



CITY OF BLACK DIAMOND
April 5, 2018 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:

Proclamation – Sexual Assault Awareness Month

CONSENT AGENDA:

- 1) Claim Checks** – April 5, 2018 – Check No. 45987 through 46044 (voids 45879,45887) in the amount of \$107,196.10
- 2) Payroll** – February 2018 – Check No. 19497 through 19514 and ACHs in the amount of \$297,405.46
- 3) Minutes** – Council Work Session of March 8, 2018
- 4) Minutes** – Town Hall Meeting of March 8, 2018
- 5) Minutes** – Council Special Meeting (Retreat) of March 9, 2018
- 6) Minutes** – Council Minutes of March 15, 2018
- 7) AB18-045** – Resolution No. 18-1238 Accepting Grant Award from Washington State Parks and Recreation Commission, Recreational Boating Safety Program Ms. Miller
- 8) AB18-046** – Resolution No. 18-1239 Agreement with Peninsula Finance Consulting for Rate Study Ms. Miller

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: None

NEW BUSINESS:

- 9) AB18-047** – Resolution No. 18-1240 Amending the City's Fee Schedule Ms. Miller
- 10) AB18-048** – Resolution No. 18-1241 Awarding the Low Bid on the 2018 Patching Project to Transblue LLC Mr. Boettcher
- 11) AB18-049** – Resolution No. 18-1242 Amending the Council Rules of Procedure Councilor Edelman

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

- Councilmember Deady -
- Councilmember Oglesbee
- Councilmember Edelman
- Councilmember Stout
- Councilmember Wisnoski

ATTORNEY REPORT:

PUBLIC COMMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:

CLOSED SESSION: To discuss with Labor Attorney collective bargaining pursuant to RCW 42.30.140(4)

Office of the Mayor
Black Diamond, Washington



PROCLAMATION

Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every person in this community in some way.

WHEREAS, in Washington State, 45% of women and 22% of men report having experienced sexual violence in their lifetime; and

WHEREAS, in King County, 6,657 adults and children received sexual assault services at accredited Community Sexual Assault Programs last year; and

WHEREAS, nationally, 1 in 5 children under 18 are sexually abused; and in King County last year, 2,000 children and youth who have been sexually abused received services from the King County Sexual Assault Resource Center; and

WHEREAS, in 2016, 18% of 10th graders in Washington reported that they had been made to engage in unwanted kissing or sexual contact; and

WHEREAS, negative impacts of sexual violence trauma on women, men, children and youth include fear, concern for safety, symptoms of post-traumatic stress disorder, injury, and missed work or school; and

WHEREAS, working together to educate our community about sexual violence, supporting survivors when they come forward, speaking out against harmful attitudes and actions, and engaging in best-practice sexual violence prevention work helps end sexual violence

NOW, THEREFORE, I, Carol Benson, Mayor of the City of Black Diamond, on behalf of the Black Diamond City Council, join advocates and communities across King County in taking action to prevent sexual violence by standing with survivors and proclaiming the month of April as

SEXUAL ASSAULT AWARENESS MONTH

Together, we commit to a safer future for all children, young people, adults, and families in our community.

Carol Benson, Mayor

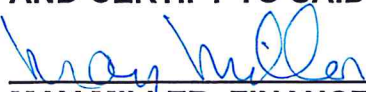


CERTIFICATION

Date: April 5th, 2018 Council Meeting

Check No.'s/EFT	Batch Name	Check/EFT Date	Amount
45987-45990 & V45879	March – Early 3 rd March Batch	03/12/2018- 03/16/2018	\$ 9,972.25
45991-46042 & V45887	March- 3 rd Mar Batch for 04/05 Council	04/06/2018	\$ 93,431.10
46043-46044	April- 1 st Apr Batch for 04/05 Council	04/06/2018	\$ 3,792.75
		TOTAL	\$ 107,196.10

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, FINANCE DIRECTOR

CAROL BENSON, MAYOR



DATE

DATE

COUNCILMEMBERS

DATE

Register

Fiscal: 2018

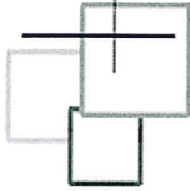
Deposit Period: 2018 - April, 2018 - March

Check Period: 2018 - April - 1st Apr Batch for 04/05 Council, 2018 - March - 3rd March Batch for 04/05 Council, 2018 - March - Early 3rd March Batch

