Director
Animal Services
3120 Martin Way E
Olympia, WA 98506

The Honorable Ralph Osgood
City of Tumwater
555 Israel Road SW
Tumwater, WA 98501



Dear Mayor Osgood:

This letter is to recognize Christy Todd for her long term (three year) commitment to revision and up-dating Tumwater's, Olympia's, and Lacey's animal ordinances. It has been important that the three jurisdictions work together, so that enforcement can be consistent across the city jurisdictions. It's been a long, tedious, trying process. Thanks to Christy, I think it's near completion.

Christy has set the agendas for each session, has kept the sessions on track, and has worked closely with Lacey and Olympia legal staff (Joe Svoboda and Darren Nienaber) through myriad problems. When questions, inconsistencies or need for due process were discovered, Christy made sure the problem was addressed, whether she did it or one of the other two attorneys took responsibility. At the next meeting the material was reviewed, discussed, and inclusion considered. Just the work on language from these three was amazing.

Christy maintained focus with grace, energy, and good humor. The legal staff in our three cities are unquestionably excellent, and all made contributions that are integral to ordinance's structure. But Christy held it together, and I wanted you to know what an excellent job she did and how much I appreciate her expertise. Thank you for sharing.

Sincerely,

Susanne Beauregard
Director, Animal Services

cc: Joint Animal Services Commission

Thurston County • City of Olympia • City of Lacey • City of Tumwater



May 23, 2006

Dear Sir/Madam:

It gives me great pleasure to write a letter of recommendation for Christy Todd. As of the date of this letter, Christy is the City Attorney for the City of Tumwater. She has been with the city since September, 2002.

In my experience working with Christy, I have seen her develop her knowledge base as a municipal attorney. Christy has been a very effective legal advisor to me, the City Council, and city staff. During her tenure, the City of Tumwater experienced tremendous growth, both in commercial and residential development. That growth resulted in various challenges for the city that Christy helped us navigate. Christy successfully dealt with moratoriums, citizen litigation before the Western Washington Growth Management Hearings Board, various administrative appeals, construction arbitration, and other legal matters. She is often asked to respond without much preparation time to new and emerging issues that require mental agility as well as tact in advising the city. Her most recent accomplishment was working on the settlement of a condemnation action in a historic water rights case. I believe that without Christy's legal advice, and legal work, Tumwater would now be in a legal battle against Olympia, to condemn water rights. Instead, Tumwater is now working cooperatively with Olympia and Lacey to condemn water rights, under the terms of an interlocal agreement that Christy helped draft.

Christy is also able to bring to the city much good will from her years working in the Thurston County area, and from serving as a volunteer in the local bar association. The contacts she has developed over the years are helpful to the city, as she was asked on several occasions to represent the city on various criminal justice-related task forces. Christy's interest in this area ultimately resulted in some much-needed change to Tumwater's prosecution services. I have personally received good feedback about Christy's work on these county-wide projects. I have appreciated her commitment to convince me and the Council to make certain changes to criminal justice procedures in our city.

In summary, I can enthusiastically recommend Christy to a future employer. I am sorry to be losing her, and know that she will be missed. I have offered to be a personal reference for Christy, and welcome any inquiries about her work for the city.

Sincerely,

Ralph C. Osgood
Mayor

TUMWATER CITY HALL
555 ISRAEL ROAD SW
TUMWATER, WA 98501-6558
www.ci.tumwater.wa.us
FAX: 360/754-4126

ADMINISTRATION
CITY ADMINISTRATOR
MAYOR AND COUNCIL
360/754-4120

ATTORNEY
360/754-4121

DEVELOPMENT SERVICES
BUILDING PERMITS
ZONING & ENGINEERING
360/754-4180

BUILDING INSPECTION
REQUEST LINE
360/754-4189

FINANCE DEPARTMENT
CITY CLERK
INFORMATION SYSTEMS
360/754-4130

MUNICIPAL COURT
360/754-4190

FIRE DEPARTMENT
360/754-4170
FAX: 360/754-4179

GENERAL SERVICES
PERSONNEL
360/754-4122
JOB LINE: 360/754-4129

PARKS & RECREATION
360/754-4160
FAX: 360/754-4166

MUNICIPAL GOLF COURSE
4611 TUMWATER VALLEY DR SE
TUMWATER, WA 98501
360/943-9500
FAX: 360/943-4378

OLD TOWN CENTER
215 N. 2ND STREET SW
TUMWATER, WA 98512
360/754-4164
FAX: 360/754-2063

PLANNING & FACILITIES
LONG RANGE PLANNING
BUILDINGS & GROUNDS
HISTORIC PROGRAMS
360/754-4210
FAX: 360/754-4142

POLICE DEPARTMENT
360/754-4200
FAX: 360/754-4198

PUBLIC WORKS
ENGINEERING
360/754-4140
FAX: 360/754-4142

OPERATIONS &
MAINTENANCE
360/754-4150



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PUBLIC WORKS
ENGINEERING
360/754-4140
FAX: 360/754-4142

OPERATIONS &
MAINTENANCE
360/754-4150

May 25, 2006

Christy Todd
City Attorney
City of Tumwater

Dear Christy:

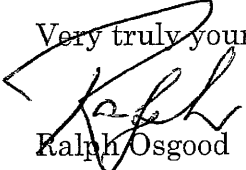
With great regret, I accept your resignation as city attorney for the City of Tumwater on the terms set forth in your letter dated May 23, 2006.

I speak not only for myself, but for the many officials and employees of the City, when I express gratitude for the exemplary service that you have provided us. We have greatly appreciated your dedication to the City and your professionalism in every aspect of your employment.

The City and I also appreciate your willingness to assist in the transition to a successor. In the ideal situation, you will remain with us until July 31, 2006. I understand, however, that if an opportunity presents itself prior to July 31, you may need to leave us before then. I know that we will work together to make this transition a smooth and efficient one.

It has truly been a pleasure working with you, and I envy whichever employer—public or private—has an opportunity to work with you next. I hope we will remain in contact long after you leave us. Thank you again for three years of exceptional service.

Very truly yours,


Ralph Osgood
Mayor

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39TH YEAR, NUMBER 40
MAPLE VALLEY, WASHINGTON
TUESDAY, October 7, 2008

Serving the following communities:
Maple Valley, Black Diamond, Hobart, Ravensdale & Surrounding Areas

On the side...

THS offers the PSAT

Tahoma High School will be offering the PSAT on Saturday, Oct. 18. The PSAT is recommended for all college-bound sophomores and juniors. It also is the test for juniors to qualify for the National Merit Scholarship Program. Students may register for the PSAT by paying the Tahoma cashier \$16. Registrations are being accepted now. Space is limited, so early registration is recommended. If you have any questions regarding the PSAT, please call the Tahoma High School Counseling Office at 425-413-6204.

"Welcome Home Hero" celebration to be held

On Sunday, Oct. 19, 2008, at 12:15 p.m., Shepherd of the Valley Church, located at 23855 S.E. 216th Street in Maple Valley, will have a "Welcome Home Hero" celebration to honor military personnel who have returned from service in war zones.

