



CITY OF BLACK DIAMOND
January 5, 2017 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

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. 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.

CONSENT AGENDA:

- 1) Claim Checks** – January 5, 2017 - No. 44228 through No. 44290 and EFTs in the amount of \$259,762.66
- 2) Minutes** – April 21, 2016 Council Meeting and June 9, 2016 Work Session

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

NEW BUSINESS:

- | | |
|--|------------------|
| 3) AB17-001 – Resolution Appointing Mayor Pro-Tem | Councilor Pepper |
| 4) AB17-002 – Resolution Confirming Council Standing Committee Appointments | Councilor Pepper |
| 5) AB17-003 – Ordinance Adopting 2012 Stormwater Manual for Western Washington | Mr. Williamson |
| 6) AB17-004 – Resolution Approving Grant Agreement with Transportation Improv. Board
for Roberts Drive Maintenance Project | Mr. Williamson |
| 7) AB17-005 – Ordinance Amending 2017 Budget for Roberts Drive Maintenance Project | Ms. Miller |

DEPARTMENT REPORTS:

MAYOR'S REPORT:

- Discussion on meeting dates regarding 2017 Budget

COUNCIL REPORT:

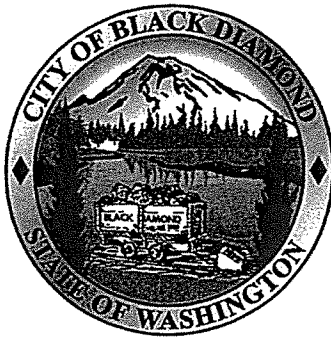
- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

ATTORNEY REPORT:

PUBLIC COMMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:



CERTIFICATION

Date: January 05, 2017 Council Meeting

Check No.'s/EFT	Batch Name	Check/EFT Date	Amount
EFT's	December-Early Release EFT 01/05 Council	12/1 – 12/23	\$ 6,991.06
44228-44238	December-Early Release 3 rd Dec Batch	12/22/16	\$ 88,971.51
44239-44285	December-3 rd Dec Batch for 01/05 Council	01/06/17	\$ 155,828.09
44286-44290	January – 1 st Jan Batch for 1/05 Council	01/06/17	\$ 7,972.00
		TOTAL	\$ 259,762.66

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER THE PENALTY OF PERJURY, THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED AND OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF BLACK DIAMOND, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

May Miller

MAY MILLER, FINANCE DIRECTOR / CAROL BENSON, MAYOR

12-27-2017

DATE

DATE

COUNCILMEMBERS

DATE

Register

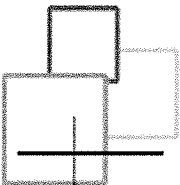
Fiscal: 2017, 2016

Deposit Period: 2017 - January, 2016 - December

Check Period: 2017 - January - 1st Jan Batch for 1/05 Council, 2016 - December - Early Release EFT 01/05 Council, 2016 - December - Early Release 3rd Dec Batch, 2016 - December - 3rd Dec Batch for 01/05 Council

Number	Name	Print Date	Amount
Columbia Bank			
Check			
<u>44228</u>	CHS/Cenex	12/22/2016	\$2,425.83
<u>44229</u>	City of Black Diamond	12/22/2016	\$1,300.49
<u>44230</u>	Comcast (PA)	12/22/2016	\$394.37
<u>44231</u>	KING COUNTY FINANCE	12/22/2016	\$44,131.50
<u>44232</u>	King County Finance I-Net	12/22/2016	\$375.00
<u>44233</u>	Language Line Services, Inc.	12/22/2016	\$64.29
<u>44234</u>	Mayene Miller	12/22/2016	\$551.00
<u>44235</u>	Puget Sound Energy	12/22/2016	\$15,113.12
<u>44236</u>	RH2 Engineering Inc.	12/22/2016	\$21,705.64
<u>44237</u>	Verizon Wireless	12/22/2016	\$1,131.27
<u>44238</u>	Voice of The Valley	12/22/2016	\$1,779.00
<u>44239</u>	AHBL, Inc.	1/6/2017	\$11,345.00
<u>44240</u>	Alpine Products Inc.	1/6/2017	\$714.49
<u>44241</u>	BHC Consultants, LLC	1/6/2017	\$2,798.95
<u>44242</u>	Black Diamond Auto Parts	1/6/2017	\$201.91
<u>44243</u>	Blumenthal Uniforms & Equipment	1/6/2017	\$57.31
<u>44244</u>	Brat Wear, Inc	1/6/2017	\$90.68
<u>44245</u>	CDW Government, Inc	1/6/2017	\$1,027.36
<u>44246</u>	CenturyLink (WA)	1/6/2017	\$1,209.09
<u>44247</u>	City of Black Diamond/Retained Funds	1/6/2017	\$2,989.62
<u>44248</u>	City of Enumclaw	1/6/2017	\$1,629.75
<u>44249</u>	City of Maple Valley	1/6/2017	\$1,293.75
<u>44250</u>	City of Milton	1/6/2017	\$5,756.26
<u>44251</u>	Comcast (34744)	1/6/2017	\$220.88
<u>44252</u>	Criminal Justice Training Commission	1/6/2017	\$3,187.00
<u>44253</u>	Custom Electric & Controls	1/6/2017	\$591.87
<u>44254</u>	Firestone Complete Auto Care	1/6/2017	\$589.70
<u>44255</u>	Gold Coast Armory	1/6/2017	\$2,530.40
<u>44256</u>	Gwenevere Kelly & Douglas Jensen	1/6/2017	\$223.39
<u>44257</u>	Home Depot Credit Service	1/6/2017	\$232.48
<u>44258</u>	International Institute of Municipal Clerks	1/6/2017	\$350.00
<u>44259</u>	Joe & Andrea McArthur	1/6/2017	\$61.02
<u>44260</u>	Johnsons Home & Garden	1/6/2017	\$121.06
<u>44261</u>	Kenyon Disend, PLLC	1/6/2017	\$13,539.16
<u>44262</u>	Kevin & Debra Andersen	1/6/2017	\$333.13
<u>44263</u>	KING COUNTY FINANCE	1/6/2017	\$378.55
<u>44264</u>	Matthew C. Barton	1/6/2017	\$248.34
<u>44265</u>	Municipal Code Corporation	1/6/2017	\$1,206.80

<u>44266</u>	Natalie Oosterhof	1/6/2017	\$27.86
<u>44267</u>	Office Products Nationwide	1/6/2017	\$560.06
<u>44268</u>	Orkin Commercial Services	1/6/2017	\$117.55
<u>44269</u>	Parametrix, Inc.	1/6/2017	\$34,346.02
<u>44270</u>	Perteet Inc.	1/6/2017	\$380.00
<u>44271</u>	PumpTech, Inc.	1/6/2017	\$56,802.83
<u>44272</u>	Rebecca Sackrider	1/6/2017	\$30.87
<u>44273</u>	Regional Animal Services of King County	1/6/2017	\$45.00
<u>44274</u>	Republic Services, Inc. #176	1/6/2017	\$668.04
<u>44275</u>	RH2 Engineering Inc.	1/6/2017	\$618.08
<u>44276</u>	Safe Security	1/6/2017	\$49.98
<u>44277</u>	Safelite Fulfillment, Inc	1/6/2017	\$150.03
<u>44278</u>	State Auditor Office	1/6/2017	\$186.20
<u>44279</u>	Summit Law Group	1/6/2017	\$294.00
<u>44280</u>	Valley Communications	1/6/2017	\$7,276.35
<u>44281</u>	Warm Homes, Inc	1/6/2017	\$300.27
<u>44282</u>	Washington Dept of Corrections	1/6/2017	\$30.00
<u>44283</u>	Washington State Patrol	1/6/2017	\$630.00
<u>44284</u>	Water Management Laboratories, Inc.	1/6/2017	\$63.00
<u>44285</u>	Wilma Eicher	1/6/2017	\$324.00
<u>44286</u>	Greater Maple Valley-Black Diamond Chamber of Commerce	1/6/2017	\$235.00
<u>44287</u>	Kara Murphy Richards	1/6/2017	\$2,000.00
<u>44288</u>	Melanie Thomas Dane	1/6/2017	\$2,000.00
<u>44289</u>	Sorci Family LLC	1/6/2017	\$3,642.00
<u>44290</u>	WABO	1/6/2017	\$95.00
<u>EFT Payment 12/1/2016</u>	U.S. Postal Service (Black Diamond)	12/1/2016	\$646.81
<u>EFT Payment 12/10/2016</u>	Invoice Cloud	12/10/2016	\$110.70
<u>EFT Payment 12/12/2016</u>	U.S. Postal Service (CMRS-FP)	12/12/2016	\$200.00
<u>EFT Payment 12/13/2016</u>	Dept of Licensing-Firearms Online	12/13/2016	\$90.00
<u>EFT Payment 12/14/2016</u>	U.S. Postal Service (Black Diamond)	12/14/2016	\$155.04
<u>EFT Payment 12/19/2016</u>	Dept of Revenue	12/19/2017	\$3,773.14
<u>EFT Payment 12/19/2016</u>	Dept of Licensing-Firearms Online	12/19/2017	\$36.00
<u>EFT Payment 12/2/2016</u>	Dept of Licensing-Firearms Online	12/2/2016	\$18.00
<u>EFT Payment 12/20/2016</u>	US Bank Equipment Finance	12/20/2017	\$1,471.37
<u>EFT Payment 12/20/2016</u>	Dept of Licensing-Firearms Online	12/20/2017	\$18.00
<u>EFT Payment 12/22/2016</u>	U.S. Postal Service (CMRS-FP)	12/2/2017	\$200.00
<u>EFT Payment 12/23/2016</u>	Dept of Licensing-Firearms Online	12/23/2017	\$18.00
<u>EFT Payment 12/5/2016</u>	U.S. Postal Service (CMRS-FP)	12/5/2016	\$200.00
<u>EFT Payment 12/6/2016</u>	Dept of Licensing-Firearms Online	12/6/2016	\$54.00
	Total		\$259,762.66



Voucher Directory with Transaction Date

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Void
		Account Number		Name	Amount
				Title	
Dept of Licensing-Firearms Online					
	EFT Payment 12/2/2016 3:38:37 PM - 1		12/2/2016	2016 - December - Early Release EFT 01/05 Council	
	120216 DFO				
	CPL's				
	633-000-000-586-11-00-00			DOL- Firearms EFT Payments	\$18.00
	Total 120216 DFO				\$18.00
	Total EFT Payment 12/2/2016 3:38:37 PM - 1				\$18.00
	EFT Payment 12/6/2016 3:39:44 PM - 1		12/6/2016	2016 - December - Early Release EFT 01/05 Council	
	120616 DFO				
	CPL's				
	633-000-000-586-11-00-00			DOL- Firearms EFT Payments	\$54.00
	Total 120616 DFO				\$54.00
	Total EFT Payment 12/6/2016 3:39:44 PM - 1				\$54.00
	EFT Payment 12/13/2016 3:40:32 PM - 1		12/13/2016	2016 - December - Early Release EFT 01/05 Council	
	121316 DFO				
	CPL's				
	633-000-000-586-11-00-00			DOL- Firearms EFT Payments	\$90.00
	Total 121316 DFO				\$90.00
	Total EFT Payment 12/13/2016 3:40:32 PM - 1				\$90.00
	EFT Payment 12/19/2016 11:40:55 AM - 1		12/19/2016	2016 - December - Early Release EFT 01/05 Council	
	121916 DFO				
	CPL's				
	633-000-000-586-11-00-00			DOL- Firearms EFT Payments	\$36.00
	Total 121916 DFO				\$36.00
	Total EFT Payment 12/19/2016 11:40:55 AM - 1				\$36.00

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
	EFT Payment 12/20/2016 11:44:13 AM - 1	122016 DFO	2016 - December - Early Release EFT 01/05 Council		
		CPL's			
		633-000-000-586-11-00-00		DOL- Firearms EFT Payments	\$18.00
	Total 122016 DFO				\$18.00
	Total EFT Payment 12/20/2016 11:44:13 AM - 1				\$18.00
	EFT Payment 12/23/2016 11:48:12 AM - 1	122316 DFO	2016 - December - Early Release EFT 01/05 Council		
		CPL's			
		633-000-000-586-11-00-00		DOL- Firearms EFT Payments	\$18.00
	Total 122316 DFO				\$18.00
	Total EFT Payment 12/23/2016 11:48:12 AM - 1				\$234.00
	Total Dept of Licensing-Firearms Online				
Dept of Revenue	EFT Payment 12/19/2016 11:40:00 AM - 1	121916 DOR	2016 - December - Early Release EFT 01/05 Council		
		November Excise Taxes			
		001-000-210-521-10-31-04		Uniforms	\$20.64
		401-000-000-534-80-44-01		State of WA Utility Excise Tax	\$19.32
		401-000-000-534-80-44-01		State of WA Utility Excise Tax	\$2,678.59
		407-000-000-535-80-44-01		State of WA Excise Tax	\$645.30
		407-000-000-535-80-44-01		State of WA Excise Tax	\$2.07
		410-000-000-531-10-44-01		WA St Excise Taxes	\$407.22
	Total 121916 DOR				\$3,773.14
	Total EFT Payment 12/19/2016 11:40:00 AM - 1				\$3,773.14
	Total Dept of Revenue				\$3,773.14
Invoice Cloud	EFT Payment 12/10/2016 3:33:17 PM - 1	121016 IC	2016 - December - Early Release EFT 01/05 Council		
		November Charges			
		401-000-000-534-80-49-50		Bank Analysis Fees/Merch CC Fees	\$27.67
		Water			
		407-000-000-535-80-49-50		Bank Analysis Fees/Merch CC Fees	\$27.68
		Sewer			
		410-000-000-531-10-49-50		Bank Analysis Fees/Merch CC/ Lien Fees	\$55.35

Vendor	Transaction Number	Transaction Date	Fiscal Description	Void Amount
	Transaction Reference		Name	
	Account Number		Title	

Total 121016 IC
 Total EFT Payment 12/10/2016 3:33:17 PM - 1
 Total Invoice Cloud
 Storm
 \$110.70
 \$110.70
 \$110.70

U.S. Postal Service (Black Diamond)

EFT Payment 12/1/2016 3:27:53
 PM - 1
 120116 USPS BD
 2016 - December - Early Release EFT 01/05 Council

November Charges
 401-000-000-534-80-42-01 Postage \$161.70
 407-000-000-535-80-42-01 Postage \$161.70
 410-000-000-531-10-42-01 Postage \$323.41
 Total 120116 USPS BD \$646.81

Total EFT Payment 12/1/2016 3:27:53 PM - 1
 EFT Payment 12/14/2016 3:38:09
 PM - 1
 121416 USPS BD
 2016 - December - Early Release EFT 01/05 Council

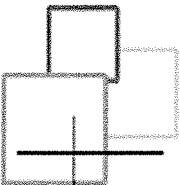
December Charges
 001-000-180-518-90-42-00 Postage \$155.04
 Total 121416 USPS BD \$155.04
 Total EFT Payment 12/14/2016 3:38:09 PM - 1 \$155.04
 Total U.S. Postal Service (Black Diamond) \$801.85

U.S. Postal Service (CMRS-FP)

EFT Payment 12/5/2016 3:29:45
 PM - 1
 120516 USPS CMRS-FP
 2016 - December - Early Release EFT 01/05 Council

Postage
 001-000-180-518-90-42-00 Postage \$200.00
 Total 120516 USPS CMRS-FP \$200.00
 Total EFT Payment 12/5/2016 3:29:45 PM - 1 \$200.00

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
	EFT Payment 12/12/2016 3:35:29 PM - 1	12/12/2016	2016 - December - Early Release EFT 01/05 Council		
	121216 USPS CMRS-FP				
	Postage				
	001-000-180-518-90-42-00			Postage	\$200.00
	Total 121216 USPS CMRS-FP				\$200.00
	Total EFT Payment 12/12/2016 3:35:29 PM - 1				\$200.00
	EFT Payment 12/22/2016 11:48:34 AM - 1	12/22/2016	2016 - December - Early Release EFT 01/05 Council		
	122216 USPS CMRS-FP				
	December Charges				
	001-000-180-518-90-42-00			Postage	\$200.00
	Total 122216 USPS CMRS-FP				\$200.00
	Total EFT Payment 12/22/2016 11:48:34 AM - 1				\$600.00
	Total U.S. Postal Service (CMRS-FP)				
	US Bank Equipment Finance				
	EFT Payment 12/20/2016 11:40:21 AM - 1	12/20/2016	2016 - December - Early Release EFT 01/05 Council		
	317214534				
	December Charges				
	001-000-210-521-10-45-00			Lease Payments - US Bank/Copier	\$193.03
	001-000-248-518-20-45-03			MDRT-Copier Costs	\$1,085.31
	001-000-254-518-20-45-04			Facilities Copier Maint Lease	\$1,471.37
	Total 317214534				\$1,471.37
	Total EFT Payment 12/20/2016 11:40:21 AM - 1				\$1,471.37
	Total US Bank Equipment Finance				\$1,471.37
	Vendor Count 6			Grand Total	\$6,991.06



Voucher Directory with Transaction Date

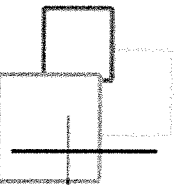
Vendor		Transaction Number	Transaction Date	Fiscal Description	Void
		Transaction Reference		Name	Amount
		Account Number		Title	
CHS/Cenex	44228	113016 CHS #124244	12/22/2016	2016 - December - Early Release 3rd Dec Batch	
		Nov Fuel			
		001-000-180-518-50-32-01		Fuel-Central Services	\$89.80
		001-000-181-518-30-32-00		Fuel	\$115.55
		001-000-215-521-14-32-00		Marine Grt-Fuel	\$54.00
		001-000-246-558-70-32-00		Fuel	\$51.77
		001-000-270-576-80-32-00		Fuel	\$25.48
		001-000-280-536-20-32-00		Fuel	\$12.74
		101-000-000-543-50-32-00		Fuel	\$140.15
		401-000-000-534-80-32-00		Fuel	\$152.90
		407-000-000-535-80-32-00		Fuel	\$152.90
		410-000-000-531-10-32-00		Fuel	\$152.90
		Total 113016 CHS #124244			\$948.19
	113016 CHS #128275	Nov Police Fuel			
		001-000-210-521-10-32-00		Fuel	\$1,477.64
		Total 113016 CHS #128275			\$1,477.64
Total CHS/Cenex					\$2,425.83
City of Black Diamond					\$2,425.83
44229	12212016 COBD	11/28/2016	2016 - December - Early Release 3rd Dec Batch		
	November Utility Billing				
	001-000-212-521-50-47-01			Water	\$49.47
	001-000-212-521-50-47-02			Sewer	\$62.26
	001-000-212-521-50-47-03			Stormwater	\$80.00
	001-000-248-518-20-47-01			MDRT BD Wtr, Swr, Storm	\$46.82
	001-000-254-518-20-47-00			Facilities-Utilities	\$70.24
	001-000-270-575-30-47-01			Museum Water/Sewer/Storm	\$99.10
	001-000-270-575-30-47-01			Museum Water/Sewer/Storm	\$32.00
	001-000-270-575-51-47-01			Gym-Stormwater	\$32.00
	001-000-270-575-51-47-02			Gym-Sewer	\$62.26