Number	Name	Print Date	Amount
Check			
<u>45987</u>	Michael Gutensohn	3/12/2018	\$166.00
<u>V45879</u>	City of Black Diamond PD	3/16/2018	(\$188.11)
<u>45988</u>	City of Black Diamond PD	3/16/2018	\$169.30
<u>45989</u>	Modular Space Corporation	3/16/2018	\$5,412.63
<u>45990</u>	Multifacet Group LLC	3/16/2018	\$4,412.43
<u>45991</u>	Alpine Products Inc.	4/6/2018	\$204.49
<u>45992</u>	Art Gamblin Motors	4/6/2018	\$561.08
<u>45993</u>	Beatriz Jordan	4/6/2018	\$141.80
<u>45994</u>	BHC Consultants, LLC	4/6/2018	\$5,551.66
<u>45995</u>	Black Diamond Auto Parts	4/6/2018	\$8.68
<u>45996</u>	CenturyLink (AZ)	4/6/2018	\$31.79
<u>45997</u>	CenturyLink (WA)	4/6/2018	\$1,194.86
<u>45998</u>	CHS/Cenex	4/6/2018	\$4,424.21
<u>45999</u>	City of Issaquah	4/6/2018	\$291.00
<u>46000</u>	Comcast (34744)	4/6/2018	\$237.81
<u>46001</u>	Comcast (PA)	4/6/2018	\$395.71
<u>46002</u>	Efficiency Inc.	4/6/2018	\$3,795.57
<u>46003</u>	Enumclaw Chrysler Jeep Dodge Ram	4/6/2018	\$35.04
<u>V45887</u>	Francotyp-Postalia, Inc.	4/6/2018	(\$130.32)
<u>46004</u>	Francotyp-Postalia, Inc.	4/6/2018	\$130.32
<u>46005</u>	Fugate Ford	4/6/2018	\$47.76
<u>46006</u>	GC Systems, Inc.	4/6/2018	\$586.87
<u>46007</u>	GOS Printing	4/6/2018	\$178.35
<u>46008</u>	Grainger	4/6/2018	\$89.40
<u>46009</u>	Greater Maple Valley-Black Diamond Chamber of Commerce	4/6/2018	\$22.00
<u>46010</u>	Home Depot Credit Service	4/6/2018	\$114.29
<u>46011</u>	Intercom Language Services	4/6/2018	\$260.00
<u>46012</u>	Intoximeters, Inc.	4/6/2018	\$501.20
<u>46013</u>	Johnsons Home & Garden	4/6/2018	\$109.97
<u>46014</u>	Kara Murphy Richards	4/6/2018	\$3,400.00
<u>46015</u>	Keating, Bucklin & McCormack, Inc., P.S.	4/6/2018	\$633.00
<u>46016</u>	King County Radio Comm Services	4/6/2018	\$1,609.45
<u>46017</u>	L.N. Curtis & Sons	4/6/2018	\$591.11
<u>46018</u>	Les Schwab Tire Ctr - MV	4/6/2018	\$67.28
<u>46019</u>	Mike March	4/6/2018	\$281.25
<u>46020</u>	Office Products Nationwide	4/6/2018	\$435.11
<u>46021</u>	Parametrix, Inc.	4/6/2018	\$7,082.50
<u>46022</u>	PSI	4/6/2018	\$1,650.00
<u>46023</u>	Puget Sound Energy	4/6/2018	\$9,721.13

<u>46024</u>	Regional Animal Services of King County	4/6/2018	\$60.00
<u>46025</u>	Republic Services, Inc. #176	4/6/2018	\$690.66
<u>46026</u>	Robin Macneill	4/6/2018	\$262.44
<u>46027</u>	Safe Security	4/6/2018	\$52.48
<u>46028</u>	Sean & Sylvie McPartlin	4/6/2018	\$305.82
<u>46029</u>	Shred-It USA	4/6/2018	\$58.39
<u>46030</u>	Signs By Tomorrow	4/6/2018	\$121.75
<u>46031</u>	South Correctional Entity	4/6/2018	\$5,600.00
<u>46032</u>	Southcenter Engraving	4/6/2018	\$11.00
<u>46033</u>	State Auditor's Office	4/6/2018	\$9,860.15
<u>46034</u>	Stephanie Metcalf	4/6/2018	\$29.57
<u>46035</u>	Steven W. Crawford	4/6/2018	\$250.00
<u>46036</u>	Valley Communications Center	4/6/2018	\$11,748.61
<u>46037</u>	Varius Inc.	4/6/2018	\$18,969.00
<u>46038</u>	Washington Finance Officers Association (WFOA)	4/6/2018	\$125.00
<u>46039</u>	Washington State Patrol	4/6/2018	\$612.00
<u>46040</u>	Water Management Laboratories, Inc.	4/6/2018	\$21.00
<u>46041</u>	West Coast Awards	4/6/2018	\$4.95
<u>46042</u>	Zero Waste USA, Inc.	4/6/2018	\$393.91
<u>46043</u>	ADT Security Services (PA)	4/6/2018	\$49.99
<u>46044</u>	Sorci Family LLC	4/6/2018	\$3,742.76
		Total	\$107,196.10