They will also honor the men and women who are Vietnam veterans. If you are a Vietnam veteran or know of one, please contact Barbara Jensen at 253-630-2149.

Please contact Barbara if you are a current veteran returning from a war zone or know of one.

Model train show to be held

The 11th Annual Maple Valley Model Train Show will be held Saturday and Sunday, Oct. 18 and 19, from 9 a.m. to 5 p.m., at the Gracie Hansen Building, in Ravensdale.

This is a special event for the whole family.

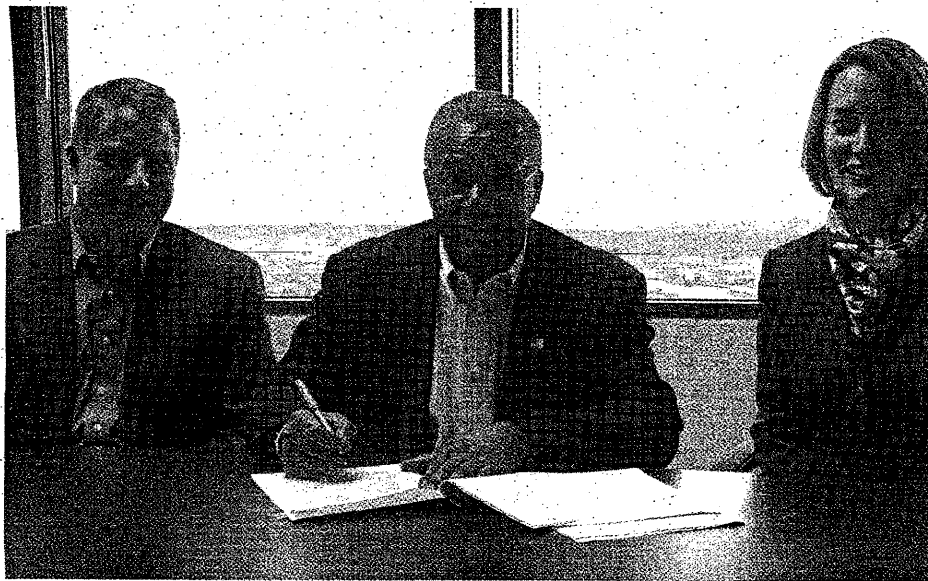
Disaster preparedness class offered

Map Your Neighborhood Disaster Preparedness Class - In a disaster, your most immediate source of help is your neighbors living around you. Learn the first nine steps to take immediately following a disaster to secure your home and to protect your neighborhood.

This 2-hour class is being offered during the Safety Fair on Saturday, Oct. 11, from 12:30 to 2:30 p.m. at Rock Creek Elementary School, located at 25700 Maple Valley/Black Diamond Hwy (SR 169).

For more information and/or to register, please call Janine Johnson at 425-433-2116.

The VOICE of the Valley is an independently, locally, family owned business that is delivered by the postal service directly to your home weekly!



SIGNERS TO the Memorandum of Agreement on Thursday, Oct. 2, between the City of Maple Valley, the County, and Yarrow Bay concerning the Donut Hole included (L-R) Brian Ross (Yarrow Bay Group), King County Executive Ron Sims, and Maple Valley Interim City Manager Christy Todd.

King County, Maple Valley, and Yarrow Bay sign agreement on joint planning of Summit Pit property

King County, City of Maple Valley and Yarrow Bay signed a Memorandum of Agreement on Thursday, Oct. 2, to work together on a joint planning process to decide the appropriate zoning for the Summit Pit property in Southeast King County, also known as "the Donut Hole."

The agreement gives both parties a seat at the table and a voice in major decisions to be made about the 156 acre property, which is currently owned by King County, but completely surrounded by the City of Maple Valley.

After two years of work and intense negotiations, King County Executive Ron Sims expressed excitement over the prospects the project could present, with a master planned community that meets the need for several types of housing, open spaces, community gathering spaces.

"We've done a lot of work on Summit Pit, but this memorandum of agreement is a start, not the finish line," said Executive Ron Sims. "The key to this project's success will be the collaboration with Maple Valley and its residents on a final vision that works for us and, most importantly, meets the needs of their growing city."

"The City of Maple Valley appreciates the cooperation of the county and Yarrow Bay in reaching agreement on one of the biggest future land developments in the city," said Interim City Manager Christy Todd. "We are confident that the end result will reflect Maple Valley's vision for its future."

Executive Sims has signed a purchase and sale agreement with Yarrow Bay Group development selling the property for \$51 million.

King County agreed to support annexation of the property by Maple Valley, which would then receive millions in taxes, fees and new revenue generated by the new housing, parks, trails and other amenities.

"I am pleased that Maple Valley has finally been brought to the table," said County Councilmember Reagan Dunn, who represents the district that includes Maple Valley. "Joint planning that takes into

consideration the local services that Maple Valley must provide is the only way this could ever happen. I am proud of the city for their tenacious spirit and I'm happy with the level of cooperation shown by all parties over the past few weeks."

In the six page Memorandum of Agreement document, a purpose statement lays out the following: "For the County and the Developer: To obtain the

City's support for and withdrawal of opposition to the pending UG amendment that would urbanize the Property; For the City: To obtain assurances from the County and the Developer that they will negotiate with the City in good-faith with the goal of achieving annexation of the property to the City before the Developer submits an application for development

(Continued on page 5)



DURING A recent City Council meeting, Mayor Laure Iddings presented local King County Explorers special Certificates of Participation from the National Law Enforcement Exploring Conference, which was held at Colorado State University in Fort Collins, Colorado. While at the conference that took place at the end of July, Explorers participated in individual and team competitions, placing fifth in the Domestic-Crisis Intervention scene as a team and first in the "Beam Hit" laser shooting competition with individual Explorer Deshaunte Slaughter. Pictured (L-R) Mayor Iddings, Sergeant Andy McCurdy, Explorer Sergeant Kevin Canny, Explorer Michael Stratton, Explorer Major Deshaunte Slaughter, Maple Valley Chief Scott Somers, Maple Valley Police Administrative Assistant Robin Larsen.

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Covington, Maple Valley keep eyes on economy

By **KRIS HILL**

Covington Reporter Staff writer/news

Today, 7:50 AM · **UPDATED**

Despite the economic downturn that has impacted the entire country, the municipal governments of Covington and Maple Valley are in good shape financially heading into 2009.

Covington city Manager Derek Matheson has urged conservative spending, however. And Maple Valley's interim city manager, Christy Todd, says the city is thinking long-term and not just a year ahead by considering ways to remain financially healthy.

Officials considered the impact of the economy while developing their cities' budgets, which are scheduled for a final vote by the respective city councils next week – Monday in Maple Valley, Tuesday in Covington.