Vendor	Transaction Number	Transaction Date	Fiscal Description	Voie Amount
	Transaction Reference	Account Number	Name	Title
	Total 44230	410-000-000-531-10-42-00	Telephone/DSL/Radios	\$27.61
Total Comcast (PA)				\$394.37
	Total 48259879			\$394.37
KING COUNTY FINANCE				\$394.37
44231	30015514	12/1/2016	2016 - December - Early Release 3rd Dec Batch	
		December Charges		
		407-000-000-535-80-41-04	Metro Sewer Charges	\$44,131.50
Total 44231	Total 30015514			\$44,131.50
Total KING COUNTY FINANCE				\$44,131.50
King County Finance I-Net				
44232	11005246	12/7/2016	2016 - December - Early Release 3rd Dec Batch	
		December Services		
		001-000-214-521-20-42-01	Police Comm KC I-Net	\$375.00
Total 44232	Total 11005246			\$375.00
Total King County Finance I-Net				\$375.00
Language Line Services, Inc.				
44233	3960917	11/30/2016	2016 - December - Early Release 3rd Dec Batch	
		November Charges		
		001-000-211-523-60-49-00	Jail Costs	\$64.29
Total 44233	Total 3960917			\$64.29
Total Language Line Services, Inc.				\$64.29

Vendor	Transaction Number	Transaction Date	Fiscal Description	Void Amount
	Transaction Reference	Account Number	Name	Title
Mayene Miller	44234	12/21/2016	2016 - December - Early Release 3rd Dec Batch	
	122116 Miller			
	Affac Insurance 125 Reimbursement			
	633-000-000-586-00-00-04		Due to Flex 125 Plan Part	\$551.00
	Total 122116 Miller			\$551.00
Total Mayene Miller	Total 44234			\$551.00
Puget Sound Energy	44235	12/9/2016	2016 - December - Early Release 3rd Dec Batch	
	120916 PSE			
	001-000-212-521-50-47-00		Electric/gas	\$70.95
	Police Storage-Acct 20002493906			
	001-000-212-521-50-47-00		Electric/gas	\$470.04
	Police/Count Elec-Acct 200009377470			
	001-000-212-521-50-47-00		Electric/gas	\$79.75
	Police/Count Gas-Acct 200000563300			
	001-000-248-518-20-47-00		MDRT Electricity	\$286.32
	CD/PW/MDRT Bldg Elec-Acct 200019932462			
	001-000-254-518-20-47-00		Facilities-Utilities	\$429.47
	CD Elec-Acct 200019932462			
	001-000-270-575-30-47-00		Museum Electric/Gas	\$314.40
	Museum-Acct 200001525159			
	001-000-270-575-51-47-00		Gym- Electricity and Gas	\$268.53
	Gym-Acct 220006098002			
	001-000-270-576-80-47-00		Electric/Gas	\$3.48
	PW Shop-Parks-Acct 200017719507			
	001-000-280-536-20-47-00		Electric/Gas	\$1.73
	PW Shop-Cemetery-Acct 200017719507			
	001-000-000-542-63-47-01		Street Lighting	\$50.30
	Cov Sawyer & 216th-Acct 200008062644			
	001-000-000-542-63-47-01		Street Lighting	\$14.15
	Baker St Crosswalk-Acct 200015449073			
	001-000-000-542-63-47-01		Street Lighting	\$279.77
	219th & SE 296th ST Intersection-Acct 220011761198			
	001-000-000-542-63-47-01		Street Lighting	\$9,962.00
	Street Lights-Acct 300000003735			
	001-000-000-542-63-47-01		Street Lighting	\$32.61
	Roberts Drive-Acct 200024810877			
	001-000-000-543-31-47-00		Electric/Gas	\$19.15
	PW Shop-Street-Acct 200017719507			

Vendor	Transaction Number	Transaction Date	Fiscal Description	Void
	Transaction Reference		Name	Amount
	Account Number		Title	
	401-000-000-534-80-47-00		Electric/Gas	\$641.27
	.5 Mil Gal Resv-Acct 200008062404			
	401-000-000-534-80-47-00		Electric/Gas	\$18.31
	Booster Station-Acct 200008062180			
	401-000-000-534-80-47-00		Electric/Gas	\$20.89
	PW Shop-Water-Acct 200017719507			
	401-000-000-534-80-47-00		Electric/Gas	\$1,966.94
	Booster Station-Acct 200002538847			
	407-000-000-535-80-47-00		Electric/Gas	\$31.68
	Dia Glen Sewer-Acct 200019391925			
	407-000-000-535-80-47-00		Electric/Gas	\$96.99
	Morganville Lift Stn-Acct 200001558101			
	407-000-000-535-80-47-00		Electric/Gas	\$20.89
	PW Shop-Sewer-Acct 200017719507			
	407-000-000-535-80-47-00		Electric/Gas	\$12.61
	Sewer Pump-Acct 200016310662			
	410-000-000-531-10-47-00		Electric/Gas	\$20.89
	PW Shop-Drainage-Acct 200017719507			
Total 120916 PSE				\$15,113.12
Total 44235				\$15,113.12
Total Puget Sound Energy				\$15,113.12
RH2 Engineering Inc.				
44236				
66407-R	11/17/2016	2016 - December - Early Release 3rd Dec Batch		
	9/26-10/5 Services			
	001-000-257-558-70-41-02	MDRT Civil Engineering-RH2 Engineering		\$15,000.00
	112061 Master Dev Review Team (MDRT)			
Total 66407-R				\$15,000.00
66563				
	10/6-10/23 Services			
	001-000-257-558-70-41-02	MDRT Civil Engineering-RH2 Engineering		\$6,705.64
	112061 Master Dev Review Team (MDRT)			
Total 66563				\$6,705.64
Total 44236				\$21,705.64
Total RH2 Engineering Inc.				\$21,705.64
Verizon Wireless				
44237				
9776780658	12/10/2016	2016 - December - Early Release 3rd Dec Batch		
	001-000-180-518-90-49-00	Miscellaneous		\$0.00
	Extra Phone/Credits			

Voucher Directory with Transaction Date



Vendor	Transaction Number	Transaction Date	Fiscal Description	Void
	Transaction Reference	Account Number	Name	Amount

AHBL, Inc.

44239

100526

11/30/2016

2016 - December - 3rd Dec Batch for 01/05 Council

Oct/Nov Planning Services

001-000-240-558-60-41-06

Land Use Planning Services

Prof Sys-Gen Gvt Planner

\$4,945.00

Total 100526
100536

Oct/Nov Planning Services

001-000-240-558-60-41-06

Land Use Planning Services

Prof Sys-Gen Gvt Planner

\$6,400.00

Total 100536

Total 44239

Total AHBL, Inc.

\$6,400.00
\$11,345.00
\$11,345.00

Alpine Products Inc.

44240

TM-163985

12/19/2016

2016 - December - 3rd Dec Batch for 01/05 Council

320-000-002-595-64-63-04

Street Signs

\$714.49

Total TM-163985

Total 44240

Total Alpine Products Inc.

\$714.49
\$714.49
\$714.49

BHC Consultants, LLC

44241

0008373

12/1/2016

2016 - December - 3rd Dec Batch for 01/05 Council

Building Inspection Services

001-000-240-558-51-41-03

Bldg Official/Code Inspc. Costs

\$663.95

Total 0008373
0008379

October Services

310-000-025-558-60-41-00

On-Call Planning Services

Comp Plan Update-Prof Sys

\$1,645.00

Total 0008379

\$1,645.00

Vendor	Transaction Number	Transaction Date	Fiscal Description	Void Amount
	Transaction Reference	Account Number	Name	Title
	0008380			
		Sept/Oct/Nov Services	Prof Svs-Gen Gvt Planner	\$490.00
		001-000-240-558-60-41-06	On-Call Planning Services	
	Total 44241			\$490.00
Total BHC Consultants, LLC				\$2,798.95
				\$2,798.95
Black Diamond Auto Parts				
44242		11/7/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
416051				
		Battery (Exchange)	PW Clearing- Shared Veh/Equip Maint	\$201.91
		101-000-000-544-90-48-02		\$201.91
Total 44242				\$201.91
Total Black Diamond Auto Parts				\$201.91
Blumenthal Uniforms & Equipment				
44243		12/7/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
006566744			Uniforms	\$57.31
		001-000-210-521-10-31-04	Badge Case	
Total 44243				\$57.31
Total Blumenthal Uniforms & Equipment				\$57.31
Brat Wear, Inc				
44244		12/7/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
20550			Uniforms	\$90.68
		001-000-210-521-10-31-04	Alteration	
Total 44244				\$90.68
Total Brat Wear, Inc				\$90.68
CDW Government, Inc				
44245		12/15/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
HPJB491			General Government Technology	\$1,027.36
		Barcuda Renewal		
		310-000-011-594-18-64-00		

Vendor	Transaction Number	Transaction Date	Fiscal Description	Year
	Transaction Reference	Account Number	Name	Amount
		407-000-000-535-80-42-00	Telephone/DSL/Radios	\$53.21
		Morganville Pump Station 360-886-2835 784B		
		407-000-000-535-80-42-00	Telephone/DSL/Radios	\$33.43
		PW Shop Allocation - 360-886-2523 656B		
		410-000-000-531-10-42-00	Telephone/DSL/Radios	\$33.43
		PW Shop Allocation - 360-886-2523 656B		
	Total 121116 CL			\$1,209.09
	Total 44246			\$1,209.09
Total CenturyLink (WA)				\$1,209.09
City of Black Diamond/Retained Funds				
44247		11/8/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	0111098-IN Retainage			
	PumpTech Retainage			
	402-000-003-594-34-63-10		Springs Retainage-Pump/tech	\$2,989.62
Total 44247	Total 0111098-IN Retainage			\$2,989.62
Total City of Black Diamond/Retained Funds				\$2,989.62
City of Enumclaw				
44248		12/13/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	04879			
	November Charges			
	001-000-211-523-60-49-00		Jail Costs	\$1,629.75
	8 days @ \$60 per day, 21 days @ \$54.75 per day			
Total 04879				\$1,629.75
Total City of Enumclaw				\$1,629.75
City of Maple Valley				
44249		12/21/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	INV03019			
	November Services			
	001-000-240-558-51-41-03		Bldg Official/Code Inspc. Costs	\$1,293.75
Total 44249	Total INV03019			\$1,293.75
Total City of Maple Valley				\$1,293.75

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	VOIR
			Account Number	Name	Amount
				Title	
City of Milton	44250		12/12/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	1133				
				IT Services for November	
				001-000-145-518-80-41-01	\$3,165.93
				001-000-248-518-20-49-12	\$748.31
				101-000-000-543-30-48-12	\$115.13
				401-000-000-534-80-49-12	\$575.63
				407-000-000-535-80-49-12	\$575.63
				410-000-000-531-10-49-12	\$575.63
				Inf. Tec. Svs. - Milton	
				Technology Costs	
				Fac Staff & Veh Alloc	
				Tech-Sys, Sec. Email, Sw, Etc	
				Tech-Sys, Sec. Email, SW, etc.	
				Tech-Sys, Sec. Email, SW, Etc.	
	Total 1133				\$5,756.26
Total City of Milton	Total 44250				\$5,756.26
Comcast (34744)	44251				\$5,756.26
			12/10/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
				12/17-1/16 Services	
				001-000-214-521-20-42-00	\$3.30
				Police Cable TV Act 8498 34 014 0106172	
				Police Telephone/DSL/Air Cards	
				Total 8498340140106172 121016	\$3.30
				8498340140122286 121216	
				12/22-1/21 Services	
				001-000-120-512-50-42-00	\$217.58
				Telephone/DSL	
				Court Internet Act 8498 34 014 0122286	
				Total 8498340140122286 121216	\$217.58
	Total 44251				\$220.88
Total Comcast (34744)	Total 44251				\$220.88
Criminal Justice Training Commission	44252				\$220.88
			12/13/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
				201127479	
				001-000-210-521-10-49-01	\$3,187.00
				Training	
				Total 201127479	\$3,187.00
	Total 44252				\$3,187.00
Total Criminal Justice Training Commission	Total 44252				\$3,187.00

Vendor	Transaction Number	Transaction Date	Fiscal Description	Yr	Amount
	Transaction Reference	Account Number	Name	Type	
Home Depot Credit Service					
44257	1577359	12/23/2016	2016 - December - 3rd Dec Batch for 01/05 Council		
	Facilities Tools				
	001-000-181-518-30-35-00		Small Tools & Equipment		\$79.68
Total 1577359					
2595624	Ext Pole Gym				
	001-000-270-575-51-48-00		Gym Facility Repair & Maintenance		\$41.34
Total 2595624					
5562431	Gloves PW				
	001-000-270-576-80-35-00		Small Tools & Safety Equip		\$2.33
	001-000-280-536-20-35-00		Small Tools & Safety Equip		\$1.18
	101-000-000-542-90-31-04		Uniforms & Safety Supplies		\$12.83
	401-000-000-534-80-35-00		Small Tools & Safety Equip		\$14.00
	407-000-000-535-80-35-00		Small Tools & Safety Equipment		\$14.00
	410-000-000-531-10-35-00		Small Tools and Safety Equipment		\$14.00
Total 5562431					
7072374	Light Bulbs Police				
	001-000-212-521-50-48-02		Police Bldg Repairs & Maintenance		\$13.00
Total 7072374					
7072375	Light Bulbs Gym				
	001-000-270-575-51-48-00		Gym Facility Repair & Maintenance		\$40.12
Total 7072375					
Total 44257					
Total Home Depot Credit Service					
International Institute of Municipal Clerks					
44258	122216 IIMC	12/22/2016	2016 - December - 3rd Dec Batch for 01/05 Council		
	MMC Certification Application Fee				
	001-000-137-514-21-49-01		Workshops and Training		\$350.00
Total 122216 IIMC					
Total 44258					
Total International Institute of Municipal Clerks					

Vendor	Transaction Number	Transaction Date	Fiscal Description	Vat Amount
	Transaction Reference	Account Number	Name	Title
Joe & Andrea McArthur				
44259	121616 McArthur	12/16/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	New Owner 11/15/16	410-000-000-343-83-00-00	Stormwater Charges	\$61.02
Total 44259	Total 121616 McArthur			\$61.02
Total Joe & Andrea McArthur				
Johnsons Home & Garden				
44260	411390	12/6/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
	PW Ice Melt	101-000-000-544-90-31-00	PW Clearing Acct-Supplies	\$31.47
Total 411390				\$31.47
411581				
Total 411581				\$24.41
411617				
Total 411617				\$37.98
411625				
Total 411625				(\$22.80)
411635				
Total 411635				\$25.05
411907				
Total 411907				\$121.06
Total 44260				\$121.06
Total Joe & Andrea McArthur				

Vendor	Transaction Number	Transaction Date	Fiscal Description	Void
	Transaction Reference	Account Number	Name	Amount
			Type	
Kenyon Disend, PLLC				
44261	184834	11/30/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		November Services		
		001-000-150-515-30-41-01	Legal Services-General Govt	\$4,281.13
		001-000-150-515-30-41-17	Legal Costs-Public Disclosure	\$2,163.00
		001-000-257-558-70-41-00	MDRT Legal Services	\$1,862.51
		101-000-000-543-30-41-05	Legal Costs	\$951.37
		401-000-000-534-80-41-04	Legal Svcs	\$1,427.05
		407-000-000-535-80-41-09	Legal Costs	\$1,427.05
		410-000-000-531-10-41-01	Legal Costs	\$1,427.05
Total 184834				\$13,539.16
Total 44261				\$13,539.16
Total Kenyon Disend, PLLC				
Kevin & Debra Andersen				
44262	120916 Anderson	12/9/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		New Owner 11/28/16		
		410-000-000-343-83-00-00	Stormwater Charges	\$333.13
Total 120916 Anderson				\$333.13
Total 44262				\$333.13
Total Kevin & Debra Andersen				
KING COUNTY FINANCE				
44263	80837-80837	11/30/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		DOT Road Services Division		
		101-000-000-542-64-48-01	Traffic Signal Maintenance	\$378.55
Total 80837-80837				\$378.55
Total 44263				\$378.55
Total KING COUNTY FINANCE				
Matthew C. Barton				
44264	120916 Barton	12/9/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		New Owner 11/23/16		
		410-000-000-343-83-00-00	Stormwater Charges	\$248.34
Total 120916 Barton				\$248.34
Total 44264				\$248.34
Total Matthew C. Barton				

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Void
				Name	Amount
		Account Number		Title	

Municipal Code Corporation

44265

00279784

12/15/2016

2016 - December - 3rd Dec Batch for 01/05 Council

Copies of Supplement No 21
001-000-137-514-21-41-01
Code Update
To the Code of Ordinances

\$1,206.80

Total 44265

Total Municipal Code Corporation

\$1,206.80
\$1,206.80

Natalie Oosterhof

44266

121316 NO

12/13/2016

2016 - December - 3rd Dec Batch for 01/05 Council

Mileage Reimbursement
001-000-240-558-51-43-01
Lodging, Meals & Mileage
Training-WA State Archives-Records Retention