Voucher Directory with Transaction Date

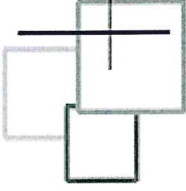


Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
City of Black Diamond PD						
45988	031418 COBD PD	Confiscated Funds	3/14/2018	2018 - March - Early 3rd March Batch		
		001-000-216-369-30-00-00			Confiscated and Forfeited Property	\$169.30
Total 45988	Total 031418 COBD PD					\$169.30
V45879	V021818 COBD PD	Void ck#445879	2/18/2018	2018 - March - Early 3rd March Batch		
		001-000-216-369-30-00-00			Confiscated and Forfeited Property	(\$188.11)
Total V45879	Total V021818 COBD PD					(\$188.11)
Total City of Black Diamond PD						
Michael Gutenberg						
45987	031218 MG	Traffic School Refund	3/12/2018	2018 - March - Early 3rd March Batch		
		001-000-210-342-10-01-00			Police Traffic School Fee	\$166.00
		Duplicate Charge				\$166.00
Total 45987	Total 031218 MG					\$166.00
Total Michael Gutenberg						
Modular Space Corporation						
45989	502351531	March MDRT Modular Lease	2/25/2018	2018 - March - Early 3rd March Batch		
		001-000-248-518-20-45-01			MDRT-Bldg Rental-Modspace	\$1,958.06
Total 45989	Total 502351531					\$1,958.06

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

45989	502351539	2/25/2018	2018 - March - Early 3rd March Batch		
	March CD Modular Lease				
	001-000-254-518-20-45-01		Facilities-Bldg Rental/Modspace		
Total 45989	Total 502351539				\$3,454.57
Total Modular Space Corporation					\$3,454.57
Multifacet Group LLC					\$5,412.63
					\$5,412.63
45990	2288 RR	2/28/2018	2018 - March - Early 3rd March Batch		
	Council Chambers/Crt/PPD Roofing				
	634-000-000-389-20-21-10		Miscellaneous Retained Funds-Rec		
Total 2288 RR					\$2,754.36
45990	2289 RR	2/28/2018	2018 - March - Early 3rd March Batch		
	PW Shop Roofing				
	634-000-000-389-20-21-10		Miscellaneous Retained Funds-Rec		
Total 2289 RR					\$1,658.07
Total 45990					\$1,658.07
Total Multifacet Group LLC					\$4,412.43
					\$4,412.43
					\$9,972.25
	Vendor Count	4	Grand Total		

Voucher Directory with Transaction Date



Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
Alpine Products Inc.						
45991	TM-174232	Street Signs	3/16/2018	2018 - March - 3rd March Batch for 04/05 Council	Street Signs	\$163.35
	Total TM-174232	101-000-000-542-64-31-01				\$163.35
45991	TM-174233	PW Operation Split	3/16/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-270-576-80-31-03		Operating Supplies		\$1.65
		001-000-280-536-20-31-00		Cemetery Office Supplies		\$0.83
		101-000-000-542-90-31-01		Operating Supplies		\$9.05
		401-000-000-534-80-31-01		Wtr. Operating Supplies		\$9.87
		407-000-000-535-80-31-01		Swr. Operating Supplies		\$9.87
		410-000-000-531-10-31-00		Office Supplies		\$9.87
	Total TM-174233					\$41.14
Total 45991						\$204.49
Total Alpine Products Inc.						\$204.49
Art Gamblin Motors						
45992	263816	Facilities Veh Maint	3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-181-518-30-48-00		Facility-Vehicle Mtc. & Repair		\$561.08
	Total 263816					\$561.08
Total 45992						\$561.08
Total Art Gamblin Motors						\$561.08