"In this challenging economic climate," Covington "has been incredibly fortunate compared to other cities," Matheson said in a budget presentation at a recent council meeting. "We have attained new sources of sales tax revenue such as Home Depot, Red Robin and Costco. The utility tax is revenue is coming in at higher than estimated amounts, and our building permit activity has been relatively strong."

Property tax for 2008 for Covington is estimated to be a little more than \$2 million, Matheson said, while revenue coming in next year from the utility tax will be about \$2 million. A little more than half of that will go toward paying for street, capital improvement and parks and recreation programs or projects.

"Retail sales tax revenue will get a huge boost with the addition of Costco and Home Depot," Matheson said. "Total collections for 2009 are estimated to be \$2.9 million. The largest category in sales tax revenue continues to be retail. However, construction has had the largest percentage increase in 2008."

Covington's parks and recreation fund will have a surplus this year and for some time to come, which "is a turnaround from several years ago," he said. "The utility tax has allowed us to hire a new director, provide non-athletic recreation programs and support parks maintenance."

Matheson's recommendations for spending are conservative because "the economic future is very uncertain for the country and the city of Covington," he said. "It would be easy to fall into the trap of trying to please people with new ongoing programs since we have some anticipated surplus. But prudent fiscal measures are more important during these times than in any other."

Maple Valley officials are also keenly aware of the challenges of the economic downturn, as residential construction has slowed down in the past year. That has caused a small reduction in revenue from that source for the city.

"It is important to note that the city's general fund is not in trouble in 2009," Todd said. "The 2008 ending fund balance is projected to be about \$2.6 million. This amount is 33 percent of estimated expenditures, well above the council-adopted policy which aims to keep the ending fund balance at or above 10 percent of expenditures."

Finance officials forecast the city's expenditures six years out "in order to give the council a budget picture that extends beyond just the budget year," Todd said. "While the general fund is not experiencing a shortfall for 2009, it may assist the council to evaluate" the future.

Three options have presented to the Maple Valley council for long-term budget planning through 2010 and beyond:

- The first would be to reduce staff or freeze existing job vacancies – not recommended by Todd, as it would create a "severe impact on the delivery of services and the ability to keep pace with citizen and businessowner demands," she said.
- Option two involves ways to increase cash flowing into the city coffers, such as a property tax levy lid lift, an increase in the utility tax rate, and implementation of a business and occupation tax or business license fee. "Increasing the existing utility tax on electric, gas and telephone from 2.25 percent to 3.25 percent is projected to produce an additional \$290,000 annually. While no tax increase is ever without controversy, this 1 percent increase is very modest, especially in light of the fact that the city currently has the lowest telephone utility tax in the state (of those cities that impose the tax) and has one of the lowest electric and gas taxes," Todd said. She said she is not necessarily recommending this and the other cash-flow increases.
- A third option includes waiting to purchase new city vehicles, deferring some items in the capital improvement program, and adjusting the way some funds are allocated in the city's budget. Todd recommended adopting all of the suggestions in the third option to balance the general fund.

She also suggested that the council take time next year to evaluate "its financial policies and its goals."

"Doing so early in the new year, and outside of the annual budget cycle, would provide the necessary time for in-depth reassessment of those policies and goals, many of which were adopted" when Maple

Valley became a city in 1997, Todd said. "What worked 11 years ago may not work today or be feasible as the city continues to grow and change. Eleven years ago, the city made financial policy decisions that focused heavily on capital infrastructure funding because the need was so great and the city inherited deficiencies from the county."

Covington Reporter Staff writer/news Kris Hill can be reached at khill@reporternewspapers.com or (425) 432-1209, ext. 5054.

-
- [email](#)
- [letter](#)
- [print](#)
- [follow](#)
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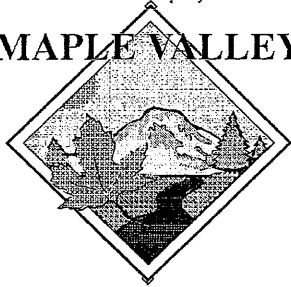
Find this article at:

http://www.pnwlocalnews.com/south_king/cmv/news/35510409.html

☐ Check the box to include the list of links referenced in the article.

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The City of
MAPLE VALLEY



P.O. Box 320 • 22035 SE Wax Rd • Maple Valley, WA 98038
Phone: 425-413-5158 • Fax 425-413-5085

POLICE DEPARTMENT

January 15, 2009

To: City Manager Christy Todd

From: Maple Valley Police Officers

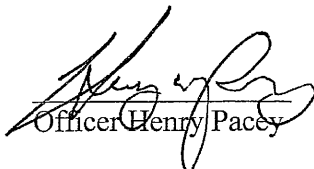
Subject: Thank You

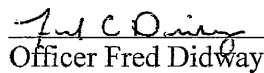
We all wanted to thank you for supporting us to purchase patrol rifles. Chief Somers told us you were a steady and strong supporter of the budget request and that you had a personal experience from the Tacoma Mall shootings that gave you unique understanding of what we face. A number of us have been on calls where we faced suspects with rifles. The rifles you are providing will make future similar encounters safer and help insure we go home to our families.

We are all deeply appreciative and humbled by your support. You should know that other deputies have taken notice of your support, which should make recruiting very competitive when openings occur in the future.

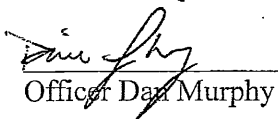
Thank you again.