\$27.86

Total 44266

Total Natalie Oosterhof

\$27.86
\$27.86

Office Products Nationwide

44267

879929-1

12/7/2016

2016 - December - 3rd Dec Batch for 01/05 Council

City Hall Supplies
001-000-180-518-90-31-00
Office Supplies City Hall

\$114.57
\$114.57

Total 879929-1

Municipal Court Supplies

001-000-120-512-50-31-00

Operating Supplies

\$25.46
\$25.46

Total 881107-0

Comm Devel/Public Works Supplies

001-000-180-518-90-31-99

Office Supplies CD Bldg Clearing

\$84.59
\$84.59

Total 881114-0

City Hall Supplies

001-000-180-518-90-31-00

Office Supplies City Hall

\$70.18
\$70.18

Total 881118-0

City Hall Supplies

001-000-180-518-90-31-00

Office Supplies City Hall

\$48.86
\$48.86

Total 881118-1

Vendor	Transaction Number	Transaction Date	Fiscal Description	Vote Amount
	Transaction Reference	Account Number	Name	Title
	881219-0		City Hall Supplies	
		001-000-180-518-90-31-00	Office Supplies City Hall	\$32.55
	Total 881219-0			\$32.55
	881921-0		City Hall Supplies	
		001-000-180-518-90-31-00	Office Supplies City Hall	\$13.65
	Total 881921-0			\$13.65
	882500-0		Police Dept Supplies	
		001-000-210-521-10-31-00	Operating Supplies	\$170.20
	Total 882500-0			\$170.20
	Total 44267			\$560.06
	Total Office Products Nationwide			\$560.06
Orkin Commercial Services	44268			
	144623664	11/21/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		001-000-248-518-20-49-01	MDRT Bldg Custodial Costs	\$30.56
		001-000-254-518-20-49-01	Facilities Building Custodial	\$86.99
	Total 144623664			\$117.55
	Total 44268			\$117.55
	Total Orkin Commercial Services			\$117.55
Parametrix, Inc.	44269			
	01-77918	11/15/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
			MDRT TrafficEngSvcs	\$2,714.68
		001-000-257-558-70-41-03	MDRT Traffic Engineering-Parametrix	
		Roberts Drive-Lake Sawyer Rd RBT		
	Total 01-77918			\$2,714.68
	01-77919		MDRT TrafficEngSvcs	
		001-000-257-558-70-41-03	MDRT Traffic Engineering-Parametrix	\$950.93
		Villages Plat C Illumination		
	Total 01-77919			\$950.93
	01-78074		Covington Creek Culvert Replacement	
		410-000-010-531-10-41-00	KC Grant-Culvert Replacement	\$24,521.08
		Covington Creek Culvert Replacement		
	Total 01-78074			\$24,521.08

Vendor	Transaction Number	Transaction Date	Fiscal Description	Voic Amount
	Transaction Reference	Account Number	Name	Type
	01-78075			
		Roberts Drive Reconstruction		
		320-000-020-595-10-63-00		
		Roberts Drive Design	Roberts Dr Rehab-Eng.	\$6,159.33
	Total 01-78075			\$6,159.33
Total 44269				\$34,346.02
Total Parametrix, Inc.				\$34,346.02
Perteet Inc.				
44270	20160294.001-1	12/8/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		P2C Baseline Assessment Review		\$380.00
		001-000-257-558-70-41-04		
		MDRT Wetland On-Call	MDRT Environmental Consultant-Perteet	\$380.00
	Total 20160294.001-1			\$380.00
Total 44270				\$380.00
Total Perteet Inc.				\$380.00
PumpTech, Inc.				
44271	0111098-IN	11/8/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		OSHG System		\$56,802.83
		402-000-003-594-34-63-06		
		Charge minus retainage	Springs Water Project	\$56,802.83
	Total 0111098-IN			\$56,802.83
Total 44271				\$56,802.83
Total PumpTech, Inc.				\$56,802.83
Rebecca Sackrider				
44272	120916 Rebecca	12/9/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
		New Owner 11/17/16		\$30.87
		410-000-000-343-83-00-00		
			Stormwater Charges	\$30.87
	Total 120916 Rebecca			\$30.87
Total 44272				\$30.87
Total Rebecca Sackrider				\$30.87

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Void
		Account Number		Name	Amount
				Title	

Regional Animal Services of King County

44273

12/16/2016

2016 - December - 3rd Dec Batch for 01/05 Council

121616 RAS

December Pet Licensing

633-000-000-589-00-00-01

King County Animal License

Total 121616 RAS

\$15.00
\$15.00

122316 RAS

December Pet Licensing

633-000-000-589-00-00-01

King County Animal License

Total 122316 RAS

Total 44273

Total Regional Animal Services of King County

\$30.00
\$30.00
\$45.00
\$45.00

Republic Services, Inc. #176

44274

11/30/2016

2016 - December - 3rd Dec Batch for 01/05 Council

0176-004882314

Acct # 3-0176-0091940

001-000-248-518-20-47-03

MDRT-Waste Disposal Costs

MDRT

\$82.02

001-000-254-518-20-47-01

Facilities-Waste Disposal

City Hall

\$123.02

Total 0176-004882314

\$205.04

0176-004882654

Acct # 3-0176-0805992

001-000-270-576-80-47-04

Waste Disposal

PW-Parks

\$10.32

001-000-280-536-20-47-04

Waste Disposal

PW-Cemetery

\$5.16

101-000-000-543-31-47-04

Waste Disposal

PW-Street

\$56.75

401-000-000-534-80-47-04

Waste Disposal

PW-Water

\$61.91

407-000-000-535-80-47-04

Waste Disposal

PW-Sewer

\$61.91

410-000-000-531-10-47-04

Waste Disposal

PW-Drainage

\$61.91

Total 0176-004882654

\$257.96

0176-004882814

Acct # 3-0176-0808164

001-000-212-521-50-47-04

Waste Disposal

\$205.04

Vendor	Transaction Number	Transaction Reference	Transaction Date	Facet Description	Void
			Account Number	Name	Amount
	Total 44274		Police		\$205.04
Total Republic Services, Inc. #176					\$668.04
					\$668.04
RH2 Engineering Inc.					
44275			12/6/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
66540					
			MDRT		
			001-000-257-558-70-41-02	MDRT Civil Engineering-RH2 Engineering	\$618.08
					\$618.08
Total 44275					\$618.08
Total RH2 Engineering Inc.					\$618.08
Safe Security					
44276			12/6/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
15847510					
			Monitoring Premium		
			101-000-000-544-90-48-01	PW Clearing-shared Shop Cost	\$49.98
					\$49.98
Total 44276					\$49.98
Total Safe Security					\$49.98
Safelite Fulfillment, Inc					
44277			12/1/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
00440-129151					
			001-000-210-521-10-48-01	Vehicle Maintenance & Repair	\$150.03
					\$150.03
Total 44277					\$150.03
Total Safelite Fulfillment, Inc					\$150.03
State Auditor Office					
44278			12/1/2016	2016 - December - 3rd Dec Batch for 01/05 Council	
L117637					
			Accountability Audit		
			001-000-140-514-23-41-03	Accountability Audit	\$46.54
			101-000-000-543-30-41-02	State Auditor Services	\$11.17
			401-000-000-534-80-41-03	State Auditor Services	\$42.83
			407-000-000-535-80-41-07	State Auditor Services	\$42.83

Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description	Valid Amount
		Account Number		Name Title	
	Total 44278	410-000-000-531-10-41-02		State Auditor Services	\$42.83
Total State Auditor Office					\$186.20
	Total 44279				\$186.20
Summit Law Group	82210	12/16/2016	2016 - December - 3rd Dec Batch for 01/05 Council		
		November Services			
		001-000-150-515-30-41-08		Legal Svcs-Union Contracts	\$171.50
		Acct # 83007-1			
	Total 82210				\$171.50
	83007-3	November Services			
		001-000-150-515-30-41-08		Legal Svcs-Union Contracts	\$122.50
		Acct # 83007-3			
	Total 83007-3				\$122.50
Total Summit Law Group					\$294.00
Valley Communications	44280	12/5/2016	2016 - December - 3rd Dec Batch for 01/05 Council		
		November Services			
		001-000-214-521-20-41-00		Valley Comm - Dispatch Service	\$7,276.35
					\$7,276.35
	Total 44280				\$7,276.35
Total Valley Communications					\$7,276.35
Warm Homes, Inc	44281	12/9/2016	2016 - December - 3rd Dec Batch for 01/05 Council		
		New Owner 11/29/16			
		410-000-000-343-83-00-00		Stormwater Charges	\$300.27
					\$300.27
	Total 44281				\$300.27
Total Warm Homes, Inc					\$300.27

Vendor	Transaction Number	Transaction Date	Fiscal Description	Voucher Amount
	Transaction Reference	Account Number	Name Title	

Washington Dept of Corrections

44282

11/30/2016

2016 - December - 3rd Dec Batch for 01/05 Council

1116.1-17KWCW-HQ

November Services

001-000-211-523-60-49-04

Work Crew Costs-State Exp

2 days @ \$15 per day

\$30.00

Total 1116.1-17KWCW-HQ

\$30.00

Total 44282

\$30.00

Total Washington Dept of Corrections

\$30.00

Washington State Patrol

44283

12/15/2016

2016 - December - 3rd Dec Batch for 01/05 Council

00062386

User Fee

001-000-214-521-20-42-02

WSP Access

\$534.00
\$534.00

Total 00062386

117003791

November Background Checks

633-000-000-586-00-00-06

Due to WSP-FBI Fingerprinting-Background

\$96.00
\$96.00

Total 117003791

\$630.00

Total 44283

\$630.00

Total Washington State Patrol

\$630.00

Water Management Laboratories, Inc.

44284

12/9/2016

2016 - December - 3rd Dec Batch for 01/05 Council

155020

December Services

401-000-000-534-80-41-02

Water Testing and Sampling

\$63.00
\$63.00

Total 155020

Total 44284

\$63.00

Total Water Management Laboratories, Inc.

\$63.00

Wilma Eicher

44285

12/21/2016

2016 - December - 3rd Dec Batch for 01/05 Council

122116 PUB16-0063

PUB16-0063

001-000-240-341-81-00-00

Technology Cost Recovery Fee

\$45.00
\$162.00

407-000-000-369-91-04-00

Sewer Investigation MF/IN & SF

\$207.00

Total 122116 PUB16-0063

122116 PUB16-0064

PUB16-0064

001-000-240-341-81-00-00

Technology Cost Recovery Fee

\$45.00

Vendor

Transaction Number

Transaction Date

Fiscal Description

Void

Transaction Reference

Account Number

Name

Amount

401-000-000-369-91-06-00

Water Investigation MF/IN

\$72.00

Total 122116 PUB16-0064

\$117.00

Total 44285

\$324.00

Total Wilma Eicher

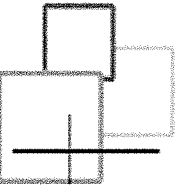
\$324.00

Vendor Count 47

Grand Total

\$155,828.09

Voucher Directory with Transaction Date



Vendor	Transaction Number	Transaction Reference	Transaction Date	Fiscal Description Name Title	Void Amount
Greater Maple Valley-Black Diamond Chamber of Commerce					
44286	9627		1/2/2017	2017 - January - 1st Jan Batch for 1/05 Council	
		2017 Basic Membership		Membership MV/BD Chamber	\$235.00
		001-000-180-518-50-49-14			\$235.00
	Total 9627				\$235.00
Total 44286					
Greater Maple Valley-Black Diamond Chamber of Commerce					
Kara Murphy Richards					
44287	123116 KMR		12/31/2016	2017 - January - 1st Jan Batch for 1/05 Council	
		January Services		Court Legal-Pros Attorney	\$2,000.00
		001-000-151-515-30-41-04			\$2,000.00
	Total 123116 KMR				\$2,000.00
Total 44287					
Greater Maple Valley-Black Diamond Chamber of Commerce					
Melanie Thomas Dane					
44288	123116 MD		12/31/2016	2017 - January - 1st Jan Batch for 1/05 Council	
		January Services		Court Judge	\$2,000.00
		001-000-120-512-50-41-00			\$2,000.00
	Total 123116 MD				\$2,000.00
Total 44288					
Greater Maple Valley-Black Diamond Chamber of Commerce					
Sorci Family LLC					
44289	123116 SFLLC		12/23/2016	2017 - January - 1st Jan Batch for 1/05 Council	
		January Rent		MDRT Property Rental Cost	\$630.00
		001-000-248-518-20-45-02		Facilities-Prop Rental	\$944.00
		001-000-254-518-20-45-02			

BLACK DIAMOND CITY COUNCIL MINUTES

April 21, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber, and Pepper.

ABSENT: None

Staffs present: Jamey Kiblinger, Police Chief; Seth Boettcher, Public Works Director; Barbara Kincaid, Community Development Director; Peter Altman, City Labor Attorney, and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Pepper and would like to move immediately to substitute the Council meeting Agenda.

Mayor Benson called her out of order as the Mayor's submitted her agenda nine days before the meeting and this one was not submitted until Friday.

Councilmember Pepper further stated that council has the right to its own agenda and that agenda is the one that she was presenting now and that it has been denied public notice. She stated she needs a second. Councilmember Morgan seconded the motion.

The motion was **seconded** by Councilmember Morgan.

Councilmember Pepper spoke to her motion.

Councilmember Edelman stated we need to have a debate about this.

Councilmember Pepper called the question and stated there is no debate.

Mayor Benson stated that is not true, everyone gets one chance to speak.

There was Council discussion.

Councilmember Pepper called point of order, impugning the motives of a Councilmember.

Councilmember Pepper called point of order; speak to the issue at hand. You do not get to impugn the motives of a Councilmember.

Councilmember Pepper called point of order; confined remarks to the merit of the pending question.

Councilmember Pepper called point of order and stated that the presiding officer does not engage in debate.

Mayor Benson stated according to state law she can engage in debate and called her out of order.

There was Council discussion around this and the hiring of an attorney which is on the agenda.

Councilmember Pepper called point of order and stated we are off the topic which is the agenda.

Councilmember Pepper called point of order and stated Councilmembers don't question other Councilmembers.

There was Council discussion around this.

Councilmember Pepper called point of order and said the Council has its own meeting and its own agenda and this agenda can be passed this evening.

Mayor Benson stated that this is a Council-Mayor meeting per state law so that we can get together to discuss items of business so that you can pass legislation. This meeting has been properly noticed, and your agenda has not been properly noticed and it is out of order.

Councilmember Pepper stated the agenda can be amended by the council on the evening of the meeting and she called for the vote. Councilmember Morgan seconded it.

Councilmember Pepper stated this has been motioned twice.

Mayor Benson called her out of order.

Councilmember Pepper called the question.

Mayor Benson called her out of order.

Councilmember Pepper called point of order and stated this is the Council's meeting. This is our agenda and stated you do not get to tell us what goes on the agenda.

Councilmember Pepper called point of order.

Mayor Benson called her out of order; you cannot put a new substitute agenda.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to suspend the rules and to immediately substitute the council meeting agenda with the one that is distributed now.

Councilmember Pepper called point of order as Councilmember Edelman already spoke to the motion; Councilmember Edelman shared that she made a different motion.

Councilmember Pepper called point of order; and stated Councilmember will be courteous.

Mayor Benson stated again that you can add to my agenda and noted her (Mayor) agenda was published these nine days ahead of time according to the rules with all the packet material.

Councilmember Pepper called point of order; and stated this agenda was not approved.

Mayor Benson stated this agenda has been approved. There are two other Councilmembers. They are also Councilmembers.

Councilmember Pepper called point of order; and said time to call for the vote.

Councilmember Edelman asked about the debate and stated she had her hand raised to make a statement.

Councilmember Pepper called point of order as Councilmember Edelman was discussing the suspension of the rules. Councilmember Pepper stated please do not impugn the motives of Councilmembers.

Councilmember Pepper called point of order; Courtesy.

There was Council discussion around this and Councilmember Morgan discussed the new Council rules stating the agenda needs to be approved by the Mayor Pro-Tem and Council President. She also discussed the process for getting items on the agenda.

Councilmember Pepper called point of order.

Mayor Benson stated you didn't publish your agenda according to your own rules. You have violated your own rules.

Councilmember Pepper asked the Presiding Officer for the floor.

Councilmember Pepper stated it is time to call for the vote; the motion has been made and seconded.

Mayor Benson stated "your agenda is illegal" and we are not calling for a vote.

Councilmember Pepper called point of order; stated “then we will have to call for the vote ourselves”.

Councilmember Deady stated we can go through unfinished business and that items that are still in committee should be discussed at Council.

Councilmember Pepper stated “the approved agenda was not noticed”. “This is a substitute agenda”. “The motion has been made and seconded”.

Mayor Benson stated her approved agenda has been noticed and your agenda has not.

Councilmember Pepper called for the vote.

Mayor Benson stated it is time to move on.

Councilmember Pepper called point of order; there is a motion on the floor. A vote needs to be taken.

Mayor Benson stated we are not going to go by your agenda, it’s a violation of your own Council rules.

Councilmember Pepper called point of order, and stated there is a motion on the floor and a vote needs to be taken.

Mayor Benson stated we are not voting on your agenda. This is a violation of your own Council rules.

Councilmember Pepper stated this substitute agenda is in front of you and the motion has been made and seconded.

Councilmember Pepper stated she **appeals** the decision of the chair. She stated she needs a second. Councilmember Morgan **seconded** the appeal.

Mayor Benson stated we need to move on to the consent agenda.

Councilmember Pepper called point of order; stated she had the floor.

Mayor Benson called her out of order.

Councilmember Pepper stated “I **appeal** the decision of the chair and there has been a second to that. By taking a vote if you say yes you agree with the Mayor’s decision. If you say no, then you do not agree with the Mayor’s decision.

There was council discussion around this.

Mayor Benson called her out of order and stated “your agenda is illegal”. “You are not following your own rules”.

Councilmember Weber asked that the Parliamentarian note where the motions are and what the specific motions were.

City Clerk Martinez noted the last motion was Councilmember Pepper appealed the Chair's decision and we have a second by Councilmember Morgan.

City Clerk Martinez noted the motion before that was by Councilmember Pepper to suspend the rules and substitute the agenda with a new agenda and seconded by Councilmember Morgan.

City Clerk Martinez noted the first motion by Councilmember Pepper to substitute the Council agenda for the one she submitted for a total of three motions on the floor.

Councilmember Weber clarified they need to be worked from the newest back.

City Clerk Martinez noted that is correct.

Mayor Benson stated it is time to move on to the consent agenda.

Councilmember Pepper called point of order; there is three motions on the floor

Mayor Benson stated time is up.

Councilmember Pepper called point of order; stated "The Presiding Officer does not get to control meeting".

There was council discussion around this.

Councilmember Pepper called point of order; now working backwards we have a motion on the floor that we have an appeal on the decision of the Chair. We need to take a vote, if you think the Mayor is in order on what she said, then you will vote 'yes'. If you think the decision of the Mayor is not okay, then you will vote 'no'.

Councilmember Pepper called for a vote.

Councilmember Pepper asked Councilmember Deady "do you vote yay or nay" ?