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
Beatriz Jordan					
45993	1279 BJ		3/14/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Mar Services			
		001-000-120-512-50-41-04		Court Interpreter	\$141.80
	Total 1279 BJ				\$141.80
Total 45993					\$141.80
Total Beatriz Jordan					\$141.80
BHC Consultants, LLC					
45994	0009685		3/8/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Building Inspection Services 01/27-02/23			
		001-000-240-558-51-41-03		CD-Bldg /Code Inspc. Svs	\$5,551.66
	Total 0009685				\$5,551.66
Total 45994					\$5,551.66
Total BHC Consultants, LLC					\$5,551.66
Black Diamond Auto Parts					
45995	427555		2/28/2018	2018 - March - 3rd March Batch for 04/05 Council	
		PD Veh Maint			
		001-000-210-521-10-48-01		Vehicle Maintenance & Repair	\$8.68
	Total 427555				\$8.68
Total 45995					\$8.68
Total Black Diamond Auto Parts					\$8.68
CenturyLink (AZ)					
45996	1435487281		3/11/2018	2018 - March - 3rd March Batch for 04/05 Council	
		02/12-03/11 Services			
		001-000-254-518-20-42-00		Facilities-Communication	\$31.79
		Facilities-Old City Hall Main Line # 360-886-2560			\$31.79
	Total 1435487281				\$31.79
Total 45996					\$31.79
Total CenturyLink (AZ)					\$31.79

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

CenturyLink (WA)

45997

031118 CL

3/11/2018 2018 - March - 3rd March Batch for 04/05 Council

001-000-120-512-50-42-00	Telephone/DSL	\$48.88
360-886-2456 160B: PD/CT Security Line		
001-000-214-521-20-42-00	Police Telephone/DSL/Air Cards	\$81.30
360-886-2901 325B: Police-Fax		
001-000-214-521-20-42-00	Police Telephone/DSL/Air Cards	\$177.35
253-631-1012 182B: Police-Main Line		
001-000-214-521-20-42-00	Police Telephone/DSL/Air Cards	\$85.05
360-886-2862 596B: Police-Line 2		
001-000-214-521-20-42-00	Police Telephone/DSL/Air Cards	\$140.36
206-T54-3585 584B: Police-T1 Line-KC Inet		
001-000-270-576-80-42-00	Telephone/DSL/Radios	\$5.62
360-886-2523 656B: PW Shop Allocation		
001-000-280-536-20-42-00	Telephone, DSL & Radios	\$2.82
360-886-2523 656B: PW Shop Allocation		
101-000-000-542-90-42-01	Telephone/DSL/Radios	\$30.98
360-886-2523 656B: PW Shop Allocation		
401-000-000-534-80-42-00	Telephone/DSL/Radios	\$314.70
360-886-7235 830B: Water Reservoir		
401-000-000-534-80-42-00	Telephone/DSL/Radios	\$33.80
360-886-2523 656B: PW Shop Allocation		
407-000-000-535-80-42-00	Telephone/DSL/Radios	\$33.80
360-886-2523 656B: PW Shop Allocation		
407-000-000-535-80-42-00	Telephone/DSL/Radios	\$45.62
360-886-0474 006B: Ridge Sewer Pump Station		
407-000-000-535-80-42-00	Telephone/DSL/Radios	\$58.42
360-886-8146 712B: Old Lawson Pump Station		
407-000-000-535-80-42-00	Telephone/DSL/Radios	\$53.48
360-886-2835 784B: Morganville Pump Station		
407-000-000-535-80-42-00	Telephone/DSL/Radios	\$48.88
360-886-0537 580B: Diamond Glen Sewer		
410-000-000-531-10-42-00	Telephone/DSL/Radios	\$33.80
360-886-2523 656B: PW Shop Allocation		

Total 031118 CL

Total 45997

Total CenturyLink (WA)

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
--------	--------------------	-----------------------	--------------	-------------------------	-------	-------------

CHS/Cenex

45998	124244 022818	2/28/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Feb City Fuel				
	001-000-181-518-30-32-00		Fuel		\$402.85
	001-000-246-558-70-32-00		Fuel		\$344.68
	001-000-270-576-80-32-00		Fuel		\$55.27
	001-000-280-536-20-32-00		Fuel		\$27.62
	101-000-000-543-50-32-00		Fuel		\$303.96
	401-000-000-534-80-32-00		Fuel		\$331.60
	407-000-000-535-80-32-00		Fuel		\$331.60
	410-000-000-531-10-32-00		Fuel		\$2,129.18
	Total 124244 022818				

45998	128275 022818	2/28/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Feb PD Fuel				
	001-000-210-521-10-32-00		Fuel		\$2,295.03
	Total 128275 022818				\$2,295.03
Total 45998					\$4,424.21
Total CHS/Cenex					\$4,424.21

City of Issaquah

45999	04-50008585	3/9/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Jail Services February, 2018				
	001-000-211-523-60-49-00		Jail Costs		\$291.00
	3 Days				
	Total 04-50008585				\$291.00
Total 45999					\$291.00
Total City of Issaquah					\$291.00