Sincerely,

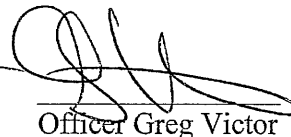

Officer Henry Pacey

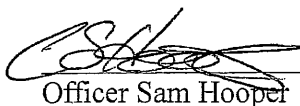

Officer Fred Didway


Officer Chris Cross

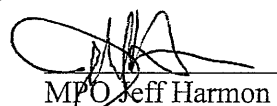

Officer Dan Murphy


Officer Christian Pedersen


Officer Greg Victor

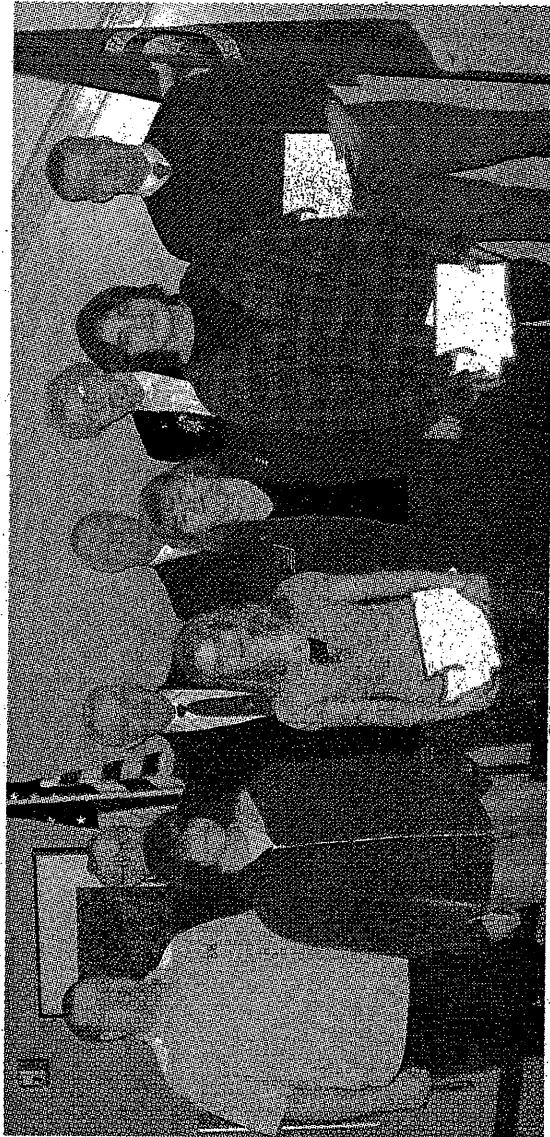

Officer Sam Hooper


Officer Cory Stanton


MPO Jeff Harmon



MAPLE VALLEY Interim City Manager Christy Todd (center) gave an overview presentation of an exciting new idea currently being discussed for the area as a transportation alternative - Diesel Multiple Unit Commuter Rail - during the Wednesday, Jan. 21, Maple Valley-Black Diamond Chamber Luncheon. Joining Todd during the presentation was Black Diamond City Administrator Gwendolyn Voelpel (L) and Covington City Manager Derek Matheson (R). For more information about the Chamber, please contact Sue Van Ruff at 425-432-0222 or visit www.maplevalley.com and www.blackdiamondchamber.org.



THE ASSOCIATION of Washington Generals recently completed their yearly state-wide essay contest. For the fifth year in a row Tahoma High School swept the ninth and tenth grade division by winning the first three place awards throughout Washington State. Students and teachers were presented with cash prizes and plaques from the AWG. Pictured from left to right (back row): Teacher Todd Baker, Bob Hipple, Chuck Hardaway, Bill VanRuff, Sharon Kinder (AWG) and Tahoma Junior High Principal Rob Morrow. Front row: second place winner Austin Carter, first place winner and over-all state-wide winner Lora Sonney, Victoria Jonas (AWG Chairperson) and third place winner Justice Johnson.

Library News

(Continued from page 6)
Maple Valley Library
 21844 S.E. 248th Street
 Maple Valley
 425-432-4620

Programs for Adults
Maple Valley Men's Book Group, Farewell to Arms by Ernest Hemingway, Wednesday, Jan. 28, at 6:30 p.m.

Maple Valley Library Guild Meeting, Wednesday, Feb. 4, at 7 p.m. For further information about joining the Guild, please contact the library.

Maple Valley Library Advisory Board Meeting, Thursday, Feb. 5, at 7 p.m.

Programs for Children & Families

Once Upon a Wednesday Story Times, Wednesday, Jan. 28, at 10:30 a.m. Ages 3 to 7, younger children welcome with adult.

Toddler Story Times, Friday, Jan. 30, at 10:30 a.m. Ages 2 to 3 with adult.

Wee Ones Story Times, Monday, Feb. 2, 9 and 23, at 10:05 a.m. Newborn to 24 months with adult.

Pajama Story Times, Monday, Feb. 2, 9 and 23, at 7 p.m. Ages 3 to 7, younger children welcome with adult.

games at the library!

Teen After-Hours, Friday, Feb. 27, at 7 p.m. Hang out, play videos games or just use the library. Please sign up in advance.

Fairwood Library
 17009 140th Ave S.E.
 Renton - 425-226-0522

Programs for Adults
AARP Free Tax Assistance, Monday, Feb. 2, 9 and 23, at 4 p.m.; Friday, Feb. 6, 13, 20 and 27, at 10 a.m.; Saturday, Feb. 7, 14, 21 and 28, at 12:30 p.m. Free tax help at the library. Registration required at the Information Desk or call 425-226-0522.

Weight Loss without Will Power, Tuesday, Feb. 10, at 7 p.m. Learn how lowering your glycemic load can help you lose weight and reverse insulin resistance with Dr. Rob Thompson, author of *The Glycemic Load Diet*.

Fairwood Afternoon Book Group - The Beekeeper's Apprentice or On the Segregation of the Queen by Laurie R. King, Wednesday, Feb. 11, at 11:30 a.m.

Lively Minds Book Group, The Next Thing On My List by Jill Smolinski, Tuesday, Feb. 17, at 7:30 p.m.

Programs for

Preschool Story Times, Thursday, Feb. 5, 12 and 26, at 10 a.m. Ages 3 to 6.

Read Three, Get One Free Summer Edition & Read. Flip. Win. Students in middle, junior high and high school, read three books, write three thoughtful reviews and get a prize book...free! Forms are available at your nearest KCLS library and when turned in, are eligible for a monthly prize drawing and entered in the Grand Prize drawing! This summer will also feature a video book review contest, **Read. Flip. Win!** Ask at the library for details.

Showing the love for the Soup Ladies | Sept. 10 fundraiser event

- by KRIS HILL, Covington Reporter Assistant Editor
- Sep 1, 2010 at 7:00PM updated Sep 2, 2013 at 4:54PM



James Hutchinson gives his son Tristan, 19 months, a taste of soup served by the Soup Ladies of Maple Valley at the grand opening of the Soup Ladies mobile soup kitchen in October 2008.

— image credit: Gary Kissel / The Reporter

Everybody loves the Soup Ladies.

And Christy Todd, city attorney for Maple Valley, suggested people would love to support the Soup Ladies.

Started in 2003 by Ginger Passarelli Senecal, known affectionately as 'Mama,' the Soup Ladies has grown both in number of volunteers and its reach as a non-profit.

Still, the organization needs a way to regularly raise money to support the work of feeding first responders at the scene of major crimes, natural disasters and other situations.

Todd, who first met Senecal while she was serving as interim city manager for Maple Valley in 2007, learned first hand the importance of the Soup Ladies work while dealing with emergency management issues.

At the same time, Todd took the CERT class offered by Maple Valley Fire and Life Safety, and at the final session during which the participants went through a disaster drill, "Mama came and ... served us her wonderful soup."

"Mama and her Soup Ladies are just doing a wonderful thing," Todd said. "I was concerned that she didn't have a sustainable way to fund her operations and wanted to do what I could to help."

To that end, Todd has worked on organizing a fundraiser, the first of what she hopes will become an annual event that will help the Soup Ladies continue with their mission of "warming the world one bowl at a time."

When Todd first met Senecal, she asked her, "How do you keep this operation going?"

"I found out she puts in her own money and uses her own resources to help out of the kindness of her own heart," Todd said. "I started searching on the homeland security sites for grants and I was getting frustrated. So, I said, 'You know, Ginger, people love you. Why don't we have a fundraising event?'"

Todd was at an event where she shared a table with Marcy and Mike Scott, both of whom work in emergency management, and know the Soup Ladies' work. She talked to them about the idea of an annual fundraiser and they were immediately on board to help with procuring items for the fundraiser and much more.