Councilmember Deady stated she is not going to vote.

Councilmember Pepper stated she is appealing the decision of the Chair. If you agree with the Chair, say yes. She further stated if she doesn't want to vote, it will count as a yes.

Councilmember Deady stated yes she agrees with the Mayor.

Mayor Benson stated "I am the Chair of the Meeting".

Councilmember Pepper told her she is not the Chair of the Meeting, and that she doesn't get to say what happens.

Mayor Benson stated your rules are out of order.

Councilmember Pepper called point of order;

Mayor Benson stated your agenda is out of order.

Councilmember Pepper called the roll call vote.

Roll call vote: Councilmember Edelman responded yes she votes with the Mayor, Councilmember Weber responded no, Councilmember Morgan responded no, Councilmember Deady responded yes, Councilmember Pepper responded no. Mayor's decision was **overruled**.

Councilmember Pepper stated working backwards the substitute agenda has a second to be substituted right now. It has been debated and Council is ready to vote. She stated if you are in favor of the substituted agenda say yes, if you are not in favor say no.

City Clerk Martinez interceded and clarified that the wrong motion was put forth. She further noted wanting to make sure we get them in the right order.

Councilmember Weber called the Chair out of order.

Councilmember Pepper called for the vote on the next motion back suspending the rules to pass this substitute agenda immediately.

Councilmember Pepper called the roll call vote.

Roll call vote: Councilmember Deady responded no, Councilmember Morgan responded yes, Councilmember Edelman responded no, Councilmember Weber responded yes, Councilmember Pepper responded yes. Motion passed 3-2 (Edelman, Deady) to suspend the rules to pass the substitute agenda immediately.

Councilmember Pepper said now we move forward to the first motion to substitute the agenda.

Councilmember Pepper asked the City Clerk to read the original motion.

Councilmember Pepper called the Mayor out of order.

There was discussion regarding the public having the new agenda.

City Clerk Martinez stated the motion: Motion by Councilmember Pepper and seconded by Councilmember Morgan to substitute the Council agenda with the one submitted.

Councilmember Pepper said time to vote.

Mayor Benson stated you're out of order.

Councilmember Pepper asked for roll call vote.

Roll call vote: Councilmember Deady responded no, Councilmember Morgan responded yes, Councilmember Edelman responded no, Councilmember Weber responded yes, Councilmember Pepper responded yes. Motion **passed** 3-2 (Edelman, Deady) to substitute the agenda.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to put the Mayor's agenda back on along with the Council's agenda they just put on.

There was Council discussion around this.

Point of order was called by Councilmember Pepper.

No vote was taken on the above motion.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to accept the consent agenda. Motion **passed** with all voting in favor (5-0). The consent agenda was approved as follows:

- 1) **Claim Checks** – April 21, 2016 - No. 43375 through No.43432 and EFTs in the amount of \$299,125.05
- 2) **Payroll** – March 31, 2016 - No. 18799 through 18818 and ACH Payments in the amount of \$259,301.19
- 3) **Minutes** – Council Meeting of March 2, 2016

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Enumclaw School District representative spoke to Council.

Kevin Esping, Public Works Department spoke to Council.

Matthew House, Teamsters Local 117 spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Point of order was called by Councilmember Weber for the Chair to keep the meeting at a respectful level including comments from the public that have not come up to speak.

Mark Hill, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Jason Seth, Black Diamond spoke to Council.

EXECUTIVE SESSION:

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to move the executive session up. Motion **passed** with all voting in favor (5-0).

At 7:49 pm Mayor Benson announced an executive session as authorized under RCW 42.30.140(4) to discuss collective bargaining. The executive session is expected to last for 30 minutes. Possible final action may follow the executive session.

A ten minute extension was announced.

Mayor Benson called the meeting back to order at 8:27 pm.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to move item number eight on the Mayor's agenda regarding resolution approving collective bargaining agreement with Public Works Unit and move it on to the agenda. Motion **passed** with all voting in favor (5-0).

8) AB16-025A- Resolution Approving Collective Bargaining Agreement with Public Works Unit

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt resolution number 16-XXXX, the clerk will assign the number at adoption authorizing the Mayor to execute a Collective Bargaining Agreement between the City of Black Diamond and the Teamsters Local Union number 117 Public Works Unit. Motion **passed** with all voting in favor (5-0).

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

4) Claim Check – March 7, 2016 – No. 43294 DKS Associates in the amount of \$10,000

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan

to postpone this item until the regular scheduled Council meeting on May 5.

There was Council discussion and the Mayor stated Councilmember Morgan is disparaging one of her staff.

VOTE: Motion passed 3-2 (Deady, Edelman).

5) A Resolution approving Legal Services for the City Council and City in connection with Resolution 16-1089 and the Council Rules of Procedure.

Councilmember Pepper read the entire resolution.

Mayor Benson stated you don't need to read the entire resolution.

Councilmember Pepper called point of order and stated she has the floor.

Mayor Benson called her out of order as Councilmember Pepper does not need to read the entire resolution.

Councilmember Pepper stated she has the floor and continued to read the resolution.

Mayor Benson called her out of order and stated she will need to quit or leave the room.

Councilmember Pepper stated she has the floor.

Mayor Benson called her out of order. Again asked her to quit or leave the room. She stated all she needs to read is the title; we don't need to hear the entire item.

Councilmember Pepper continued to read the resolution.

Mayor Benson called her out of order.

Councilmember Pepper stated she has the floor.

Mayor Benson noted to Councilmember Pepper on the Roberts Rules of Order the Mayor is the Chair.

Councilmember Pepper stated she has the floor.

Mayor Benson stated if this is your first reading, you only need to read the title.

There was Council discussion around this.

Councilmember Pepper continued to read the resolution and stated we need to suspend the rules around this.

Councilmember Deady called point of order and stated we need to take a vote to suspend the rules.

A **motion** was made by Councilmember Pepper and was **seconded** by Councilmember Morgan to suspend the rules in order to read the rest of this.

Mayor Benson called her out of order.

Mayor Benson stated to Councilmember Pepper she can leave the meeting.

Mayor Benson called her out of order.

Councilmember Pepper continued to state she has the floor and further stated she (Mayor) does not get to interrupt when she (Pepper) has the floor.

Mayor Benson told her for first reading, you just read the title.

Councilmember Pepper continued to read the resolution.

Mayor Benson called a recess and cleared the room at 8:40 p.m.

Mayor Benson called the meeting back to order at 8:46 p.m.

A **motion** was made by Councilmember Pepper and was **seconded** by Councilmember Morgan to appeal the decision of the chair.

Mayor Benson stated she doesn't think you can appeal the decision of the chair.

A **motion** was made by Councilmember Pepper and was **seconded** by Councilmember Morgan to suspend the rules and adopt this motion right now.

Councilmember Weber noted this was two motions running together. He requested that Councilmember Pepper restate her motion to suspend the rules.

A **motion** was made by Councilmember Pepper and was **seconded** by Councilmember Weber to suspend the rules.

VOTE: 3-2 motion passed 3-2 (Edelman, Deady)

Councilmember Pepper continued to read the entire resolution.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to pass this resolution.

There was Council discussion around this.

Councilmember Deady asked Councilmember Pepper when the contract was signed with the law firm and asked about the hourly rate.

Councilmember Pepper called point of order for continuous questioning of a fellow Councilmember.

Discussion continued.

Councilmember Morgan read a statement.

Discussion continued.

Councilmember Weber called point of order as Councilmember Morgan has the floor.

Councilmember Morgan stated she knows you haven't read the contract and stated they couldn't answer questions about the law firm because it was a conflict of interest due to they are contracting to be and in this contract you will see when you read it, they are contracting to be the lawyer not even for the whole Council, but for us (Morgan, Weber, Pepper).

Councilmember Edelman called for order.

Councilmember Pepper called point of order; please do not impugn the motive of the fellow Councilmembers in reaction to questions around resolutions in committee.

Councilmember Pepper called point of order; courtesy.

Councilmember Edelman stated she has the floor and continued with her comments around items that are still in committee.

Councilmember Pepper called point of order for Councilmember Deady saying things that might not be true about the law firm and the representation of the three councilmembers.

Councilmember Weber stated he has the floor. He further stated that since December it's no surprise there has been issues with legal representation with the city. He noted we are hampered in committee meetings because the Mayor doesn't recognize committee meetings. Therefore, they have to do more research on their own, which takes more time.

Mayor Benson stated you are not even following your own council rules, she noted that her staff has been here thirteen hours today. You cannot make a motion to get stuff moving and not following your own council rules.

Councilmember Pepper stated she believes there is a motion on the floor and a second.

VOTE: Motion passed 3-2 (Edelman, Deady)

6) Resolution approving Interim Legal Services for the City

Mayor Benson stated you cannot hire an interim attorney; you do not have the authority.

Councilmember Pepper presented this item and read the resolution.

There was Council discussion around this.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve a resolution of the City of Black Diamond, King County Washington approving interim legal services for the City.

VOTE: Motion **passed** 3-2 (Edelman, Deady)

Censure of Councilmember Erika Morgan

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to officially censure Councilmember Morgan.

She stated she has a packet for all the Councilmembers that includes correspondence.

There was Council discussion around this.

VOTE: There was a **tie** vote 2-2 (Pepper, Weber) (Councilmember Morgan could not vote). Mayor Benson broke the tie vote with an affirmative vote. Motion **passed** 3-2 (Pepper, Weber).

DEPARTMENT REPORTS:

MAYOR'S REPORT:

Mayor Benson reported that the claim check for DKS was moved to May 5. We have a resolution for the Department of Ecology that has been there since February and now the grant amount has been reduced down to \$25,000 as they did not accept the grant. We have a resolution confirming the Mayors appointment to the Civil Service Commission from January. We have a resolution for payment for BHC for building services. We have a resolution for collective bargaining which you did approve tonight and a resolution approving DKS. She noted all paperwork is here and if any of you would like to suspend the rules and introduce any of these items that are very important to the City, it would greatly be appreciated.

Mayor Benson asked if they have any Department Reports as it was left off their agenda.

Councilmember Pepper stated there was none on the agenda.

Mayor Benson stated that as part of her Mayor's report she wants her staff to get up and speak. She called on Ms. Kincaid to speak.

9) AB16-026A-Resolution Approving an Agreement with DKS

Community Development Director Kincaid discussed AB16-026A – Resolution approving an agreement with DKS. She spoke to the high level of concern regarding the school project. She discussed a contract brought forward at the April 7 meeting and also commented on the ILA agreement with Maple Valley and Covington having troubles with capacity and it's in the best interest to look forward and approve the agreement with the new building official. She noted the fee structure being fair and a benefit of the taking of permits out. She noted the City is required by law to have a building official. She discussed her role with the DKS and BergerABAM contract and also noted that the DKS services being rendered.

Mayor Benson called on Public Work Director Boettcher to speak.

5) AB16-016A-Resolution Accepting Dept. of Ecology Grant for 2015-2017 Stormwater Capacity Grant.

10) AB16-028 – Resolution Authorizing a Conservation Grant Agreement with Puget Sound Energy for the LED Streetlight Conversion Project.

11) AB16-029-Resolution Authorizing Water Quality Grant Agreement with King County for the North Commercial Stormwater Treatment Facility Project.

Public Works Director Boettcher spoke on the above three grants he is trying to get through Council. He noted receiving a letter regarding the Stormwater Capacity Grant being reduced to \$25,000 from \$50,000.

There was Council discussion around this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to suspend the rules to vote on these three grants (Stormwater Capacity Grant, Puget Sound Energy for LED Streetlight Conversion Project, North Commercial Stormwater Treatment Facility Project) tonight.

There was Council discussion.

Motion failed 2-3 (Pepper, Weber, Morgan).

COUNCIL REPORTS:

Councilmember Deady read a verbatim transcript excerpt from the Government Operations Budget Finance Administration meeting. She discussed her job as a Councilmember and meeting with the Finance Director to go over vouchers and being prepared to vote on items that come before Council. She also discussed the Civil Service appointment and the Council's job to confirm the appointment and the courtesy of the Council Committee to let the applicant know the status.

Councilmember Morgan discussed being tasked from the Chair of the Budget Committee to look over the vouchers and supporting documentation and reporting back to Councilmember Weber. She noted had Councilmember Deady attended this meeting with her and she reported the happenings back to Councilmember Weber that would have been a violation of the OPMA. She spoke on the Doctrine of Necessity for the Civil Service Commission.

Councilmember Edelman reminded Council they are legislative not administrative and should not be doing the Mayor's job.

Councilmember Weber discussed having two Budget and Growth Management meetings.

Councilmember Pepper discussed that the Association of Washington Cities has a booklet out regarding "Whose meeting is it anyway?". She read an excerpt from the booklet. She discussed that the Maple Valley Council gave permission for a disk golf course to go up somewhere in Maple Valley and wondered if we (Black Diamond) can be a destination for certain things. She noted we should try to get in on tourism dollars and think about things that people would stop by and spend their dollars locally.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

ADJOURNMENT:

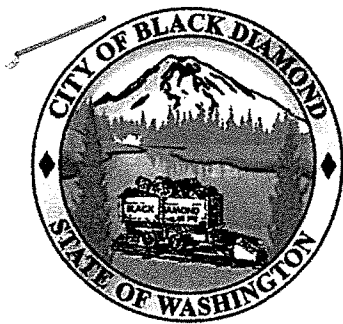
A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 10:25 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk



RECEIVED
CLERK OFFICE

APR 21 2016

CITY OF BLACK DIAMOND
April 21, 2016 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

From:
Morgan

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

- 1) Claim Checks – April 21, 2016 - No. 43375 through No.43432 and EFTs in the amount of \$299,125.05
- 2) Payroll – March 31, 2016 - No. 18799 through 18818 and ACH Payments in the amount of \$259,301.19
- 3) Minutes – Council Meeting of March 2, 2016

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. 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.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

- 4) Claim Check – March 7, 2016 – No. 43294 DKS Associates in the amount of \$10,000

NEW BUSINESS:

- 5) Resolution Approving Legal Services for the City Council and City in Connection with Resolution 16-1089 and the Council's Rules of Procedure.
- 6) Resolution Regarding Interim Legal Services for the city.

MAYOR'S REPORT:

COUNCIL REPORTS:

- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

PUBLIC COMMENTS:

EXECUTIVE SESSION: Executive session as authorized by RCW 42.30.140(4) to discuss collective bargaining.

ADJOURNMENT:

Censure of Councilmember Erika Morgan

WHEREAS, During the Executive Session of the March 17, 2016 Council Meeting, Councilmember Erika Morgan left the Council Chambers, joined Kristen Bryant of Save Black Diamond, and walked out of sight around the corner of the hallway.

WHEREAS, After an almost two-minute conversation with Ms. Bryant, she returned to the Council Chambers. When challenged about returning to the Executive Session, Ms. Morgan's response was "I have the right to talk with my lawyer". Ms. Bryant is not a lawyer.

WHEREAS, This was witnessed by Council Member Janie Edelman, Police Chief Jamey Kiblinger, Deputy City Clerk Meri Jane Bohn and citizens of the City of Black Diamond,

WHEREAS, A Public Disclosure Request from Ms. Robbin Taylor requested the information that had been disclosed in the hallway. Ms. Morgan responded in an email that she went into the toilet. And "we may have said hello but that is all".

WHEREAS, Ms. Morgan stated in the April 7, 2016 City Council Meeting that "I still stand by my statements before. I can't help it if you don't believe me. What you do is what you do."

WHEREAS, The surveillance camera located in the hallway definitively shows a conversation between Ms. Morgan and Ms. Bryant for over one minute and forty-five seconds. (See video recording.)

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, does censure Councilmember Erika Morgan for giving false information in response to a request for disclosure of public records, refusing to admit during the April 7th Council Meeting that the information in her response was false, and refusing to disclose the information discussed with Ms. Bryant.

Councilmember Morgan is put on notice that she may be suspended from her leadership positions on the City Council should these offenses be repeated

Further, Councilmember Morgan may be in violation of RCW 42.23.070(4); "No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit". The penalties for violation are included in RCW 42.30.050; "Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law. In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office".

Attachments:

1. Witness statements (3)
2. Robbin Taylor public disclosure request and Erika Morgan response
3. Screen shots from surveillance camera.
4. Carol Morris to King County Prosecutor's Office dated March 22, 2016

From: CBenson@ci.blackdiamond.wa.us
To: carol@carolmorrislaw.com; carol_a_morris@msn.com
CC: BMartinez@ci.blackdiamond.wa.us
Subject: FW: Witness to Executive Session Violation
Date: Fri, 18 Mar 2016 19:34:27 +0000

From: Robbin Taylor [xltxyz@hotmail.com]
Sent: Friday, March 18, 2016 12:14 PM
To: Carol Benson
Subject: Witness to Executive Session Violation

Madame Mayor,

I attended the March 17, 2016 City Council meeting. During the Executive Session I believe I witnessed a violation of the RCWs regarding Executive Sessions. I am attaching a written account of what I witnessed. I will also be placing a Public Records Request for the document(s) brought out of the Executive Session by Councilmember Morgan, as well as a request to disclose what was said to Kristen Bryant by Councilmember Morgan while they were out of sight in private conversation. Since Kristen Bryant is not an attorney, any "legal counsel" she may have given Councilmember Morgan, as well as anything disclosed to Kristen Bryant, is not protected under the attorney/client confidentiality protocols.

Sincerely,
Robbin Taylor

I attended the Black Diamond City Council meeting on March 17, 2016. There was an Executive Session on the agenda and the Public was dismissed from Council Chambers when it was time for them to move into Executive Session. The Executive Session was to be 30 minutes long. There were approximately 12 members of the Public that remained in the hallway outside the Chambers during the Executive Session, while the rest of the Public left for the night.

After about 20 minutes or so into the Executive Session Councilmember Erika Morgan exited the Chambers carrying what appeared to be notebook paper folded in half so as to conceal from view what was written on it. Councilmember Morgan walked through the small crowd towards the restrooms, she was visibly unhappy. Kristen Bryant was seated next to the Court window and Councilmember Morgan stopped next to Kristen Bryant and spoke briefly with her. Then Kristen Bryant rose from her seat and she and Councilmember Morgan walked around the corner to the Police window together where they were out of sight from the rest of the Public in the hallway. It is my opinion that Councilmember Morgan had exited the Executive Session to share with Kristen Bryant what was happening in Executive Session, and quite possibly allowed Kristen Bryant to read what was written on the paper Councilmember Morgan brought out of Executive Session with her.