Comcast (34744)

46000	0106172 031018	3/10/2018	2018 - March - 3rd March Batch for 04/05 Council		
	03/17-04/16 Services				
	001-000-214-521-20-42-00		Police Telephone/DSL/Air Cards		\$3.29
	Police Cable TV Act 8498 34 014 0106172				
	Total 0106172 031018				\$3.29

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
Comcast (PA)	46000	0122286 031218	3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
		03/22-04/21 Services				
		001-000-120-512-50-42-00		Telephone/DSL		\$234.52
		Court Phone Act 8498 34 014 0122286				\$234.52
		Total 0122286 031218				\$237.81
	Total 46000					
	Total Comcast (34744)					
	Comcast (PA)					
	46001	62266070	3/1/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Feb 2018 Services				
Efficiency Inc.		001-000-248-518-20-42-00		MDRT Telephone, Fax, Internet costs		\$55.40
		001-000-254-518-20-42-00		Facilities-Communication		\$237.43
		101-000-000-542-90-42-01		Telephone/DSL/Radios		\$25.72
		401-000-000-534-80-42-00		Telephone/DSL/Radios		\$25.72
		407-000-000-535-80-42-00		Telephone/DSL/Radios		\$25.72
		410-000-000-531-10-42-00		Telephone/DSL/Radios		\$25.72
		Total 62266070				\$395.71
	Total 46001					\$395.71
	Total Comcast (PA)					
	Efficiency Inc.					
Total Efficiency Inc.	46002	2310	2/21/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Council & Court Recording Software				
		310-000-011-594-18-64-00		General Government Technology		\$3,795.57
	Total 2310					\$3,795.57
Total Efficiency Inc.	Total 46002					\$3,795.57
	Total Efficiency Inc.					\$3,795.57
						\$3,795.57

Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
Enumclaw Chrysler Jeep Dodge Ram				
46003	5060437 1	3/15/2018	2018 - March - 3rd March Batch for 04/05 Council	
	PD Surplus Veh			
	510-000-300-594-21-31-00		Surplus Costs Police	\$35.04
Total 46003	Total 5060437 1			\$35.04
Total Enumclaw Chrysler Jeep Dodge Ram				
Francotryp-Postalia, Inc.				
46004	RI103559307-2	2/14/2018	2018 - March - 3rd March Batch for 04/05 Council	
	001-000-180-518-50-45-01		Postage Meter Rental & Maint.	\$130.32
	Replacement Check			
Total 46004	Total RI103559307-2			\$130.32
V45887	VR103559307	2/14/2018	2018 - March - 3rd March Batch for 04/05 Council	
	02/14/18-05/13/18 Rental			
	001-000-180-518-50-45-01		Postage Meter Rental & Maint.	(\$130.32)
	VOID Check			
Total V45887	Total VR103559307			(\$130.32)
Total Francotryp-Postalia, Inc.				
Fugate Ford				
46005	417563	1/17/2018	2018 - March - 3rd March Batch for 04/05 Council	
	PD Veh Maint			
	001-000-210-521-10-48-01		Vehicle Maintenance & Repair	\$47.76
Total 46005	Total 417563			\$47.76
Total Fugate Ford				
				\$47.76

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
GC Systems, Inc.	46006	36058	3/6/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total 46006	Total 36058				
	Total GC Systems, Inc.			401-000-000-534-80-48-02	Water System Rep & Mtc-Ext/Int	\$586.87
	GOS Printing					\$586.87
	46007	89163	3/6/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total 46007	Total 89163				
	Total GOS Printing			PD Printing		\$178.35
	Grainger			001-000-210-521-10-49-03	Printing	\$178.35
				Tow/Impound Report		\$178.35
						\$178.35
Greater Maple Valley-Black Diamond Chamber of Commerce	46008	WEB1311002254	2/15/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total 46008	Total WEB1311002254				
	Total Grainger			410-000-000-531-10-31-02	Storm Cap Grant Supplies	\$89.40
						\$89.40
						\$89.40
Total Greater Maple Valley-Black Diamond Chamber of Commerce	46009	10588	3/21/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total 46009	Total 10588				
				Luncheon		\$22.00
				001-000-130-513-10-43-00	Lodging, Meals & Mileage	\$22.00
				C. Benson		\$22.00

Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
Home Depot Credit Service				
46010	3093393	3/6/2018	2018 - March - 3rd March Batch for 04/05 Council	
		001-000-212-521-50-48-02	Police Bldg Repairs & Maintenance	\$114.29
Total 46010	Total 3093393			\$114.29
Total Home Depot Credit Service				
Intercom Language Services				
46011	18-75	3/3/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Feb Services		
		001-000-120-512-50-41-04	Court Interpreter	\$260.00
Total 46011	Total 18-75			\$260.00
Total Intercom Language Services				
Intoximeters, Inc.				
46012	588928	2/19/2018	2018 - March - 3rd March Batch for 04/05 Council	
		001-000-210-594-21-64-05	Traffic Safety Equipment-Grant only	\$501.20
Total 46012	Total 588928			\$501.20
Total Intoximeters, Inc.				
Johnsons Home & Garden				
46013	424340	3/9/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Small Tools & Veh Maint		
		101-000-000-544-90-35-00	PW Clearing Acct-Small Tools	\$36.13
		101-000-000-544-90-48-02	PW Clearing- Shared Veh/Equip Maint	\$55.33
Total 46013	Total 424340			\$91.46
Operating Supplies				
46013	424478	3/14/2018	2018 - March - 3rd March Batch for 04/05 Council	
		401-000-000-534-80-31-01	Wtr. Operating Supplies	\$3.25
Total 46013	Total 424478			\$3.25

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
	46013	424523	3/15/2018	2018 - March - 3rd March Batch for 04/05 Council	
		MDRT Bldg Repairs			
		001-000-248-518-20-48-00		MDRT-Bldg/Gen Mtc Costs	
	Total 46013	Total 424523			\$15.26
Total Johnsons Home & Garden					\$15.26
Kara Murphy Richards					\$109.97
	46014	033118 KMR	3/31/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Mar Services			
		001-000-151-515-30-41-04		Court Legal-Pros Attorney	
	Total 46014	Total 033118 KMR			\$3,400.00
Total Kara Murphy Richards					\$3,400.00
Keating, Bucklin & McCormack, Inc., P.S.					\$3,400.00
	46015	10334	3/6/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Feb Services			
		001-000-150-515-30-41-27		Legal Svs-Lawsuit-City OPMA	
	Total 46015	Total 10334			\$633.00
Total Keating, Bucklin & McCormack, Inc., P.S.					\$633.00
King County Radio Comm Services					\$633.00
	46016	13155	2/26/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Feb Services			
		001-000-214-521-20-41-03		K/C 800 Mhz Radio Costs	
	Total 46016	Total 13155			\$1,609.45
Total King County Radio Comm Services					\$1,609.45

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
L.N. Curtis & Sons						
46017	INV159809		3/9/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total INV159809		001-000-210-521-10-31-04	Uniforms		\$40.15 \$40.15
46017	INV161491		3/16/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total INV161491		001-000-210-521-10-31-04	Uniforms		\$252.97 \$252.97
46017	INV163157		3/24/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Total INV163157		001-000-210-521-10-31-04	Uniforms		\$297.99 \$297.99 \$591.11 \$591.11
Total L.N. Curtis & Sons						
Les Schwab Tire Ctr - MV						
46018	001-210521104801		3/14/2018	2018 - March - 3rd March Batch for 04/05 Council		
	PD Veh Maint			Vehicle Maintenance & Repair		\$67.28 \$67.28 \$67.28 \$67.28
	Total 001-210521104801					
Total Les Schwab Tire Ctr - MV						
Mike March						
46019	031218 MM		3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Animal Control			Prof Svs-Civil Land Use		\$281.25 \$281.25 \$281.25 \$281.25
	Total 031218 MM					
Total Mike March						

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
Office Products Nationwide						
46020	961718-1		3/8/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-180-518-50-31-00	CH Office Supplies	Office Supplies City Hall		\$9.95
	Total 961718-1					\$9.95
46020	962139-0		3/8/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-180-518-50-31-99	CD Office Supplies	Office Supplies CD Bldg Clearing		\$32.75
	Total 962139-0					\$32.75
46020	962646-0		3/9/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-120-512-50-49-02	Crt Office Supplies	Printing and Binding		\$39.64
	Total 962646-0					\$39.64
46020	962646-1		3/13/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-120-512-50-49-02	Crt Office Supplies	Printing and Binding		\$39.09
	Total 962646-1					\$39.09
46020	963398-0		3/14/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-210-521-10-31-00	PD Office Supplies	Operating Supplies		\$313.68
	Total 963398-0					\$313.68
Total 46020						
Total Office Products Nationwide						
Parametrix, Inc.						
46021	01-80324		3/6/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Professional Services 01/28-02/24				
		402-000-003-594-34-63-06		Spring Water Project		\$7,082.50