Senecal said that people often try to provide them with donations while they are at a scene, but, that is neither the time or the place.

"I'm very excited about it," she said. "It just seems like there are so many people who are constantly asking, how can we help, how can we help? This is it, this is everyone's chance to help."

This fundraiser, set for 5:30 p.m., Friday, Sept. 10, at Meridian Valley Golf and Country Club, will be the time and the place to help the Soup Ladies.

One thing the fundraiser can help with, Senecal said, is make the Soup Ladies' mobile kitchen that much more functional.

The mobile kitchen arrived in October 2008.

"When we bought our mobile kitchen, it had been an existing business, so, because of that it was set up for them," Senecal said. "We just want to be able to serve a little bit better. Having some ovens would really help. We want to get two six burner stoves and each one would have oven. Then we could put out even more food than we can now."

While in Lakewood after the deaths of four police officers last year, Senecal said, the Soup Ladies "were putting out hundreds and hundreds of meals."

"We want it to be even more capable than it is," she said. "Whenever we go anywhere, we just clean out my (restaurant's) kitchen. We want to have our own stuff in the mobile kitchen... so that the trailer is totally stocked and ready to go with everything that we need in it."

Linda White, a volunteer whom Senecal described as her "second in command," added that due to the hard work first responders have to do it would be nice to have ovens and other equipment that would allow them to provide emergency personnel the right kind of fuel.

"First responders need hearty, filling meals," White said. "The better food we can make for them, the better prepared they are for what they have to deal with."

In addition to new stove/oven combinations and small kitchenware items, White said, they also really need a new generator.

"Our generators failed while we were down there (in Lakewood)," she said. "Basically we put out just soup because that's what our equipment allowed us to do the fastest and the easiest."

Todd said there are plans for a silent auction, along with a pair of speakers, including one from the Lakewood Police Guild, a live auction, dinner and dancing. The Doug Cassell band will be performing.

Tickets are \$75 per person.

White said she is looking forward to the fundraiser.

"I think it's special that people in our communities recognize what we do," she said. "We always have a need for money because things can't be paid for out of the restaurant."

Soup Ladies Fundraiser

- Where: Meridian Valley Country Club, 24830 136th Avenue SE, Kent
- When: 5:30 p.m.
- Friday, Sept. 10
- Cost: \$75
- RSVP and pay by Sept. 7 to attend. Call 206-571-4224 or send an e-mail to thesoupladies@live.com to RSVP.

- KRIS HILL, Covington Reporter Assistant Editor
- khill@maplevalleyreporter.com or (425) 432-1209, ext. 5054

RESOLUTION R-12-~~XXX~~ 906

A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON, AUTHORIZING
THE CITY MANAGER TO EXECUTE AN EMPLOYMENT SEPARATION AGREEMENT
WITH CHRISTY A. TODD.

WHEREAS, the City Manager proposed a 2013 budget that includes the elimination of
the City Attorney position; and

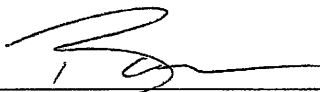
WHEREAS, the City Council desires to enter into a separation agreement with the City
Attorney, Christy A. Todd, in recognition of her years of service, well and faithfully performed,
both as City Attorney and Interim City Manager;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY
WASHINGTON DO HEREBY RESOLVE AS FOLLOWS:

Section 1. Separation Agreement Authorized. The City Manager is hereby authorized to execute
a Separation Agreement with Christy A. Todd. This Agreement shall be entered into the Clerk's
Receiving Files as Agreement No. _____.

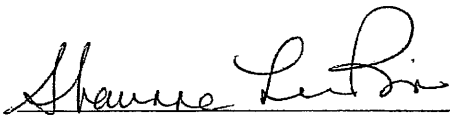
Section 2. The Finance Director is hereby directed to issue the payments to Christy Todd as
specified in the Separation Agreement, and to do all other things necessary to fulfill the financial
terms of the Separation Agreement.

PASSED THIS 17th DAY OF DECEMBER, 2012 AT A SPECIAL MEETING THEREOF.



William T. Allison, Mayor

ATTEST:



Shaunna Lee-Rice, City Clerk



P.O. Box 320 • 22017 SE Wax Road • Maple Valley, WA 98038

Phone: 425-413-8800 • Fax: 425-413-4282

December 14, 2012

To whom it may concern:

We are writing this letter on behalf of Christy Todd. Christy is serving as the City of Maple Valley's City Attorney and has done so for the last five years. Christy also served as Interim City Manager for nine months during that time. Christy was the City's second in-house City Attorney, and her tenure spanned three Council administrations, and three executive administrations at the City. Maple Valley's growth and development as a City has been reflected in a housing boom that doubled the City's residential population since the time of incorporation in 1997 and has seen a recent spurt of commercial development including a large Fred Meyer complex and the redevelopment of a long-existing commercial area across the street from the new Fred Meyer complex. Christy has been involved in many aspects of the City's recent commercial growth and development, working successfully with developers on many different types of agreements to resolve certain problems and to assist the City and developers in achieving their objectives.

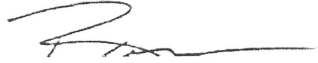
When Christy was first hired, the number one legal priority for the City was its negotiations with King County over a land use issue, known locally as the "Donut Hole." Christy led a team of City staff and consultants from 2007 through mid-2011 and was successful in getting two negotiated planning agreements with King County and assisting the City's planning staff in bringing nine zoning and development regulation ordinances to the City Council for adoption. The end result of this multi-year effort was to position the City to annex 156 acres into the City. The City is now poised to be able to achieve this annexation. Christy's legal, organizational and planning skills were a key component in achieving the City Council's goals involving the Donut Hole.

Another of Christy's major accomplishments involved administrative litigation with a neighboring City in 2010 over the traffic impacts from two master planned developments being proposed there that involve building over 6,050 homes, and adding 1.1 million square feet of commercial development. Her litigation and negotiation efforts resulted in a traffic mitigation agreement worth approximately \$17-20 million dollars, and avoided further litigation in the superior court.

In 2012, Christy led a team that included the City's municipal court judge, prosecutor, police Chief and Finance Director, to find a new court venue for the City's municipal court. Christy's efforts resulted in an interlocal agreement with the City of Kent for court services, and an agreement for jail services. These two agreements will serve the City well as it continues to grow, as the City needed a bigger venue for its court. As of January, 2013, the City will have a full service court facility.

We are sad to be losing Christy, and very grateful for the level of professionalism she brought to the City right from the start of her employment. Christy's skills and abilities have served the City very well and we are certain that she will bring the same level of expertise and professionalism to her next endeavor. We highly recommend Christy to any future employer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill Allison", with a long horizontal flourish extending to the right.