Roughly five minutes later, possibly longer, Councilmember Morgan and Kristen Bryant returned, and Councilmember Morgan again walked through the people outside the Chambers to the return to the Executive Session. She was again, visibly unhappy to the point of being angry. One member of the Public was standing next to the Chamber doors and blocked Councilmember Morgan's entry. This person challenged Councilmember Morgan's right to re-enter the Executive Session after she had exited. Councilmember Morgan stated "I have a right to talk with my lawyer!" referring to Kristen Bryant. She yanked the door open and re-entered the Executive Session.

After this Brian Derdowski, who had been outside the building during this entire time, entered the building and went directly to Kristen Bryant. They both went around the corner to the Police window. Then after a few minutes Brian Derdowski and Kristen Bryant came back out into the main hallway. Brian Derdowski exited the building, while Kristen Bryant remained inside. Again, it is my opinion that Kristen Bryant shared with Brian Derdowski what Councilmember Morgan had disclosed of the Executive Session.

The Executive Session was extended twice, first extension was 15 minutes, the second extension was 10 minutes. During this time Brian Derdowski re-entered and exited the building numerous times, speaking with Kristen Bryant each time he came inside. He was also visibly agitated, and it appeared he was on the phone while outside the building.

From: Erika Morgan
Sent: Monday, March 21, 2016 5:02 PM
To: Brenda Martinez
Subject: RE: Public Records Request regarding Councilmember Morgan

Hello Brenda,

The note was not shared with anyone, except the intended recipient and remained folded at all times!

It was my privileged communication for Att. Morris in answer to some of her questions and was delivered to her alone.

I did have a copy for myself in case I needed to quote from it during our conversation, I did not. Kristen and I were in that area of the hallway, I went into the toilet, we may have said hello but that is all.

If we need more communication about this subject please call me.

Erika Morgan
BDCC pos #2
360 886 0187 land
206 458 1078 cell

From: Brenda Martinez
Sent: Monday, March 21, 2016 10:07 AM
To: Erika Morgan
Cc: Carol Benson
Subject: FW: Public Records Request regarding Councilmember Morgan

Hi Erika,

Please see the below records request I received last Friday. Please forward to me the piece of paper that Ms. Taylor is referring to or feel free to give me a call to discuss.

Kind regards,

Brenda L. Martinez, CMC | City Clerk / HR Manager City of Black Diamond

NOTICE OF PUBLIC DISCLOSURE: This e-mail is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Robbin Taylor [mailto:xltxyz@hotmail.com]
Sent: Friday, March 18, 2016 1:56 PM
To: Brenda Martinez

Carol Benson

From: Jamey Kiblinger
Sent: Thursday, March 24, 2016 8:29 AM
To: 'Carol Morris'
Cc: Carol Benson
Subject: Council meeting

Good morning,

This email is to advise you that on 3/17/16 during the city council executive session, councilmember Erika Morgan exited the council chambers, walked over to Kristin Bryant, where they began talking. Kristin got up from her chair and they both walked over to the alcove in front of the police department window. They continued to talk for a few minutes and then Erika Morgan walked back into executive session. I did not hear what they spoke about. Please let me know if you need anything else.

Jamey

Carol Benson

From: Andy Williamson
Sent: Wednesday, March 23, 2016 3:52 PM
To: Carol Morris
Cc: Carol Benson

To :
Black Diamond City Attorney Carol Morris

I have been asked to send you my observation of what happened on 3/17/16 in the hallway during executive session by council Member Morgan.

The council member came out of the session and went back by the bathrooms and the police department front counter with Kristen Bryant. When the council member came back to the door to the council chambers she was blocked from entering by Gary Farmer and he asked her how can she go back into the executive session and she said she had the right to talk with her attorney and she was carrying her cell phone in her hand. She forced the door open and reentered the executive session.

If you have questions or need further information please let me know



MDRT/Economic Development Director
Phone: 360-886-5700
Fax: 360-886-2592
Email: awilliamson@ci.blackdiamond.wa.us

Cc: Meri Jane Bohn; Carol Benson
Subject: Public Records Request regarding Councilmember Morgan

Request made by: Robbin Taylor
Phone: 206-818-8567
Address: 32110 Botts Dr, Black Diamond

On March 17, 2016, during the Executive Session of the City Council, Councilmember Erika Morgan exited the Executive Session with what appeared to be folded notebook paper. She went to Kristen Bryant and they walked around the corner of the hallway to the Police window. It is my firm belief that Councilmember Morgan brought information out of the Executive Session and disclosed it to Kristen Bryant. I am requesting a copy of these documents Councilmember Morgan removed from the Executive Session. Since there is no way to prove Executive Session information was NOT disclosed, then Councilmember Morgan may not claim that what she brought out of Executive Session is still privileged information and therefore not for disclosure. Councilmember Morgan also told a member of the Public in the hallway that she had a right to talk with her lawyer. Since Kristen Bryant is not an attorney, Councilmember Morgan's transmittal of information is not protected under the attorney/client privileges.

I am also requesting a transcript of the verbal exchange between Kristen Bryant and Councilmember Morgan during their private meeting in the hallway during the Executive Session.

I request that these documents be scanned and transmitted to me via my email.

Thank you,
Robbin Taylor

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Camera 02

Carol Benson

From: Carol Morris <carol_a_morris@msn.com>
Sent: Tuesday, March 22, 2016 2:40 PM
To: kevin.wright@kingcounty.gov
Cc: Carol Benson; Brenda Martinez
Subject: City of Black Diamond
Attachments: Witness of 3-17-16 Executive Session violation.docx

Hi Kevin:

As you know, the Black Diamond City Council are "municipal officers" as defined in RCW 42.23.020. One of the "prohibited acts" in RCW 42.23.070(4) is: "No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit."

The penalties for violation are included in RCW 42.23.050: "Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law. In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office."

As the Black Diamond City Attorney, I have a conflict with regard to the alleged violation in the e-mail below (and as described in the attachment). There is another witness to this event, and I will send you his statement as well. I am sending this to you so that you can make a determination whether any further action is needed. Thank you.

Carol Morris, Morris Law, P.C.

3304 Rosedale Street N.W., Suite 200

Gig Harbor, WA 98335

(253) 851-5090

F: (360) 850-1099

carol@carolmorrislaw.com

Website: carolmorrislaw.com

This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, and/or attorney work product exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at either the e-mail address or telephone number above and delete this e-mail from your computer. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client product or other applicable privilege. Thank you.

Brenda Martinez

From: Erika Morgan
Sent: Thursday, April 21, 2016 4:21 PM
To: Brenda Martinez
Subject: Council Member Morgan's Selected City notes for March & April 2016

Wed. March 2, 2016 special council meeting Thurs. March 3, 2016 – Regular Council Meeting Cancelled
Monday April 4 6:30 p.m- Budget/Finance/Administration Council Committee Meeting (Council Chambers)
Tuesday April 5 6:30 p.m- Government Operations and Administration Council Committee Meeting (Council Chambers)
Tues. March 8, 2016 – Planning Commission Council Joint Meeting Thurs. March 10, 2016 – 6 p.m. Gov. Opps Council Committee followed by Town Hall Meeting at 7:00 p.m.
Monday March 14 7p finance standing council committee Saturday, March 12th WORKSHOP: Dealing with Mud & Drainage 9:00 AM - 12:00 Join Alayne Blicke and King CD staff as we explore drainage solutions for rerouting water such as French drains, dry wells, grassy swales, and recent, eco-friendly innovations like rain gardens. Dress warmly for a farm walk showcasing the ways Trinity ranch has worked to reduce and manage mud. I found much information that will be valuable for us in BD as we develop useful ways to handle the the surface and ground water that are the same water dominating much of our landscape.
Wednesday, March 16, KCD will be holding our second Advisory Committee meeting for 2016 March 17, 2016 – Regular Council Meeting Wednesday April 6, 2016 9a-12:00, Duwamish Pollutant Loading Assessment Technical Advisory (TAC) meeting(s). at the Tukwila Community Center, Meeting Room B This was a very packed agenda where we discussed and quarterbacked the modeling that is being developed for the Duwamish Pollutant Cleanup by the Supper-fund. There was some consternation because the rainfall measurement was not predicting surface water amounts or surface runoff well. I suggested that they might need to add a value for the snow level to their calculations, because when there is snowmelt added to the surface water through ancient underground channels left from the many glaciations our geology has experienced that adds to the surface water in unknown ways by unappreciated routes.
Thur. April 7, 2016 – Regular Council Meeting Saturday April 9 Safe driving school at BD city hall Tues. April 12, 2016 – Planning Commission Council Joint Comp Plan Meeting Thursday April 14, 6:03pm Gov. ops Council & Standing Committee Thurs. April 21, 2016 from 1:00 to 2:00 in the Community Development Building Meeting Room Voucher Review has been scheduled for. April 21, 2016 – Regular Council Meeting
Tuesday, April 26 at 9:30 am at the Mercer Island Community Center. Flood Control SCA staff will hold an orientation from 8:30 – 9:15. At 9:15, all of SCA members on the FCDAC are invited to meet in the northeast corner of the Community Center to do two things;

1. Determine interest in FCDAC chair role, and potentially, vice chair role. Mayor Ken Hearing is the FCDAC current vice chair and he has expressed interest in serving as chair. If he is elected chair, there would be a one year vice chair role open. If other members are interested in the chair role and would like me to share that with other SCA FCDAC members, please let me know.

2. SCA caucus members will elect a caucus chair and vice chair.

I encourage all new and newer members to attend the orientation. I also encourage all members, mayors with their own seats and SCA members, to attend the SCA caucus at 9:15 in the northeast corner of the community center to address the two items noted above. I will likely send an additional email out when the FCDAC packet is distributed. SCA members on the FCDAC, please let me know if you will not be in attendance at the caucus and/or meeting. Please let me know if you have any questions. Thank you and I look forward to seeing you next week. Doreen

Thursday, April 28, 2016 KCD from 10:00 AM to 2:00 PM (PDT) - Add to Calendar, Thomassen farm soil testing Thursday April 28 6:30pm Gov ops Council & Standing Committee

Hello Citizens;

E. Morgan

We electeds, in Black Diamond are experiencing a high degree of disfunction currently as I am sure you have noticed. A new majority was elected last fall. This majority comes with a new view of how best to accommodate the "Peoples Vision and Work on the Peoples Priorities" as guidance of policy for Black Diamond going forward.

The Mayor and the minority on the council have declared openly and loudly that they liked the status-quo and that they refuse to recognize new majority opinion of the Council. They are convinced that they have legal standing. The Mayor has repeatedly stated that she will not recognize the "New Rules" or cooperate with them as the Presider at Council Meetings, in spite repeated testimony supporting the Council's authority.

The Mayor has barred the staff who works for her from interacting with the new majority council persons. We respect the Mayor's right to control her staff. We do not agree that duly elected council members, representing sovereign citizens are well served by the position she has taken.

The New Majority watched and saw how government was being conducted. They understood that repeating the same rules and expecting a different outcome is the definition of insanity. So, this new majority did a lot of research and consulted many authorities to come up with "New Council Rules" that they felt would correct some of the more egregious inconsistencies within the available legal parameters of Black Diamond Municipal Code, and the State of Washington Law.

In our democracy when opposing perspectives are so at odds with each other there is a messy period. We folks are in the middle of just this sort of period. The New Majority has made every effort to resolve this issue without compromising our basic core principles, with polite and respectful discourse no matter the insults and departures from civility. We consider it an honor a privilege and a duty to finally bring our constituents voice to the city.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

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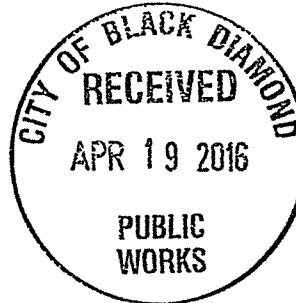
APR 21 2016

BY: *BKM*

From: *Seth Boettcher*

April 14, 2016

Scott Hanis
City of Black Diamond
PO Box 599
Black Diamond, WA 98010



Re: FY2015-17 Stormwater Capacity Building Grant, WQSWCAP-1517-BlaDia-00012

Dear Mr. Hanis:

Now that the Legislature has passed 2016 supplemental budgets and sent them along to the Governor for signature, the Washington State Department of Ecology (Ecology) wants to provide you with the latest information on the status of projects funded by revenues from the Model Toxics Control Act (MTCA) accounts.

Please note: The Governor has not yet acted on these budgets, so some additional changes may occur with vetoes before the budget is formally enacted. However, Ecology does not anticipate any impacts on the MTCA-funded projects based upon the Governor's review, and want to get you this information as soon as possible.

You are receiving this communication because MTCA funds were originally appropriated for your 2015-17 Stormwater Capacity Grant. MTCA revenue primarily comes from a tax on petroleum products and other hazardous substances of \$7 for every \$1,000 in value. Forecasted revenue has dropped significantly in the past several months because crude oil prices have fallen dramatically, and about 90 percent of MTCA revenue comes from petroleum.

Since May 2015, revenues have fallen \$92 million below the revenue forecast used to build the 2015-17 enacted capital budget. The Legislature was faced with a difficult task in addressing this decline, and focused on reduction areas where contracts for work were not yet finalized. Significant reductions occurred in both the operating and capital budgets, and across many environmental program areas.

Because of that significant decline, Ecology followed the direction in the enacted 2015-17 capital budget and took several steps to manage the revenue reductions.

Now the 2016 Supplemental Budget has provided additional directions for Ecology to follow.
As a result:

- The total funding award for your 2015-17 Capacity Grants will be reduced from \$50,000 to \$25,000.
- The grant expiration date will remain March 31, 2017.
- Eligible expenses may be incurred anytime between July 1, 2015, and March 31, 2017.

Ecology will amend the 2015-17 Capacity Grant agreement to the \$25,000 that is authorized through Ecology's 2016 Supplemental Operating Budget. This is a one-time reduction for the 2015-17 biennium and Ecology expects full funding to be restored as we move into the 2017-19 biennium.

Ecology will continue to work closely with you and keep you informed of any developments moving forward. If you have any questions, please do not hesitate to contact Jeff Nejedly, Financial Management Section Manager, at (360) 407-6572, or Pat Brommer, Unit Supervisor, at (360) 407-6566.

Sincerely,



Heather R. Bartlett
Water Quality Program Manager

cc: Kyle Graunke, Ecology

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April 13, 2016

APR 21 2016

Ms. Carol Morris
Morris Law P.C.
3304 Rosedale Street N.W., Suite 200
Gig Harbor, WA 98335

BY: BTM
From: Pepper

Dear Ms. Morris:

Talmadge/Fitzpatrick/Tribe has been hired by Black Diamond City Council Members Erika Morgan and Patricia Pepper initially to address your conflict of interest in continuing to represent the City in light of the fact that a working majority of the Council has lost confidence in your ability to serve as Black Diamond City Attorney. Accordingly, a Resolution was crafted to terminate the contract between the City and Morris Law. Apparently on your advice, the Mayor improperly prevented the Council from exercising its powers as the legislative assembly for the City to enact this Resolution.

The purpose of this letter is not to discuss the merit, or lack of merit, of yours and the Mayor's position. The purpose of this letter is to formally place you on notice that you have a conflict of interest that precludes you under the Rules of Professional Conduct and the Morris Law contract with the City from serving as City Attorney and providing legal services to anyone at the City in regard to the dispute that has arisen in regard to the termination of your services and those of your law firm. Obviously, you have a personal interest in not being terminated.

The Scope of Work in the Morris Contract, Exhibit A, Section 4 provides:

The City Attorney shall advise the Mayor, Councilmembers, and staff members with regard to legal matters relating to their respective duties being performed for the City, or by telephone, in person and/or by written memo, on routine City business.

Section 5 of the Scope of Work provides you shall attend all Regular City Council business meetings and shall attend other meetings of the City

Council as requested by the City. The purpose of Section 5 is clear that you are to act as legal counsel for the City Council, a duly authorized branch of City government.

Moreover, Section D of the Scope of Work provides:

The City Attorney's duties shall not include the following:

4. Representing the City in any legal matter where the City Attorney is prohibited from doing so as a result of a conflict of interest under the Rules for [sic] Professional Conduct or other applicable or regulation.

Section 18 of the Morris Law Contract further provides in applicable part: "The Consultant [you and Morris Law] shall comply with all federal, state, and City conflict of interest laws, statutes, and regulations."

The Washington Supreme Court provides applicable regulations that control the conduct of all attorneys in Washington. Those ethical rules address conflict of interest. Two RPCs are particularly noteworthy in this situation – RPC 1.13 and RPC 1.7.

RPC 1.13(a) provides:

A lawyer for an organization or retained by an organization represents the organization acting through its duly authorize constituents.

RPC 1.13(g) states:

A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7 [the conflict of interest rule]. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

Thus, under this provision, the Mayor cannot consent to any conflict you have.

RPC 1.7(a) provides:

P. Pupper

Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or third person or by a personal interest of the lawyer.

Both the Mayor and the Council are your clients. Their positions as to whether your services should continue and your contract must be terminated are obviously adverse. In addition, your personal interest in this matter triggers another conflict under RPC 1.7(a)(2).

Nor is it possible to obtain a waiver of conflict under subsection 2 of RPC 1.7(a). No lawyer could reasonably believe that you will be able to provide competent and diligent representation to each "affected client" when one of those clients is the Council and its members. Moreover, if this matter goes into litigation, Subsection (b)(3) prohibits a representation that involves the assertion of a claim by one client against another. Further, you would need a majority of the Council to provide its informed consent confirmed in writing to any representation.

In light of the foregoing, you should step aside in this matter. If you fail to do so, the members of the Council will need to consider taking appropriate steps to bring you into compliance with your ethical and contractual obligations as well as authorizing independent counsel to represent the Council relating to your contract and termination as is allowed under Washington law.

Sincerely,


Philip A. Talmadge

cc: Clients

RECEIVED
CLERK OFFICE

APR 21 2016

April 19, 2016

BY: BLM
From: Pepper

Ms. Carol Morris
Morris Law P.C.
3304 Rosedale Street N.W., Suite 200
Gig Harbor, WA 98335

Dear Ms. Morris:

You should have already received the letter of April 13 from my partner Phil Talmadge regarding your conflict of interest situation. As he discussed with you in that letter, not only do you have clients (City Council and members of Council acting in their official capacity) who are adverse to other clients (the Mayor), but the situation involves a matter in which you have a personal interest, namely your continued work as City Attorney, which is adverse to a majority of the City Council. In that letter, you were informed of your ethical duty to withdraw from any representation relating to these matters.