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

Spring Bridge Structural Evaluation

Total 01-80324
Total 46021
Total Parametrix, Inc.
PSI

Total PSI

Puget Sound Energy

46022
00555302
March Services
402-000-003-594-34-63-06
2018 - March - 3rd March Batch for 04/05 Council
Spings Water Project
\$1,650.00
\$1,650.00
\$1,650.00
\$1,650.00

46023
032618 PSE
3/26/2018
2018 - March - 3rd March Batch for 04/05 Council

02/01-03/05 Services
001-000-212-521-50-47-00 Electric/gas
20009377470: PD/CT Elec
001-000-212-521-50-47-00 Electric/gas
220013379882: Police Storage
220013379841: MDRT Mod Bldgs Elec
001-000-254-518-20-47-00 MDRT Electricity
20008061844: City Hall Elec Facilities-Utilities
001-000-254-518-20-47-00 Facilities-Utilities
20008062016: City Hall Elec Facilities-Utilities
001-000-254-518-20-47-00 Facilities-Utilities
220013379841: CD/PW Mod Bldgs Elec Museum Electric/Gas
001-000-270-575-30-47-00 Museum Electric/Gas
220013378793: Museum Gym- Electricity and Gas
001-000-270-575-51-47-00 Gym
220013379652: Gym Electric/Gas
001-000-270-576-80-47-00 PW Shop-Parks 4%
220013379635: PW Shop-Parks 4%

\$795.73
\$139.73
\$423.52
\$171.93
\$142.34
\$635.29
\$534.87
\$456.33
\$5.14

Vendor	Transaction Number Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
	001-000-270-576-80-47-00		220013379221: Lake Sawyer Boat Launch	Electric/Gas	\$10.78
	001-000-280-536-20-47-00		220013379635: PW Shop-Cemetery 2%	Electric/Gas	\$2.57
	101-000-000-542-63-47-01		220013379197: Cov Sawyer & 216th	Street Lighting	\$51.49
	101-000-000-542-63-47-01		220013379601: Baker St Crosswalk	Street Lighting	\$14.32
	101-000-000-542-63-47-01		220013379791: Intersection Light 219th & SE 296th St	Street Lighting	\$273.82
	101-000-000-542-63-47-01		220013379247: 216th Signal & Street Lights	Street Lighting	\$10.78
	101-000-000-542-63-47-01		220013379817: Ped Lighting Roberts	Street Lighting	\$88.09
	101-000-000-542-63-47-01		220013397355: PSE Streetlights	Street Lighting	\$2,263.84
	101-000-000-543-31-47-00		220013379635: PW Shop-Street 22%	Electric/Gas	\$28.29
	401-000-000-534-80-47-00		220013378835: Booster Station	Electric/Gas	\$2,547.83
	401-000-000-534-80-47-00		220013378868: 4.3 Mil Gal Resv	Electric/Gas	\$859.69
	401-000-000-534-80-47-00		220013379635: PW Shop-Water 24%	Electric/Gas	\$30.86
	401-000-000-534-80-47-00		220013378850: .5 Mil Gal Resv	Electric/Gas	\$18.85
	407-000-000-535-80-47-00		220013379619: Sewer Pump	Electric/Gas	\$12.40
	407-000-000-535-80-47-00		220013379643: Diamond Glen Sewer	Electric/Gas	\$35.99
	407-000-000-535-80-47-00		220013379635: PW Shop-Sewer 24%	Electric/Gas	\$30.86
	407-000-000-535-80-47-00		220013378819: Morganville Lift Station	Electric/Gas	\$104.93
	410-000-000-531-10-47-00		220013379635: PW Shop-Drainage 24%	Electric/Gas	\$30.86
	Total 032618 PSE				\$9,721.13
	Total 46023				\$9,721.13
	Total Puget Sound Energy				\$9,721.13

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

Regional Animal Services of King County

46024	030918 RAS	03/09/18 Licenses	3/9/2018	2018 - March - 3rd March Batch for 04/05 Council	
		633-000-000-589-90-00-01			
	Total 030918 RAS			King County Animal License	\$60.00
	Total 46024				\$60.00

Total Regional Animal Services of King County

Republic Services, Inc. #176

46025	5294374	2/28/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-248-518-20-47-03		MDRT-Waste Disposal Costs	\$84.21
		MDRT			
		001-000-254-518-20-47-01		Facilities-Waste Disposal	\$126.31
		City Hall			
	Total 5294374				\$210.52