William "Bill" Allison, Mayor

GUY BOGDANOVICH *
DON G. DANIEL
JOHN E. JUSTICE *
W. DALE KAMERRER
DONALD L. LAW
ELIZABETH A. MCINTYRE *
JEFFREY S. MYERS
JULIE K. CARIGNAN

JOCELYN LYMAN, *of counsel*
*Admitted in WA & OR

**LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.**

ATTORNEYS AT LAW

(360) 754-3480 FAX: (360) 357-3511

Mailing Address:
P.O. BOX 11880
OLYMPIA, WA 98508

Street Address:
2674 RW JOHNSON BLVD SW
TUMWATER, WA 98512

May 13, 2013

To whom it may concern:

I am writing to recommend Christy Todd for any attorney positions which she may seek, particularly those involving the practice of municipal law. I had the pleasure of working directly with Christy during her time as City Attorney for the City of Tumwater, Washington. My firm and I serve as appointed defense counsel to Washington cities which have liability coverage through the Washington Cities Insurance Authority, a municipal self-insurance pool in Washington. We are also appointed by WCIA to advise cities before claims are filed in an effort to avoid lawsuits. In both situations of lawsuit defense and lawsuit-avoidance, Christy was an invaluable partner to me in several ways.

First, Christy had the knowledge and foresight to know when a situation was developing in her city's activities that could lead to claims of liability. When those situations were becoming evident, she would seek outside assistance through WCIA, and once we were appointed she would bring a wealth of information and analysis to our consultations.

Second, Christy clearly had the respect and support of her city's elected officials and professional staff. These, often strong-willed, people were, in my observation, satisfied with Christy's advice and guidance, but appreciative of second opinions even though those opinions mirrored their City Attorney's views on the same subject.

Third, as alluded to above, Christy's advice to her client was always "spot-on." Our firm may have been able to add weight to her advice and provide analysis that anticipated the needs of litigation, but her city always had the correct understanding of legal requirements and pitfalls directly from her advice.

With Christy's intelligence, experience and analytical abilities, I am confident she would be an excellent addition to your firm or agency. Please feel free to call me if you wish.

Very truly yours,

LAW, LYMAN, DANIEL,
KAMERRER & BOGDANOVICH, P.S.



W. Dale Kamerrer

LAW OFFICE OF
ROBERT B. GOULD

Sparling Technological Center
4100 194th Street SW, Suite 215
Lynnwood, Washington 98036

Phone (206) 633-4442
Phone (425) 967-3005
Facsimile (206) 633-4443
E-mail: rbgould@nwlegalmal.com

January 9, 2014

Sent via Email only

Christy Todd, Esq.
ctodd@ci.blackdiamond.wa.us

RE: *City of Maple Valley v. Bruce Disend and Kenyon Disend, PLLC*
King County Superior Court Cause No. 11-2-20179-1 KNT
Court of Appeals No. 68304-7

Dear Christy:

This letter is being written pursuant to your telephone call to me of yesterday afternoon, Wednesday, January 8, 2014. You have advised me that there will be a confirmation hearing tonight for you to be the new City Administrator for the City of Black Diamond. You have further advised me that the Kenyon Disend, PLLC law firm has been taking steps adverse to your potential position as City Administrator of Black Diamond.

As counsel of record for the City of Maple Valley in the above matter, I would like to address my dealings with you and the ultimate result in that legal malpractice case with which I still disagree.

The basic issue that was never resolved on the merits is the City of Maple Valley's allegations – which, in my view, were well founded – revolving around the actions and inactions of Kenyon Disend concerning a 2003 Ordinance and 2005 Resolution regarding a major improvement undertaken by the City of Maple Valley in an area commonly referred to as “Four Corners”. Both the trial court on summary judgment and the Court of Appeals never reached the merits of that issue but found, in my view, contrary to legal malpractice jurisprudence in the state of Washington, that the City of Maple Valley's claim was barred by the statute of limitations, *i.e.*, that the matter was not brought on a timely basis.

You and hired consulting municipal attorney, Dale Kamerrer, both felt and were of the view that Kenyon Disend's actions did not comport with the minimum requirements of a reasonable municipal attorney in the same or

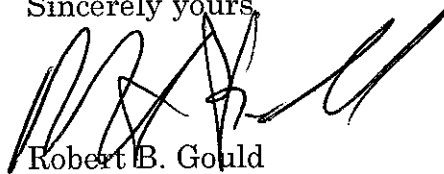
Ms. Todd, Esq.
January 9, 2014
Page 2

similar circumstance. In my judgment, that, coupled with the Court of Appeals decision in *Woodcreek Land Ltd. v. City of Puyallup*, 69 Wash.App. 1, 847 P.2d 501 (1993), is supportive of the position taken by the City of Maple Valley in the above lawsuit.

In my dealings with you, I found you to be knowledgeable, thorough and absolutely honest and straight forward. It is, indeed, regrettable that Kenyon Disend is trying to vent their wrath at you. Based upon your extensive municipal law experience, it's my opinion that the City of Black Diamond would be well served by you being its City Administrator.

Should any council members of the City of Black Diamond have any questions, I would be more than happy to respond to them. My best regards.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'R. B. Gould', written over a horizontal line.

Robert B. Gould

RBG/ncj

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION																								
SUBJECT: Resolution No. 14-918, confirming the Mayor's appointment of Christy Todd as City Administrator	Agenda Date: January 9, 2014 AB14-008																							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Department/Committee/Individual</td> <td style="width: 10%;"></td> </tr> <tr> <td style="padding: 2px;">Mayor Dave Gordon</td> <td style="text-align: center; padding: 2px;">x</td> </tr> <tr> <td style="padding: 2px;">City Administrator –</td> <td></td> </tr> <tr> <td style="padding: 2px;">City Attorney –Chris Bacha</td> <td></td> </tr> <tr> <td style="padding: 2px;">City Clerk – Brenda L. Martinez</td> <td></td> </tr> <tr> <td style="padding: 2px;">Finance – May Miller</td> <td></td> </tr> <tr> <td style="padding: 2px;">Natural Resources/Parks – Aaron Nix</td> <td></td> </tr> <tr> <td style="padding: 2px;">PW/Ec. Dev. – Andy Williamson</td> <td></td> </tr> <tr> <td style="padding: 2px;">Police – Jamey Kiblinger</td> <td></td> </tr> <tr> <td style="padding: 2px;">Court – Stephanie Metcalf</td> <td></td> </tr> <tr> <td style="padding: 2px;">Comm. Dev. – Stacey Welsh</td> <td></td> </tr> </table>	Department/Committee/Individual		Mayor Dave Gordon	x	City Administrator –		City Attorney –Chris Bacha		City Clerk – Brenda L. Martinez		Finance – May Miller		Natural Resources/Parks – Aaron Nix		PW/Ec. Dev. – Andy Williamson		Police – Jamey Kiblinger		Court – Stephanie Metcalf		Comm. Dev. – Stacey Welsh		
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Police – Jamey Kiblinger																								
Court – Stephanie Metcalf																								
Comm. Dev. – Stacey Welsh																								
Cost Impact:																								
Fund Source:																								
Timeline:																								
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator																								
Attachments: Resolution No. 14-918																								
<p>SUMMARY STATEMENT:</p> <p>Please see the agenda bill that discusses my hiring of Christy Todd as Assistant City Administrator. I have requested the Council's confirmation of Christy Todd as the City Administrator.</p>																								
<p>COMMITTEE REVIEW AND RECOMMENDATION:</p>																								
<p>RECOMMENDED ACTION: MOTION to adopt Resolution No. 14-918, confirming the Mayor's appointment of Christy Todd as City Administrator</p>																								
RECORD OF COUNCIL ACTION																								
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>																						
January 2, 2014	Postponed to the January 9, 2013 Special Meeting																							
January 9, 2014																								