We have learned that you have continued to be involved in providing advice and taking actions even though conflict of interest concerns have been called to your attention. We have also learned that it is possible you are now claiming to be working as City Attorney under a new contract issued by the Mayor unilaterally. If so, it would only deepen the ethical morass your actions have created.

RPC 1.7 prohibits you from accepting a representation where you have a conflict of interest. RPC 1.16 requires you to withdraw from any representation where your continued representation will result in your violating the Rules of Professional Conduct.

As you should be aware, violation of the RPCs may result in disciplinary action being taken. Once again we urge you to step aside so that City officials can obtain independent legal advice so that they may better serve the taxpayers of the City of Black Diamond.

P. Pepper

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thomas M. Fitzpatrick', written over a horizontal line.

Thomas M. Fitzpatrick

cc: Clients

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CLERK OFFICE

APR 21 2016

BY: Bxm

April 19, 2016

Honorable Carol Benson
Mayor, City of Black Diamond
24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

RE: Black Diamond Elementary School Permit Review

Dear Mayor Benson:

As you know, the Enumclaw School District (the "District") is preparing to begin construction on the rebuild of Black Diamond Elementary School. We recently learned that the City's Community Development Department is unable, without the immediate assistance of outside resources, to confirm that it can meet our Project review timeline. However, we understand that City staff have identified a solution for the District and the City to contract with an outside consultant for purposes of the permit review activities. We appreciate the availability of this solution and want to be certain that we have the City's commitment to this alternative permit review process.

The City's timely review of the Black Diamond Elementary School project is critical to success in this project. The District has worked diligently with the City to move this project forward. After commencing the permit review process in October 2015, the District submitted to the City a site plan review application in January 2016, and the City issued site plan approval on April 5, 2016.¹ To date, the District has paid to the City \$84,141.00 in permit application fees for the Project. The District requires the following permit processing actions from the City of Black Diamond to move forward with the project in a timely manner:

- By April 27, 2016: Issuance by the Community Development Director of a letter to the Office of the Superintendent of Public Instruction confirming that, upon the completion of permit review, the City will issue a building permit no later than June 3, 2016;
- By May 13, 2016: Receipt of the City's preliminary permit review comments; and
- By June 3, 2016: Issuance of the building permit.

The District's March 16th Building Permit submittal, along with prior permit activities, was done in anticipation of providing reasonable review periods for the City to meet the above timelines.

¹ The District, acting as lead issue, conducted and completed environmental review under the State Environmental Policy Act. The District issued a Mitigated Determination of Nonsignificance on March 21, 2016.

To meet these permit milestones, we understand that the District and the City would enter into an agreement with the outside consultant to provide for plan review, inspections, and building official services for the project and the City would agree expressly that it will use the outside consultant's professional expertise for review and issuance of the permit. The City would refund a large portion of the permit fees already paid by the District to begin processing of the permit. We would expect this amount to be equivalent to the fees that would be charged by the outside consultant.

Please let me know immediately if there are any concerns or potential issues related to this solution. The District is relying on the City's timely action and commitment in order to avoid significant damages at the cost of our shared constituents and to the detriment of the Project. In lieu of such a solution, the City's failure to provide for adequate resources to review the Black Diamond Elementary School project permit could result in the District's loss of state assistance dollars for the Project, costly change orders to address modifications that may result from untimely permit review, and/or damage delays resulting from the contractor's inability to commence work in a timely fashion.

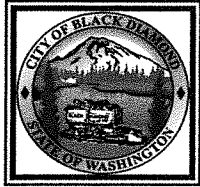
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nelson". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Nelson".

Michael Nelson
Superintendent

cc: Members, Black Diamond City Council
Barbara Kincaid, Community Development Director
Tina McGann, Board President, Enumclaw School District

From:
Council member
Deady



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: BLACK DIAMOND CITY COUNCIL

FROM: MAYOR BENSON

SUBJECT: CLARIFYING STATEMENTS FROM ROGER NEAL, RISK MANAGEMENT SERVICES AGENCY (RMSA)

DATE: APRIL 21, 2016

Background: The new Council Rules have sparked numerous discussions around legal issues and risk. Cautionary statements made by the City Attorney and insurance provider, RMSA intended to keep Black Diamond from harm have been met with controversy.

On April 14, 2016, the Government Operations and Administration Committee met. Certain statements were made during this meeting regarding RMSA's position on the new Council rules. A verbatim transcript of those statements was provided to RMSA's Roger Neal for response. This memo includes the verbatim transcript of those statements with Roger Neal's responses. It is intended to correct the record to ensure everyone receives accurate information.

Verbatim Transcription

Excerpt from the Government Operations and Administration Committee Meeting - April 14, 2016

Approximately 32 minutes into the meeting.

Judith Carrier – Resolution No. three the legality of Standing Committees. Oh Cub Scouts. I have another one...insurance coverage. There is a lot of talk about early on the insurance people were saying oh there's real problem with a lot of risk here and um I think I didn't totally understand it at the time I first heard that and I still haven't totally understand, but...um...as far as the standing committees and the way they are they have a members and that kind of thing uh... uh...uh... I made a note that it would be something to know exactly where do we stand right now with the City's insurance because of course nobody wants the City to be at risk for anything. I think that has almost already been discussed.

Morgan – I think I need to answer you right smack there about that.

Carrier – Go for it, go for it.

Morgan – Um...what happened...what happened with the City's insurance...insurance...with the City insurance is absolutely nothing. And the reason is because once the...once the risk manager for the City's insurance read not just the particular out of context bits that had been shared with...to him by his friend...um... Attorney Morris. Once he read the whole thing actually about the changes in the Council rules, the changes in the Council rules were completely endorsed by him as being legal and, and, and actually encouraged in the book that he brought to us the...um...the...uh...uh...Association of Washington Cities book that he brought us encouraged us to make the changes, many of the changes that we made. Um...he had questions that were also questions that I have about...about the way they are handling the minutes and etcetera, about executive...um...meetings and the reason for that was not just Black Diamond born, but something that they've been working at a little bit...um...at the State and MRSC has developed in the last, in the last year I think I can say quite safely...um...a checklist that says what can be said about what went on in the executive session and that says...that...that also advises who can be in the executive session whether...whether or not an attorney is there...sort of like a checklist there's about 13 reasons you can go into executive session now..out of...out of the public view and it has these thirteen reasons like boxes you check on the sheet and then the clerk's supposed to sign it and date it at the bottom...um...and that's what they want to have filled out for minutes. So we assure again that when we get ready to go a that we will try to take care of those issues.

Comment [RN1]: City Attorney Morris originally sent to RMSA pages 1-30 of the draft council rules. During the review it was noticed by RMSA that pages 15,16 were missing. Attorney Morris was contacted and the two missing pages were also reviewed in context with the other pages. Review of pages 15,16 did not change RMSA's concerns about the rest of the draft council rules. RMSA has not endorsed the council rules in the draft resolution as reviewed in January 2016.

Comment [RN2]: RMSA does not offer legal advice, and at no time has RMSA stated that the Council rules are legal. In fact, RMSA has concerns that some of the Council rules may be illegal as pointed out by the city's attorney.

Comment [RN3]: RMSA is not sure which changes made in the Council rules are referenced in the Mayor & Councilmember Handbook. RMSA suggested at that the council use the Mayor & Council Handbook as a guide when anticipating changes to Council rules.

Comment [RN4]: It is important to remember that the 11 "reasons" are actually exemptions to the Open Public Meeting Act. These exemptions are to be very narrowly construed, not intended to be broadened to meet the desires of the Council to not deal with difficult conversations in a public meeting. From MRSC's Publication *The Open Public Meetings Act: The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*² Codified in chapter 42.30 RCW, the Act applies to all city and town councils,³ to all county councils and boards of county commissioners, and to the governing bodies of special purpose districts, as well as to many subordinate city, county, and special purpose district commissions, boards, and committees. It requires, basically, that all "meetings" of such bodies be open to the public and that all "action" taken by such bodies be done at meetings that are open to the public. The terms "meetings" and "action" are defined broadly in the Act and, consequently, the Act can have daily significance for cities, counties, and special purpose districts even when no formal meetings are being conducted.

CITY OF BLACK DIAMOND
CITY COUNCIL WORK SESSION MEETING MINUTES
June 9, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER:

Mayor Benson announced this work session is on the 2017-2022 Six Year Transportation Improvement Plan

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Pepper, Weber

ABSENT:

Staffs present: Seth Boettcher, Public Works Director, and Brenda L. Martinez, City Clerk

WORK SESSION

1) 2017-2022 Six Year Transportation Plan- Mr. Boettcher

Public Works Director Boettcher addressed issues around emails that have been received at the City in response to the Peter Rimbo's email. He distributed to Council the proposed street network and discussed the comprehensive plan, the development codes and passed out the street network that was in the comprehensive plan from 2006. He discussed the flaws he saw in the proposed network. He distributed a new spreadsheet that was prepared after the public hearing held on June 2, 2016. He noted adding safety projects which are new this year. Also new this year which can be preferential is the amount of maintenance projects that are needed in the City; he noted there is no way we get to do these projects and need assistance from preservation grants from TIB to fund these. He discussed the grant rating system for projects and there being a lot of streets that are in need of work. He further discussed Council having authority to take projects off this plan. He pointed out that this plan is not a budget document and thinking ahead to budget the City's street budget was in red so we passed the TBD. We are holding it together because we have been successful with grants, but we are still short from the street fund to do all the projects that need to be done. Temporarily the state has allowed some maintenance dollars that help.

Councilmember Morgan stated how pleased she was with the maps, it's very helpful and she was thankful for the map. She noted on one of the new maps, the lagoon on Abram Ave. She wanted to clarify that there is no longer water there.

Mr. Boettcher noted this is their base map to know where the roads are.

Councilmember Deady suggested adding language based on grant availability that would clarify on some projects that is dependent on funding availability.

Councilmember Edelman asked what projects, if any, have been submitted for grant funding.

Councilmember Deady asked about grants and money left over, and stated we are in competition with other cities.

Mr. Boettcher shared that TIB is divided by area, East and West in County areas, they do the best they can to be fair with the entire state. Our competition is with other smaller cities.

Mr. Boettcher discussed Ms. Bryant's written comments. He noted holding the public hearing open and needs to meet with the Attorney about adding a project back in and does the city need to hold another public hearing due to that change.

Councilmember Pepper asked in the last plan what is the estimate in that plan of how many were able to be completed. Mr. Boettcher noted there are twelve projects that are in process and completed within the last six years.

Mayor Benson discussed missing out on grant money for a project due to the fact our comp plan is not complete.

Mr. Boettcher distributed the proposed street network that will be in the comp plan update.

Councilmember Morgan noted why it is important to the road engineer to show the cracks and it would be really helpful in the future to have some kind of landmark that shows where those cracks are. This suggestion is for the CIP update.

Mr. Boettcher discussed the Morgan Frans statement and staff agrees with that. He also noted that Judith Carrier noticed a conflict on the website with some of the maps.

Mr. Boettcher noted Mr. Bryant's comment on the six year tip regarding the intersection alignment; he stated the City should consider moving pipeline north to go past Columbia Bank.

Councilmember Deady discussed #18 on the plan and wondered where specifically these bike lanes would be going and the need to specify for the public as to where the projects will be.

Mr. Boettcher stated would you support if we put from 169 to Jones Lake Road.

Councilmember Morgan asked on the generalized street improvement, could it be somewhere on this that says "opportunity".

Mr. Boettcher noted he will put leverage private funds.

Councilmember Pepper asked if grants come out by category, for example roundabouts.

Mr. Boettcher stated they are not typically like that. They are in broader categories of dealing with congestion, safety or preservation. He noted they are funds set aside for example for bridges, bridge replacement.

Councilmember Weber asked about grant money and there is additional grant funding left over, how can the money be utilized.

Mr. Boettcher noted if grant funds are left over, TIB will allow the extension of the existing project. However, if you hop to a new location, you need to be careful with that and you really need to stay within the confines of the project fairly close.

Councilmember Deady asked about number fourteen, she asked if this is the street going down to the skateboard park and wondered what types of site distance improvements are being proposed. She noted it being a huge safety issue.

Mr. Boettcher noted the safety concerns.

Mr. Boettcher discussed the need to have a traffic engineer come back with three options. How much are they going to cost and then having good information to make decisions.

Councilmember Morgan noted this project is related to the new school. She discussed low impact development streets. She noted that it was supposed to be maintenance free for many years.

Councilmember Deady asked about 288th and 169.

Mr. Boettcher noted this is King County.

Mr. Boettcher reviewed the changes to provide leverage for private funds or monies project one. He noted a typo on line eighteen and shows the specific right of way to be improved with more definition on from and to.

Councilmember Edelman asked if our new city Attorney says we don't have to do another public hearing, then your plan would be to bring this to council next week.

Mr. Boettcher noted we can post this information right away and get to the public, take additional public comments, and then Council could pass this if there is no issue with the advertising. If there are additional public comments, and there could be amendments.

Councilmember Edelman stated even with additional public comments period, if you get comments, we could still go ahead and preempt your resolution, the motion could be however it is written and then amended by public comments x, y and z. And then it could still pass next week.

Councilmember Deady noted questions around number eighteen on where the sidewalk extension would be.

Mr. Boettcher noted Roberts Drive phase three would take sidewalks from project number twelve. This is not a stand-alone project, it is a combined project. Project number twelve is where we address the sidewalks. Sidewalks, curb, streetlights, bringing them up to urban standards.

Councilmember Edelman discussed the Roberts Rehab number one projects.

Mr. Boettcher noted they would add more definition there.

Councilmember Weber asked if there is a way to put in an asterisk note that gives a line sentence to explain to folks about ranking order by year.

Mr. Boettcher noted he would think of ways of giving them a heads up.

Councilmember Deady noted could you perhaps put in language about projects chosen by grant availability.

Mayor Benson stated as Mr. Weber said just asterisk the projects and make a notation at the bottom that just says these projects, if funds are available, will be moved up on the list. She further stated just add some kind of disclaimer.

Mr. Boettcher noted this is primarily an issue with maintenance projects. He noted they will put it at the bottom of each page.

ADJOURNMENT:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adjourn the meeting.

Motion **passed** with all voting in favor (5-0).

The meeting ended at 7:39 p.m.

ATTEST:

Carol Benson, Mayor

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 appointment Mayor Pro Tempore for 2017	Agenda Date: January 5, 2017	
	AB17-001	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
Cost Impact (see also Fiscal Note): \$	Police – Chief Kiblinger	
Fund Source: --	Public Works – Seth Boettcher	
Timeline:	Court – Stephanie Metcalf	
	Councilmember Pepper	X
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution		
SUMMARY STATEMENT: Councilmember Pepper has asked to have this placed on the agenda and will be addressing this item.		
FISCAL NOTE (Finance Department):		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 17-? (Clerk to assign number after adoption) designating Councilmember Morgan as Mayor Pro Tempore.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 5, 2017		

RESOLUTION NO. 17-

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF BLACK DIAMOND, KING
COUNTY, WASHINGTON DESIGNATING A
COUNCILMEMBER TO SERVE AS MAYOR PRO
TEMPORE**

WHEREAS, Council Rule Section 13 states, “Annually at the first meeting of a new Council, the members thereof, by majority vote, shall designate one of their members as Mayor Pro Tempore for such period as the Council may specify. The Mayor Pro Tempore shall serve in the absence or temporary disability of the Mayor.... ” ;

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

Section 1. The Council designates Councilmember Erika Morgan as Mayor Pro Tempore.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THE 5TH DAY OF
JANUARY, 2017.

CITY OF BLACK DIAMOND

Carol Benson, 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 approving membership and chairs to Council standing committees	Agenda Date: January 5, 2017 AB17-002	
Cost Impact (see also Fiscal Note): \$ Fund Source: -- Timeline:	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
	Court – Stephanie Metcalf	
	Councilmember Pepper	X
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution		
SUMMARY STATEMENT: Councilmember Pepper has asked to place this item on the agenda and will address it.		
FISCAL NOTE (Finance Department):		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 17-? (Clerk to assign number after adoption) approving membership and chairs of Council standing committees.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 5, 2017		

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON APPROVING THE MEMBERSHIP AND CHAIRS OF COUNCIL STANDING COMMITTEES

WHEREAS, Council Rule 18.1.2 states, “Annually at its first meeting in January, or as soon thereafter as practicable, the Council upon a majority vote of at least the whole membership of the Council shall approve the membership and Chairs of the Council Standing Committees... ” ; and

WHEREAS, Council Committee meetings attended by a quorum of the Council are plainly legal and provide the benefits of public notice and a record of the proceedings when the administration issues public notice according to the Council Rules; and

WHEREAS, Participation in Council Committee meetings is important to for Councilmembers acting on responsibilities within the scope of their committee membership;

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

Section 1. The Council Budget, Finance, and Administration Committee (Finance Committee) members are Councilmember Brian Weber and Councilmember Erika Morgan. Councilmember Weber will serve as Committee Chair. The committee shall have no other members.

Section 2. The Council Growth Management, Land Use and Community Services members are Councilmember Pat Pepper, Councilmember Brian Weber, and

Councilmember Janie Edelman. Councilmember Pepper will serve as Committee Chair. The committee shall have no other members.

Section 3. The Council Government Operations and Administration Committee members are Councilmember Erika Morgan, Councilmember Pat Pepper, and Councilmember Tamie Deady. Councilmember Morgan will serve as Committee Chair. The committee shall have no other members.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THE 5TH DAY OF
JANUARY, 2017.

CITY OF BLACK DIAMOND

Carol Benson, 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:	Agenda Date: January 5, 2017	AB17-003
Ordinance regarding adoption of the 2012 Stormwater Management Manual for Western Washington	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$--	Public Works – Seth Boettcher	X
Fund Source: --	Court – Stephanie Metcalf	
Timeline: Due December 31, 2016		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Ordinance 17-xxx; strikethrough/underline version of ordinance; clean copy of ordinance		
SUMMARY STATEMENT: <p>Councilmembers Deady and Edelman have placed this item on the agenda. This item was voted down at the October 6th Council meeting. Another version of the Ordinance was passed (16-1073A) and was vetoed by the Mayor. It was also brought back at the December 15th Council meeting.</p> <p>The City was required by its Phase 2 National Pollutant Discharge Elimination System permit to adopt stormwater standards equivalent or more stringent than the 2012 Stormwater Management Manual for Western Washington (as amended in 2014, the “2014 Stormwater Manual”) by December 31, 2016. This ordinance will adopt those standards as well as update staff references to be consistent with staff titles, and to make fees consistent with the City’s adopted fee schedule. Notification was sent to the Department of Ecology that the City did not meet the deadline. Passage of this ordinance will bring the City back in compliance with the permit.</p> <p>FISCAL NOTE (Finance Department): Increased regulations will likely lead to increased expenses for the stormwater fund. Future stormwater rate increases may also be required to cover the costs of incorporating the new codes as well as additional operational costs.</p>		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Ordinance 17-xxx (<i>Clerk to assign number after adoption</i>) adopting new stormwater management regulations and amending Chapter 14.04 of the Black Diamond Municipal Code.		

RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 6, 2016	Motion to adopt failed. 2-3 (Morgan, Weber, Pepper) Another version passed.	
December 15, 2016		
January 5, 2016		

ORDINANCE NO. ~~176~~_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON, ADOPTING NEW STORMWATER
MANAGEMENT REGULATIONS AND AMENDING
CHAPTER 14.04 OF THE BLACK DIAMOND
MUNICIPAL CODE**

WHEREAS, in 2009, the Black Diamond City Council adopted the Washington State Department of Ecology's 2005 Stormwater Management Manual for Western Washington ("2005 SWMMWW") as the stormwater standards for the City of Black Diamond; and

WHEREAS, The Department of Ecology's current stormwater manual is the 2012 Stormwater Management Manual for Western Washington, as amended in December 2014 ("2014 SWMMWW"), which incorporates current best management practices and best available science; and

WHEREAS, Black Diamond is a National Pollution Discharge Elimination System (NPDES) Phase II community, and as such is required to adopt stormwater standards equivalent or more stringent than the 2014 SWMMWW by December 31, 2016; and

WHEREAS, there is a need to update the language in this chapter to make the staff references consistent with staff titles and to make the charges consistent with the City adopted fee schedule;

WHEREAS, the Council held a public hearing on this ordinance on October 6, 2016; and

WHEREAS, the Council makes the following findings:

1. Urban development can cause changes in patterns of stormwater flow from land into receiving waters if not reasonably assessed and addressed. Increased surface runoff flows can cause stream channel changes that destroy habitat for fish if reasonable detention and retention is not applied. Water quality can be harmed when runoff carries pollutants such as eroded soil, oil, metals or pesticides into streams, wetlands, lakes, and marine waters or into ground water if proper treatment of stormwater is not applied. Proper management of stormwater runoff helps to reduce these significant pollution problems to preserve and protect waterways for people and fish.

2. Adoption of the 2014 SWMMWW is recommended in order to promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater, erosion control, and flooding.

3. This ordinance keeps the City in compliance with the best available science in stormwater management in order to minimize water quality degradation; prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; promote and prioritize low impact development strategies that reduces impervious surface and stormwater runoff; ensure the safety of City roads and rights-of-way; and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs that facilitate the effectiveness of the requirements contained in this chapter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. Section 14.04.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.020 Adoption of Manual--Applicability.

A. Stormwater Management Manual Adopted. The ~~2012~~February 2005 Edition of the Department of Ecology's Stormwater Management Manual for Western Washington ("SWMMWW"), as ~~modified and~~ amended in ~~subsection B below~~December 2014, is hereby adopted by reference (the "Stormwater Manual"). Stormwater management measures shall be designed, constructed and maintained in accordance with the standards and specifications as set forth in the Stormwater Manual.

~~B. Amendments to SWMMWW. Volume 1, Chapter 2 of the SWMMWW, titled "Minimum Requirements for New Development and Redevelopment" is not adopted. Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, titled "Minimum Technical Requirements for New Development and Redevelopment" is hereby adopted by reference, replacing Volume 1, Chapter 2 of the SWMMWW. Any conflict between Appendix 1 of the NPDES~~

~~permit and the remainder of the SWMMWW shall be resolved in favor of Appendix 1.~~

BG. All Development and Redevelopment within the City shall comply with the provisions of this chapter and the Stormwater Manual.

Section 2. Section 14.04.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.030 Responsible City Official

The City Public Works Director (the "Director") shall have general charge of and supervision over the administration and enforcement of this chapter. The Director is authorized to adopt policies and procedures for the purposes of implementing the provisions of this chapter.

Section 2. Section 14.04.130 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.130 Maintenance and source control.

A. For residential subdivisions, after the Director has released bonds for the project pursuant to Section 14.04.360₁, the maintenance duties shall be in accordance with the conditions and requirements of final plat approval, but the property owner's association shall have principal responsibility for the source control ~~for~~ practices of its members that may impact quality of runoff.

B. For all projects except residential subdivisions, the proponent or successors shall maintain stormwater drainage facilities in full compliance and implement with the requirements of the approved operation and maintenance manual.

C. The articles of the property owners' association shall include by reference the project's operation and maintenance manual.

D. A covenant stating the property owners' or property owners' association's specific responsibilities shall be included on the face of the plat and recorded against each lot in the subdivision.

Section 3. Section 14.04.170 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.170 Review and acceptance.

A. The Director shall review all drainage-related submittals for compliance with the specific criteria set forth in this chapter. Incomplete submittals shall be returned to the proponent without being reviewed. An acceptance of a stormwater site plan or construction stormwater pollution prevention plan by the Director does not relieve the proponent or the project engineer from responsibility for ensuring that all facilities are safe and that calculations, plans, specifications, construction and drawings of record comply with applicablenormal engineering standards, this chapter and applicable federal, state and local laws and codes.

B. The city shall not issue any underlying permit (e.g., preliminary plat, building permit) until the Director has determined that all requirements of this chapter have been met. The implementation of the applicable Minimum Requirements shall be a condition of said permit.

Section 4. Section 14.04.330 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.330 Director may modify minimum requirements.

A. This chapter presents minimum standards for achieving the city's goals. The Director has the authority to increase requirements to protect the public interest on the basis of reports pertaining to threatened water quality, erosion, habitat destruction, protection of uninterruptible services and endangerment to property.

B. Alternatives to standard plans, specifications and design details found in the Stormwater Manual may be accepted by the administratorDirector, if they meet or exceed the performance of the standards set forth herein.

C. Where requirements in this chapter are covered in any other law, ordinance, resolution, rule or regulation, the more restrictive of the two shall govern.

Section 5. Section 14.04.360 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.360 Performance and maintenance bond required.

A. Performance bonding or other appropriate financial guarantees in the amount of 150% of the Director's estimate of the construction

costs, shall be required for all projects to ensure construction of drainage facilities in compliance with this chapter. In addition, a project applicant shall post a two-year financial guarantee of the satisfactory performance and maintenance of any drainage facilities that are scheduled to be assumed by the City for operation and maintenance.

Upon completion and before acceptance of the stormwater facilities the developer shall provide the City with a 2 year maintenance bond or an assignment of funds for 15% of the construction cost of the stormwater facility. At the end of the two-year period, the Director may use any portion of the bond (or funds in an escrow account) to correct facilities constructed with design flaws, restore facilities that have been damaged during the two-year period, or perform maintenance necessary to the operation of facilities. If in the judgment of the Director~~administrator~~, no such corrective work is necessary, the Director will release the bond (or funds in an escrow account).

B. The Director may approve combining this bond with other bonds associated with the project into a single bond; provided, that at no time shall the amount of the bond be less than the amount which would have been required by separate bonds; and provided, that such a bond on its face shall identify those separate bonds that it is intended to replace; and provided, that the portion of the bond for storm drainage and erosion control facilities may be released at a different time than the portions bonding other facilities.

Section 6. Section 14.04.410 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.410 Fees.

A. The city's fee for review of storm drainage and erosion control plans and facilities and on-site inspection of facilities during construction shall be based on the actual amount of time expended at an hourly rate as identified in the City's fee schedule~~not to exceed seventy five dollars per hour~~. If such fees are not paid when due, the Director~~administrator~~ may revoke or refuse to grant the underlying permit or approval. If as a result of such action work is not completed, the Director may judge the incomplete work to constitute a drainage problem subject to sanctions described in Section 14.04.400. Additional fees may be assessed according to the City's fee schedule.

B. A connection fee will be charged to the proponent if the designed system will discharge from the site. Said fee shall be adopted by resolution and amended from time to time. Such fee will represent the estimated proportionate share of the proposed connection necessary to cover the cost of public capital stormwater facilities including but not limited to conveyance, treatment, detention/retention systems, and/or comprehensive planning, stream protection and rehabilitation, public education and outreach programs and other activities associated with construction of stormwater facilities or the avoidance of such construction, impacted by that parcel or parcels of property.

Section 7. Each and every provision of this Ordinance ~~is shall be deemed~~ severable. If any provision of this Ordinance ~~should be deemed~~ is found to be unconstitutional or otherwise unenforceable or contrary to law by a court of competent jurisdiction, ~~that finding then it~~ shall not affect the validity of the remaining provisions, which shall remain in force and effect ~~sections so long as the intent of the Ordinance can be fulfilled without the illegal section.~~

**PASSED BY A MAJORITY OF THE CITY COUNCIL AT A MEETING HELD ON
THE __ DAY OF ____, 2016.**

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Published: _____

Posted: _____

Effective Date: _____

ORDINANCE NO. 17-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADOPTING NEW STORMWATER MANAGEMENT REGULATIONS AND AMENDING CHAPTER 14.04 OF THE BLACK DIAMOND MUNICIPAL CODE

WHEREAS, in 2009, the Black Diamond City Council adopted the Washington State Department of Ecology's 2005 Stormwater Management Manual for Western Washington ("2005 SWMMWW") as the stormwater standards for the City of Black Diamond; and

WHEREAS, The Department of Ecology's current stormwater manual is the 2012 Stormwater Management Manual for Western Washington, as amended in December 2014 ("2014 SWMMWW"), which incorporates current best management practices and best available science; and

WHEREAS, Black Diamond is a National Pollution Discharge Elimination System (NPDES) Phase II community, and as such is required to adopt stormwater standards equivalent or more stringent than the 2014 SWMMWW by December 31, 2016; and

WHEREAS, there is a need to update the language in this chapter to make the staff references consistent with staff titles and to make the charges consistent with the City adopted fee schedule;

WHEREAS, the Council held a public hearing on this ordinance on October 6, 2016; and

WHEREAS, the Council makes the following findings:

1. Urban development can cause changes in patterns of stormwater flow from land into receiving waters if not reasonably assessed and addressed. Increased surface runoff flows can cause stream channel changes that destroy habitat for fish if reasonable detention and retention is not applied. Water quality can be harmed when runoff carries pollutants such as eroded soil, oil, metals or pesticides into streams, wetlands, lakes, and marine waters or into ground water if proper treatment of stormwater is not applied. Proper management of stormwater runoff helps to reduce these significant pollution problems to preserve and protect waterways for people and fish.

2. Adoption of the 2014 SWMMWW is recommended in order to promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater, erosion control, and flooding.

3. This ordinance keeps the City in compliance with the best available science in stormwater management in order to minimize water quality degradation; prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; promote and prioritize low impact development strategies that reduces impervious surface and stormwater runoff; ensure the safety of City roads and rights-of-way; and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs that facilitate the effectiveness of the requirements contained in this chapter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. Section 14.04.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.020 Adoption of Manual--Applicability.

A. Stormwater Management Manual Adopted. The 2012 Edition of the Department of Ecology's Stormwater Management Manual for Western Washington ("SWMMWW"), as amended in December 2014, is hereby adopted by reference (the "Stormwater Manual"). Stormwater management measures shall be designed, constructed and maintained in accordance with the standards and specifications as set forth in the Stormwater Manual.

B. All Development and Redevelopment within the City shall comply with the provisions of this chapter and the Stormwater Manual.

Section 2. Section 14.04.130 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.130 Maintenance and source control.

A. For residential subdivisions, after the Director has released bonds for the project pursuant to Section 14.04.360, the maintenance duties shall be in accordance with the conditions and requirements of final plat approval, but the property owner's association shall have principal responsibility for the source control practices of its members that may impact quality of runoff.

B. For all projects except residential subdivisions, the proponent or successors shall maintain stormwater drainage facilities in full compliance

with the requirements of the approved operation and maintenance manual.

C. The articles of the property owners' association shall include by reference the project's operation and maintenance manual.

D. A covenant stating the property owners' or property owners' association's specific responsibilities shall be included on the face of the plat and recorded against each lot in the subdivision.

Section 3. Section 14.04.170 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.170 Review and acceptance.

A. The Director shall review all drainage-related submittals for compliance with the specific criteria set forth in this chapter. Incomplete submittals shall be returned to the proponent without being reviewed. An acceptance of a stormwater site plan or construction stormwater pollution prevention plan by the Director does not relieve the proponent or the project engineer of responsibility for ensuring that all facilities are safe and that calculations, plans, specifications, construction and drawings of record comply with applicable engineering standards, this chapter and applicable federal, state and local laws and codes.

B. The city shall not issue any underlying permit (e.g., preliminary plat, building permit) until the Director has determined that all requirements of this chapter have been met. The implementation of the applicable Minimum Requirements shall be a condition of said permit.

Section 4. Section 14.04.330 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.330 Director may modify minimum requirements.

A. This chapter presents minimum standards for achieving the city's goals. The Director has the authority to increase requirements to protect the public interest on the basis of reports pertaining to threatened water quality, erosion, habitat destruction, protection of uninterrupted services and endangerment to property.

B. Alternatives to standard plans, specifications and design details found in the Stormwater Manual may be accepted by the Director, if they meet or exceed the performance of the standards set forth herein.

C. Where requirements in this chapter are covered in any other law, ordinance, resolution, rule or regulation, the more restrictive of the two shall govern.

Section 5. Section 14.04.360 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.360 Performance and maintenance bond required.

A. Performance bonding or other appropriate financial guarantees in the amount of 150% of the Director's estimate of the construction costs, shall be required for all projects to ensure construction of drainage facilities in compliance with this chapter. In addition, a project applicant shall post a two-year financial guarantee of the satisfactory performance and maintenance of any drainage facilities that are scheduled to be assumed by the City for operation and maintenance.

Upon completion and before acceptance of the stormwater facilities the developer shall provide the City with a 2 year maintenance bond or an assignment of funds for 15% of the construction cost of the stormwater facility. At the end of the two-year period, the Director may use any portion of the bond (or funds in an escrow account) to correct facilities constructed with design flaws, restore facilities that have been damaged during the two-year period, or perform maintenance necessary to the operation of facilities. If in the judgment of the Director, no such corrective work is necessary, the Director will release the bond (or funds in an escrow account).

B. The Director may approve combining this bond with other bonds associated with the project into a single bond; provided, that at no time shall the amount of the bond be less than the amount which would have been required by separate bonds; and provided, that such a bond on its face shall identify those separate bonds that it is intended to replace; and provided, that the portion of the bond for storm drainage and erosion control facilities may be released at a different time than the portions bonding other facilities.

Section 6. Section 14.04.410 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.410 Fees.

A. The city's fee for review of storm drainage and erosion control plans and facilities and on-site inspection of facilities during construction shall be based on the actual amount of time expended at an hourly rate as identified in the City's fee schedule. If such fees are not paid when due, the Director may revoke or refuse to grant the underlying permit or approval. If as a result of such action work is not completed, the Director may judge the incomplete work to constitute a drainage problem subject to sanctions described in Section 14.04.400. Additional fees may be assessed according to the City's fee schedule.

B. A connection fee will be charged to the proponent if the designed system will discharge from the site. Said fee shall be adopted by resolution and amended from time to time. Such fee will represent the estimated proportionate share of the proposed connection necessary to cover the cost of public capital stormwater facilities including but not limited to conveyance, treatment, detention/retention systems, and/or comprehensive planning, stream protection and rehabilitation, public education and outreach programs and other activities associated with construction of stormwater facilities or the avoidance of such construction, impacted by that parcel or parcels of property.

Section 7. Each and every provision of this Ordinance is severable. If any provision of this Ordinance is found to be unconstitutional or otherwise unenforceable or contrary to law by a court of competent jurisdiction, that finding shall not affect the validity of the remaining provisions, which shall remain in force and effect.

**PASSED BY A MAJORITY OF THE CITY COUNCIL AT A MEETING HELD ON THE
__ DAY OF _____, 2017.**

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, 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: Resolution authorizing the Mayor to execute a Fuel Tax Agreement with the Washington State Transportation Improvement Board (TIB) for the Roberts Drive Eastbound Maintenance Project	Agenda Date: January 5, 2017	
	AB17-004	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	X
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$63,236 revenue		
Fund Source: TIB Grant		
Timeline: 2017		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution No. 17-xxx; Grant Agreement; Award Notification; Grant Application; 2015-2020 CIP Page; 2017-2022 Draft CIP Page;		
SUMMARY STATEMENT: Councilmember Deady and Edelman have placed this item on the agenda.		
<p>Public Works staff applied for and was selected for a Small City Preservation Program fuel tax grant from the Washington Transportation Improvement Board (TIB). This project will provide for some patching and asphalt overlay of the eastbound lane of Roberts Drive from 236th Ave. SE to the west end of the Roberts Drive Rehab project. Design will be done in-house.</p>		
<p>Staff applied for this portion of roadway along with a segment of 224th Ave. SE but only the segment on Roberts Drive was selected for funding. Work can only be done on Roberts Drive with this funding.</p>		
<p>FISCAL NOTE (Finance Department): The overall project cost is estimated at \$74,395. The City has a 15% match requirement (\$11,159). The City can use in-kind labor to help meet the match requirement.</p>		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution 17-xxx authorizing the Mayor to execute a fuel tax agreement for the Roberts Drive Eastbound Maintenance project, TIB #2-P-800(005)-1.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 5, 2017		

RESOLUTION NO. 17-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE A FUEL TAX
AGREEMENT WITH THE WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD (TIB) FOR
THE ROBERTS DRIVE EASTBOUND MAINTENANCE
PROJECT

WHEREAS, the City's grant application for the Transportation Improvement Board Small City Preservation Program was selected for the Roberts Drive Eastbound Maintenance project; and

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

WHEREAS, a fuel tax agreement with the Washington Transportation Improvement Board is required to establish the terms of funding the Roberts Drive Eastbound Maintenance project;

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

Section 1. The City Council hereby accepts grant funding from the Washington State Transportation Improvement Board in the amount \$63,236 for the Roberts Drive Eastbound Maintenance project;

Section 2. The Mayor is hereby authorized to execute the fuel tax agreement with the Washington Transportation Improvement Board for the Roberts Drive Eastbound Maintenance project, TIB #2-P-800(005)-1, substantially in the form attached hereto.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF JANUARY, 2017.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk



City of Black Diamond
2-P-800(005)-1
FY 2018 Overlay Project
Multiple Locations

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

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2018 Overlay Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Black Diamond, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$63,236 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

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

3.0 PROJECT DOCUMENTATION

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

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

4.0 BILLING AND PAYMENT



The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

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

6.0 AMENDMENTS

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

7.0 ASSIGNMENT

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

8.0 GOVERNANCE & VENUE

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

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

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

9.2 DEFAULT



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

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

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

9.3 TERMINATION

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

9.4 TERMINATION FOR NECESSITY

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

10.0 USE OF TIB GRANT FUNDS

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

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

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



12.0 INDEPENDENT CAPACITY

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

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

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

14.0 DISPUTE RESOLUTION

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



15.0 ENTIRE AGREEMENT

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

16.0 RECORDS MAINTENANCE

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

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

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Carol Benson, Mayor

Print Name

Print Name

Scott Hanis

From: Armstrong, Greg (TIB) <GregA@tib.wa.gov>
Sent: Tuesday, November 22, 2016 8:45 AM
To: Scott Hanis
Subject: FY 2018 TIB Project Selection

Transportation Improvement Board (TIB)

To: Scott Hanis
City of Black Diamond

Congratulations! The Transportation Improvement Board selected the following project for funding at the November 18, 2016 meeting:

FY 2018 Overlay Project - Multiple Locations
TIB Project #2-P-800(005)-1

Total TIB funds for this project are \$63,236. TIB staff will mail the project selection letter and associated documentation to Mr. Seth Boettcher, P.E..