RESOLUTION NO. 14-918

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
CONFIRMING THE MAYOR'S APPOINTMENT OF
CHRISTY TODD AS CITY ADMINISTRATOR**

WHEREAS, the Mayor has appointed Christy Todd to the position of City Administrator and seeks City Council confirmation of this appointment; and

WHEREAS, the Council supports the Mayor's selection of Ms. Todd;

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

Section 1. The City Council hereby confirms the Mayor's appointment of Christy Todd as City Administrator.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 9TH DAY OF JANUARY,
2014.**

CITY OF BLACK DIAMOND:

Dave Gordon, Mayor

Attest:

Brenda L. Martinez, City Clerk

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 14-919, authorizing the Mayor to execute an employment agreement with Christy Todd	Agenda Date: January 9, 2014 AB14-009	
Cost Impact: Fund Source: Timeline:	Department/Committee/Individual	
	Mayor Dave Gordon	x
	City Administrator –	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	
	Police – Jamey Kiblinger	
Court – Stephanie Metcalf		
	Comm. Dev. – Stacey Welsh	
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution No. 14-919, Employment Agreement		
SUMMARY STATEMENT: <p>This item follows on the Council’s appointment of Christy Todd as City Administrator. The attached contract contains changes from the contract presented on January 2. It sets forth a salary that is approximately 62% of Mr. Hoppen’s salary. Ms. Todd agreed to accept this salary in recognition that the City would be paying Mr. Hoppen a significant sum of money under his contract with the City upon his dismissal. In order to reduce the effect on the City’s budget during 2014, Ms. Todd has graciously agreed to work as City Administrator for below market rate, with the expectation that her salary will be adjusted during the 2015 budget process. The attached contract specifies that her salary will be within the range of City Administrators in King County and that an adjustment will not fall below the median salary for City Administrators in King County based upon a salary survey.</p> <p>Ms. Todd has agreed to the terms of this contract and I am requesting Council’s approval.</p>		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 14-919, authorizing the Mayor to execute an employment agreement with Christy Todd.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 2, 2014	Pulled from January 2, 2014 agenda	
January 9, 2014		

RESOLUTION NO. 14-919

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE AN
EMPLOYMENT AGREEMENT WITH CHRISTY TODD**

WHEREAS, the Council has confirmed the appointment of Christy Todd as the City Administrator; and

WHEREAS, the Council supports and finds the proposed contract to be fair and reasonable;

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

Section 1. The City Council hereby authorizes the Mayor, on behalf of the City, to execute the Employment Agreement with Ms. Todd substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 9TH DAY OF JANUARY, 2014.

CITY OF BLACK DIAMOND:

Dave Gordon, Mayor

Attest:

Brenda L. Martinez, City Clerk

**EMPLOYMENT AGREEMENT
BETWEEN
CITY OF BLACK DIAMOND AND CHRISTY TODD
REGARDING CITY ADMINISTRATOR POSITION**

1. Date and Parties. This agreement ("Agreement"), for reference purposes only, is dated the ____ day of _____, 2014, and is entered into between the City of Black Diamond, a Washington municipal corporation ("City") and Christy Todd, ("Todd") and shall be referred to as the "Agreement".

2. Purpose. The purpose of this Agreement is to define the terms and conditions of Todd's employment with the City of Black Diamond as City Administrator.

3. Appointment to City Administrator Position. Todd's appointment by Mayor Dave Gordon, and the City Council's confirmation of Todd's appointment to the position of City Administrator are hereby effective January_____, 2014, and Todd hereby accepts that appointment. Todd's employment with the City began January 2, 2014, and Todd's anniversary date of hire shall be January 2 of any future year, for purposes of Todd's performance reviews.

4. Term. It is the desire of both parties that Todd shall continue to serve as the City's City Administrator for a long period of time. The parties acknowledge, however, that the City Administrator position is an "at will" employment position, and the Mayor and Todd are at liberty to terminate her employment with the City at any time, subject only to the terms and conditions set forth in this Agreement.

5. Duties. Todd shall perform all duties and obligations of the City Administrator, as required by law, along with such other duties as are set forth in the City Code Chapter 2.10, or as assigned from time to time by the Mayor. Todd recognizes that the City Council is the legislative and policy making body of the City. The City Administrator, under the direction and control of the Mayor, is the individual responsible for administration of City personnel, and for the administration and enforcement of the City's ordinances, resolutions, policies and other such formal directives of the City Council. Todd shall attend all special and regular meetings of the City Council, unless excused, and such other meetings as required by the Mayor.

6. Work Schedule. The City and Todd acknowledge that the proper performance of the duties of the City Administrator will require Todd to generally observe normal business hours Monday through Friday and attend regular and special meetings of the City Council, and will also sometimes require the performance of necessary services outside of this schedule. The City and Todd acknowledge and agree that the compensation herein provided includes compensation for the performance of all such services.

7. Salary. Todd's starting salary shall be \$6,666.67 per month, plus any supplemental benefits that are set forth in the City's Personnel Manual, as amended from time to time. Her salary shall be paid in accordance with the procedures for other employees of the City.

Employment Agreement Between
City of Black Diamond and Christy Todd

8. Benefits. All cost of living adjustments (COLA), health care (medical, dental, and vision), leave (sick, vacation, administrative), disability insurance, life insurance benefits, and other standard benefits, whether or not specified herein, applicable to City Department Directors and employees, as set forth in the City's retirement plan (PERS plan) and Personnel Manual, as it now exists or may subsequently be amended, shall also be applicable to Todd, except as may be modified by this agreement. Todd shall further be entitled to the following:

a. Sick Leave. Upon the effective date of Todd's confirmation by the City Council, she shall immediately be credited with 10 days sick leave. Todd shall accrue sick leave at the rate specified in the Personnel Manual as it now exists or may be subsequently amended.

b. Vacation. Upon the effective date of Todd's confirmation by the City council, she shall immediately be credited with 10 days' vacation, which shall not be taken consecutively prior to June, 2014, but may be used in two day increments prior to June 2014. Todd shall accrue vacation at the rate of 10 hours per month.

c. Membership Dues. The City shall pay membership dues for Todd's membership in the International City Managers Association (ICMA), the Washington City/County Managers Association (WCCMA). The City shall pay for Todd's attendance at the ICMA and WCCMA conferences, including conference fees, meals, lodging and transportation expenses, and for such other memberships, subscriptions, or dues, desirable for Todd's continued professional growth, advancement for the good of the City, and as shall be contained in the City's adopted annual budget. The Mayor and Todd shall determine whether Todd's attendance at said conferences, or other, similar conferences pertinent to municipal governance is convenient given the needs of the City and the scheduling of any particular conference.

d. Professional Development. The City agrees in 2015 and future years that the City will budget for and pay for travel and subsistence expenses of Todd for professional and office travel, meetings and occasions adequate to continue the professional development of Todd and to adequately pursue necessary official functions for the City, including, but not limited to the organizations set forth in Section 8(c) above, and such other national, regional, state and local governmental groups and committees thereof which Todd serves as a member.

e. General Expenses. The City recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Todd, and agrees to reimburse or to pay said general expenses allowed by the laws of the State of Washington and City personnel manual and policies, and the Finance Director is authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits as approved by the City.

f. Mileage Reimbursement. In the event that Todd, in the performance of her duties and obligations is required to use her automobile for travel to meetings on City related business, Todd will be entitled to reimbursement for mileage incurred at the City's adopted mileage reimbursement rate.

g. Civic Club Membership. The City recognizes the desirability of representation in local civic clubs and other similar organizations, and Todd is authorized to become a member of one (1) civic club for which the City shall pay dues and meeting expenses. Todd shall report to the City on membership she has taken at the City's expense.

9. Performance Review. Todd's performance shall be reviewed annually on or about the anniversary date of her commencement of employment. Provided, however, in the first year of Todd's employment, the Mayor will conduct a facilitated review with Todd at the six-month anniversary of employment. The Mayor, as a part of the performance review process, shall define the goals and performance objectives which he determines necessary for the proper operation of the City and to attain the City's policy objectives. The Mayor, in consultation with Todd, will establish a priority amongst the various goals and objectives and said objectives and priorities shall be reduced to writing. Todd's salary and other benefits may be adjusted by mutual agreement of the parties during the six-month review process as specified herein. Todd's salary and other benefits shall be adjusted at the one year anniversary of her employment, and said adjustment shall be in a range that is consistent with salaries for City Administrators in King County, and shall in no event fall below the median salary for City Administrators in King County as determined by a salary survey. In the event that circumstances prevent a review of Todd's performance at the one year anniversary date of her employment, and on the one year anniversary date in subsequent years, any upward adjustment in Todd's salary and other benefits that occurs through the review process shall be retroactive to her anniversary date of employment, which is January 2. In recognition of accomplishments and excellent performance, a merit increase may be granted to Todd at the six-month anniversary or at the time of annual review.

10. Termination.

a. By the City. The parties recognize and acknowledge that the provisions of the City Personnel Manual, and paragraph 4 above notwithstanding, Todd is an "at will" employee and the Mayor may terminate Todd with or without cause at any time and for any reason.

b. Termination Pay and Termination Benefits.

1. In the event the City elects to terminate Todd for any reason other than "cause" during the first year of employment, Todd shall receive a cash payment equal to one (1) month of Todd's base salary rate, plus a sum equal to the premiums for the City's medical plan for one (1) month's medical and dental for Todd and her dependents ("Termination Pay").

2. In the event the City elects to terminate Todd for any reason other than "cause" after January 2, 2015, Todd shall receive a cash payment equal to three (3) months of Todd's base rate and education incentives, plus a sum equal to the premiums for the City medical plan for three (3) months medical and dental for Todd and dependents ("Termination Pay").

3. Under either scenario in 10. b. 1 or 2, above, Todd shall also receive payment for all accumulated vacation leave, administrative leave, and sick leave to the extent it is authorized by the City's Personnel Manual ("Termination Benefits"). Said sum shall be subject to applicable federal withholding taxes. In consideration of said payment, Todd agrees to execute a release of all claims against the City, its elected or appointed officers, employees or agents, for any claims arising out of Todd's employment or Todd's termination of employment with the City. Provided, if Todd is terminated for "cause", then Todd shall not be

entitled to any Termination Pay, but will remain entitled to her Termination Benefits; provided that, such Termination Benefits shall only include payment for any remaining accrued sick leave and vacation leave that is in excess of the amount of sick leave and vacation leave provided as a credit pursuant to Sections 8(a) & (b) of this Agreement. For purposes of this Agreement, the term "cause" shall mean misfeasance, malfeasance, or nonfeasance in office.

c. Termination by Todd. In the event Todd elects to terminate her employment with the City, Todd agrees to provide the City with not less than sixty (60) days' notice prior to the effective date of said termination of employment. Notwithstanding the foregoing notice requirement, nothing shall prevent the Mayor, upon receiving Todd's notice of intent to terminate her employment, from compensating Todd at the rate of Todd's base salary for the unexpired portion of the sixty (60) days' notice and releasing Todd prior to the expiration of said notice period. Todd shall not be entitled to Termination Pay, but shall receive Termination Benefits; provided that, such Termination Benefits shall only include payment for any remaining accrued sick leave and vacation leave that is in excess of the amount of sick leave and vacation leave provided as a credit pursuant to Sections 8(a) & (b) of this Agreement.

11. Indemnification. Todd shall be entitled to the benefits and subject to the responsibilities, set forth in Black Diamond Municipal Code Chapter 2.66.

12. Bonding. The City shall bear the full costs of any fidelity or other bonds required of Todd under any law or ordinance associated with performing the City Administrator duties.

13. Integration. This Agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are no other agreements, oral or otherwise, that have not been fully set forth in the text of this Agreement.

14. Modification. The parties agree that this Agreement can be amended or modified only by written addendum to this Agreement, approved by the City Council, and signed by both parties.

15. Authorization. The Mayor's appointment of Todd to the position of City Administrator was confirmed by the City Council on the _____ day of _____, 2014 and the Mayor was authorized by the City Council to execute this agreement by the adoption of Resolution number 14-_____.

16. Review by Independent Legal Counsel. Todd represents and acknowledges that she has read this Agreement in its entirety and has had an opportunity to review the Agreement. She further represents and acknowledges that it is her understanding that this Agreement has been reviewed and approved by the City of Black Diamond Attorney on behalf of the City only, and not on behalf of Todd. By virtue of this passage, she further acknowledges that she has been advised that she has the right to consult independent counsel concerning this Agreement, and that by signing this Agreement she acknowledges that she has afforded himself

the opportunity to do so, or hereby expressly waives her right to have the Agreement reviewed by independent legal counsel, and agrees to the terms hereof by signing the same.

17. Relationship to Personnel Manual. This Agreement is understood by both parties to be supplemental to terms and provisions as set forth in the City's adopted Personnel Manual. Should any of the terms of this Agreement differ from terms in the Personnel Manual, this Agreement shall govern.

CITY OF BLACK DIAMOND

By: _____
Dave Gordon, Mayor

Christy Todd

Date: _____

Date: _____

ATTEST:

By: _____
Brenda L. Martinez, City Clerk

Approved as to form:

By: _____
Chris Bacha, City Attorney