Before you can start work on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement;
- Return the above items to TIB.

After you receive approval from TIB, you may incur reimbursable expenses for your project.

In accordance with RCW 47.26.84, you must certify full funding by November 18, 2017 or the Board may terminate your grant. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

I look forward to working with you on this important improvement. Please contact me if you have any questions.

Greg Armstrong, PE

TIB Project Engineer

Transportation Improvement Board

Post Office Box 40901 ♦ Olympia, WA 98504-0901

Phone (360) 586-1142

Fax (360) 586-1165

Email GregA@tib.wa.gov

for the Small City Preservation Program (SCPP)

TIB Office Mailing Address: Post Office Box 40901 ❖ Olympia WA 98504-0901

For assistance contact Greg Armstrong, TIB Project Engineer, at (360) 586-1142 or via email at GregA@tib.wa.gov

Legislative District(s) 5

Congressional District(s)	8
---------------------------	---

[Click Here to find Legislative or Congressional District](#)

Congressional District

- Include only hard surfaced city streets
- Break street into segments when there are significant changes in cross section or condition
- Sidewalk ramps within the project limits must be upgraded to current ADA standards
- Do not combine with or use SCPP project as match for federally funded project

Truck Route	Street Segment	State Hwy Impact	Engineering Cost	Contract with Contingency	Total Cost
T3 or higher	Roberts Drive 236th Avenue SE to 100 feet west of	No	9,000	65,395	74,395
T3 or higher	224th Avenue SE SE 307th Place to SE 304th Street	No	14,000	100,581	114,581
TOTALS			\$23,000	\$165,976	\$188,976

Is the Work included in a County or WSDOT Contract?

No

Project FundingEnter Requested Total TIB Funds \$160,630Maximum TIB Ratio 90.0%

Table populates from Segment Worksheets

	Total Project	TIB Funds	Local Funds
Design Engineering	17,000	14,450	2,550
Construction Engineering	6,000	5,100	900
Construction Contract	165,976	141,080	24,896
TOTALS	188,976	160,630	28,346

Noneligible Engineering	0
Engineering exceeding 30% of construction costs is not eligible for TIB reimbursement	
Other Noneligible Costs	0
Enter description in Cell B48	
TOTAL ELIGIBLE COST	188,976
TIB Matching Ratio	
Total TIB Funds/Total Eligible Cost	85.0%

Funding Partners

Enter funding sources and their commitment

Federal funds cannot be used as a funding partner

Source	Public or Private	Commitment	Amount
BLACK DIAMOND	Public	In CIP	28,346
TOTAL			28,346
Local funds are correct			

Certification

Certification is hereby given that the information provided is accurate and the applicable attachments are complete and included as part of the application package

Carol Benson
Agency Official Signature

Carol Benson, Mayor
Printed or Typed Name & Title

8/16/16
Date Signed

Street Segment Estimate for BLACK DIAMOND

Enter Priority 1Street Name Roberts DriveTermini 236th Avenue SE to 100 feet west of Rock Creek BridgeTruck Route T3 or higherSidewalk Placement NoneConnects to State Highway NoSidewalk Condition Length in Feet 528 feetCurb Placement NonePavement Width 13 feetEnter # non-compliant ADA Ramps 0 ramps

Enter Utility Information

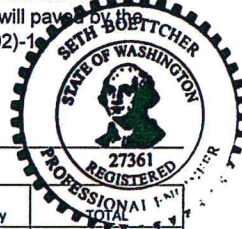
	Enter Age or None	Condition
WATER	<u>1</u>	<u>Good</u>

	Enter Age or None	Condition
SEWER	<u>25</u>	<u>Good</u>

Describe the proposed segment work below

Patch and overlay the south lane (eastbound) of Roberts Drive. A developer is scheduled to install a water main in 2016 in the north lane and the developer will pave the north lane. Roberts Drive west of 236th will paved by the developer and the road to the east is currently under design as part of TIB project #6-P-800(002)-1.

Engineer's Estimate

Registered Engineer
Signature*Seth Boettcher*

Design Engineering	Construction Engineering	Contract Cost	Contingency	
7,000	2,000	59,395	6,000	74,395

Item	Description	Units	Quantity	Unit Price	Amount
1	Mobilization	LS	1	\$6,000.00	\$6,000.00
2	Project Temporary Traffic Control	LS	1	\$4,000.00	\$4,000.00
3	Remove Asphalt Concrete Pavement	SY	655	\$30.00	\$19,650.00
4	Unsuitable Foundation Excavation	CY	15	\$35.00	\$525.00
5	Planing Bituminous Pavement	SY	90	\$20.00	\$1,800.00
6	Crushed Surfacing Top Course	TON	10	\$40.00	\$400.00
7	HMA Cl. 1/2 In. PG 64-22 for Patch	TON	115	\$110.00	\$12,650.00
8	HMA Cl. 1/2 In. PG 64-22 for Overlay	TON	140	\$90.00	\$12,600.00
9	Adjust Manhole to Grade	EA	1	\$500.00	\$500.00
10	Paint Line	LF	1016	\$1.25	\$1,270.00
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Street Segment Estimate for BLACK DIAMOND

Enter Priority 2Street Name 224th Avenue SETermini SE 307th Place to SE 304th StreetTruck Route T3 or higherSidewalk Placement NoneConnects to State Highway No

Sidewalk Condition _____

Length in Feet 1,477 feetCurb Placement NonePavement Width 32 feetEnter # non-compliant ADA Ramps 0 ramps

Enter Utility Information

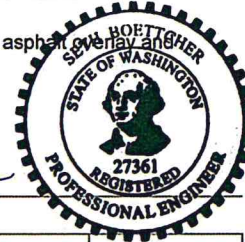
	Enter Age or None	Condition
WATER	30	Good

	Enter Age or None	Condition
SEWER	25	Good

Describe the proposed segment work below

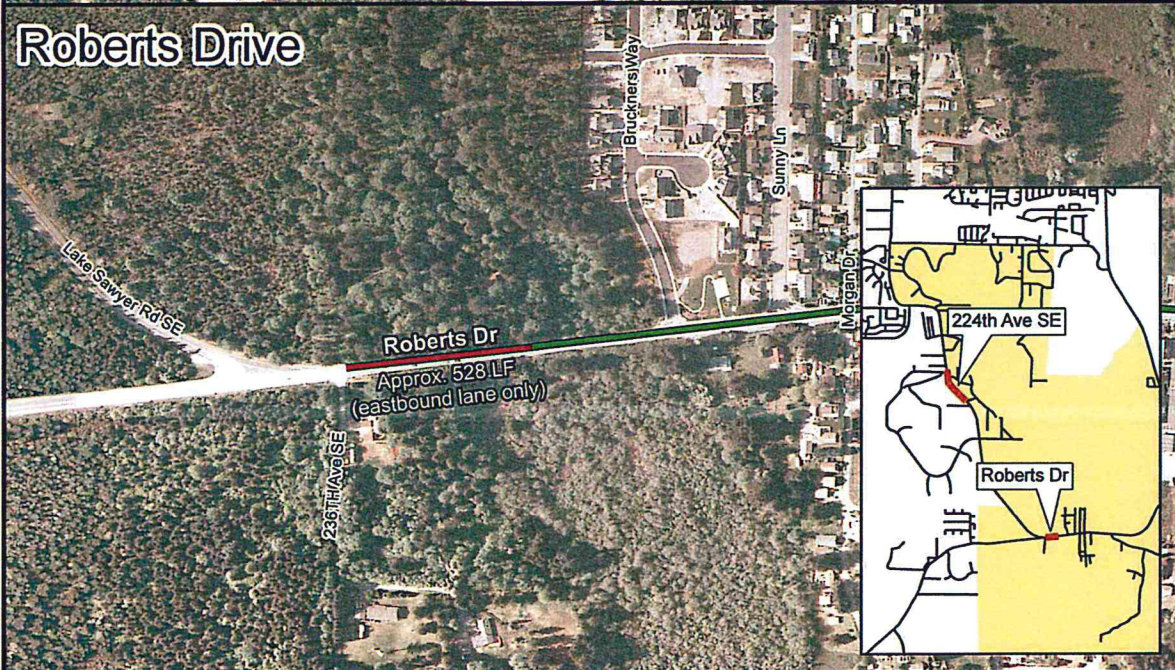
Some crack sealing and patching (one section). Preparation work will be followed by a 2" asphalt overlay and adjustment of utilities to grade.

Engineer's Estimate

Registered Engineer
Signature*Seth Boettcher*

Design Engineering	Construction Engineering	Contract Cost	Contingency	TOTAL
10,000	4,000	91,581	9,000	114,581

Item	Description	Units	Quantity	Unit Price	Amount
1	Mobilization	LS	1	\$9,000.00	\$9,000.00
2	Project Temporary Traffic Control	LS	1	\$7,000.00	\$7,000.00
3	Remove Asphalt Concrete Pavement	SY	150	\$30.00	\$4,500.00
4	Unsuitable Foundation Excavation	CY	10	\$35.00	\$350.00
5	Planing Bituminous Pavement	SY	120	\$20.00	\$2,400.00
6	Crushed Surfacing Top Course	TON	10	\$40.00	\$400.00
7	HMA Cl. 1/2 In. PG 64-22 for Patch	TON	30	\$110.00	\$3,300.00
8	HMA Cl. 1/2 In. PG 64-22 for Overlay	TON	600	\$90.00	\$54,000.00
9	Adjust Manhole to Grade	EA	5	\$500.00	\$2,500.00
10	Adjust Water Valve to Grade	EA	6	\$200.00	\$1,200.00
11	Adjust Gas Valve to Grade	EA	1	\$200.00	\$200.00
12	Adjust Monument Case and Cover	EA	1	\$500.00	\$500.00
13	Crack Sealing Crew	HR	4	\$400.00	\$1,600.00
14	Hot Asphalt Sealant for Crack Sealing	GALLON	20	\$10.00	\$200.00
15	Paint Line	LF	4431	\$1.00	\$4,431.00
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Author: Scott Hanis
Date: August 15, 2016

Vicinity Map Roberts Drive Overlay 224th Avenue SE Overlay

Legend

- Work Location
- TIB #6-P-800(002)-1

Capital Plan 2015 - 2020

Project for the	Street Department	# T7
PROJECT TITLE	228th & 224th & 216th Chip Seal	14.03
DESCRIPTION	Patch and Chip Seal 228th, 224th, and 216th Ave SE from Sawyerwood Elementary to the Covington Sawyer Road except for the section in front of the Fire Station and past Kent Lake Highlands.	
BACKGROUND	This long section of roadway can be preserved by 7 to 10 years at one third of the cost of an overlay. A chip seal will help stretch the grant funding and help the City get ahead of the curve with deteriorating streets.	
COMMENTS		

		Capital Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
CAPITAL PROJECT COSTS	Total \$ Requested 2015-2020						
Design Engineering	16,000			16,000			
Management and Administration	10,000			10,000			
Construction	103,000			103,000			
TOTAL COSTS	129,000	-	-	129,000	-	-	-
REQUESTED FUNDING	Total \$ Requested 2015-2020						
TIB Pavement Preservation	116,000			116,000			
Grant Matching	13,000			13,000			
TOTAL SOURCES	129,000	-	-	129,000	-	-	-



224th Ave SE Asphalt Overlay

Major Street Maintenance. Overlay 224th Ave SE from Covington Creek to 307th Place.

Public Works staff in cooperation with Maple Valley and Covington sealed the many cracks in 224th Ave SE in 2013 to preserve the integrity of the road until we could get a grant to overlay the street. The crack sealing has been effective in holding the street together and maintaining the pavement rating to stay in the TIB street preservation funding program.

CAPITAL PROJECT COSTS	Total \$ 2017-2022	2017	2018	2019	2020	2021	2022
Design Engineering	10,000	10,000					
Management & Administration	20,000	20,000					
Construction Costs	270,000	270,000					
TOTAL COSTS	300,000	300,000	-	-	-	-	
REQUESTED FUNDING							
Grants TIB	255,000	255,000					
Grant Match	45,000	45,000					
TOTAL SOURCES	300,000	300,000	-	-	-	-	-



CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance amending 2017 Budget Ordinance #16-1083 to add the TIB Grant and matching amount for Roberts Drive Eastbound Maintenance Project.	Agenda Date: January 5, 2017 AB17-005	
Cost Impact (see also Fiscal Note): \$63,236 revenue Fund Source: TIB Grant Timeline: 2017	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	X
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Scott Hanis	
	Court – Stephanie Metcalf	
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Ordinance 17-XXXX; Grant Agreement; Award Notification;		
SUMMARY STATEMENT: Councilmember Deady and Edelman have placed this item on the agenda.		
<p>Public Works staff applied for and was selected for a Small City Preservation Program fuel tax grant from the Washington Transportation Improvement Board (TIB). This project will provide for some patching and asphalt overlay of the eastbound lane of Roberts Drive from 236th Ave. SE to the west end of the Roberts Drive Rehab project. Design will be done in-house.</p> <p>Staff applied for this portion of roadway along with a segment of 224th Ave. SE but only the segment on Roberts Drive was selected for funding. Work can only be done on Roberts Drive with this funding.</p> <p>A 2017 Budget amendment is required to add appropriations for this TIB Grant Project, as the project was not included when the budget was adopted in December 2016.</p> <p>FISCAL NOTE (Finance Department): The overall project cost is estimated at \$74,395. The City has a 15% match requirement (\$11,159). The City can use in-kind labor to help meet the match requirement.</p>		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Ordinance 17-xxxx (Clerk to assign number after adoption) amending the 2016 Budget Ordinance 16-1083 to add appropriations for the Roberts Drive Eastbound Maintenance project, TIB #2-P-800(005)-1.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 5, 2017		

ORDINANCE NO. 17-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING THE BUDGET FOR CALENDAR YEAR 2017 AS ADOPTED BY ORDINANCE 16-1083 for MEANS OF APPROPRIATIONS FOR THE TIB GRANT FOR THE ROBERTS DRIVE EASTBOUND MAINTENANCE PROJECT.

WHEREAS, RCW 35A.33.120 allows budget amendments for funds received in excess of estimated Revenues during the fiscal year if those amounts exceed the amounts set forth in Ordinance No. 16-1083; and

WHEREAS, the State Department of Transportation has notified the City of Black Diamond that they have approved a patching and asphalt overlay segment on SE Roberts Drive; and

WHEREAS, it is necessary to make adjustments to the 2017 Budget to add this project as it was not anticipated in the adopted 2017 budget in Ordinance No. 16-1083; and

WHEREAS, an appropriations for this Grant is required;

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

Section 1. Amend the 2017 Budget Fund 320, PW Capital Projects to add appropriations for Roberts Drive Eastbound Maintenance TIB Project, which includes the TIB Grant and required matching amount totaling \$74,395.

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 5th day of January, 2017.

Passed by a majority of the City Council at a regular meeting held on the 5th day of January, 2017.

Mayor Carol Benson

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Published: _____

Posted: _____

Effective Date: _____



City of Black Diamond
2-P-800(005)-1
FY 2018 Overlay Project
Multiple Locations

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

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2018 Overlay Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Black Diamond, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$63,236 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

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

3.0 PROJECT DOCUMENTATION

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

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

4.0 BILLING AND PAYMENT



The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

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

6.0 AMENDMENTS

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

7.0 ASSIGNMENT

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

8.0 GOVERNANCE & VENUE

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

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

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

9.2 DEFAULT



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

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

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

9.3 TERMINATION

a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.

b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.

c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

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

10.0 USE OF TIB GRANT FUNDS

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

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

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



12.0 INDEPENDENT CAPACITY

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

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

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

14.0 DISPUTE RESOLUTION

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



15.0 ENTIRE AGREEMENT

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

16.0 RECORDS MAINTENANCE

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

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

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Carol Benson, Mayor

Print Name

Print Name

Scott Hanis

From: Armstrong, Greg (TIB) <GregA@tib.wa.gov>
Sent: Tuesday, November 22, 2016 8:45 AM
To: Scott Hanis
Subject: FY 2018 TIB Project Selection

Transportation Improvement Board (TIB)

To: Scott Hanis
City of Black Diamond

Congratulations! The Transportation Improvement Board selected the following project for funding at the November 18, 2016 meeting:

FY 2018 Overlay Project - Multiple Locations
TIB Project #2-P-800(005)-1

Total TIB funds for this project are \$63,236. TIB staff will mail the project selection letter and associated documentation to Mr. Seth Boettcher, P.E..

Before you can start work on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement;
- Return the above items to TIB.

After you receive approval from TIB, you may incur reimbursable expenses for your project.

In accordance with RCW 47.26.84, you must certify full funding by November 18, 2017 or the Board may terminate your grant. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

I look forward to working with you on this important improvement. Please contact me if you have any questions.

Greg Armstrong, PE

TIB Project Engineer

Transportation Improvement Board

Post Office Box 40901 ♦ Olympia, WA 98504-0901

Phone (360) 586-1142

Fax (360) 586-1165

Email GregA@tib.wa.gov