46025	5294695	2/28/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-270-576-80-47-04		Waste Disposal	\$10.78
		PW-Parks			
		001-000-280-536-20-47-04		Waste Disposal	\$5.39
		PW-Cemetery			
		101-000-000-543-31-47-04		Waste Disposal	\$59.32
		PW-Street			
		401-000-000-534-80-47-04		Waste Disposal	\$64.71
		PW-Water			
		407-000-000-535-80-47-04		Waste Disposal	\$64.71
		PW-Sewer			
		410-000-000-531-10-47-04		Waste Disposal	\$64.71
		PW-Drainage			
	Total 5294695				\$269.62

46025	5294851	2/28/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-212-521-50-47-04		Waste Disposal	\$210.52
		Police			
	Total 5294851				\$210.52
	Total 46025				\$690.66

Total Republic Services, Inc. #176

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

Robin Macneill

46026	030618 RM	3/6/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Water Refund Acct. 3446.0				
	401-000-000-343-40-00-01		Water Charges		\$262.44
	New Owner Effective 03/06/18				
Total 46026	Total 030618 RM				\$262.44
Total Robin Macneill					\$262.44
					\$262.44
					\$262.44

Safe Security

46027	4262525	3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
	March Security Services				
	101-000-000-544-90-48-01		PW Clearing-shared Shop Cost		\$52.48
Total 46027	Total 4262525				\$52.48
Total Safe Security					\$52.48
					\$52.48
					\$52.48

Sean & Sylvie McPartlin

46028	022618 SSM	2/26/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Water Refund Acct. 3468.0				
	401-000-000-343-40-00-01		Water Charges		\$305.82
	New Owner Effective 02/26/18				
Total 46028	Total 022618 SSM				\$305.82
Total Sean & Sylvie McPartlin					\$305.82
					\$305.82

Shred-It USA

46029	81241824.16	2/22/2018	2018 - March - 3rd March Batch for 04/05 Council		
	Feb Services				
	001-000-120-512-50-49-04		Shredding Services		\$19.47
	001-000-180-518-50-49-04		Shredding Services		\$19.46
	001-000-210-521-10-49-05		Shredding Services		\$19.46
Total 46029	Total 81241824.16				\$58.39
Total Shred-It USA					\$58.39
					\$58.39

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
--------	--------------------	-----------------------	--------------	-------------------------	-------	-------------

Signs By Tomorrow

46030	INV-28741		3/16/2018	2018 - March - 3rd March Batch for 04/05 Council		
		001-000-246-594-58-64-00	New Truck Supplies	MDRT Computer/Vehicles		\$41.26
		001-000-270-576-80-31-03	Parks Operating	Operating Supplies		\$41.99
		001-000-270-576-80-31-10	Parks Events Supplies	Community Event Supplies		\$38.50
		Total INV-28741				
		Total 46030				\$121.75
		Total Signs By Tomorrow				\$121.75
		South Correctional Entity				\$121.75

South Correctional Entity

46031	3011		3/8/2018	2018 - March - 3rd March Batch for 04/05 Council		
		February 2018 Inmate Days				
		001-000-211-523-60-49-00	32 Days	Jail Costs		\$5,600.00
		Total 3011				
		Total 46031				\$5,600.00
		Total South Correctional Entity				\$5,600.00
		Southcenter Engraving				\$5,600.00

Total South Correctional Entity

Southcenter Engraving

46032	36934		3/5/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Council Name Tag				
		001-000-110-511-60-49-01		Miscellaneous		\$11.00
		Total 36934				\$11.00
		Total 46032				\$11.00
		Total Southcenter Engraving				\$11.00
		State Auditor's Office				\$11.00

State Auditor's Office

46033	L124195		3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Feb Charges				
		001-000-140-514-23-41-01		State Auditor Services		\$2,465.04
		101-000-000-543-30-41-02		State Auditor Services		\$591.61
		401-000-000-534-80-41-03		State Auditor Services		\$2,267.83
		407-000-000-535-80-41-07		State Auditor Services		\$2,267.83

Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
	Total L124195	410-000-000-531-10-41-02	State Auditor Services	\$2,267.84
Total 46033				\$9,860.15
Total State Auditor's Office				\$9,860.15
Stephanie Metcalf				\$9,860.15
46034	031218 SM	3/12/2018	2018 - March - 3rd March Batch for 04/05 Council	
		Employee Reimbursement		
		001-000-120-512-50-43-01	Lodging, Meals & Mileage	\$17.30
		Transportation		
		001-000-120-512-50-43-01	Lodging, Meals & Mileage	\$12.27
		Lunch		
Total 031218 SM				\$29.57
Total 46034				\$29.57
Total Stephanie Metcalf				\$29.57
Steven W. Crawford				\$29.57
46035	032018 SWC	3/20/2018	2018 - March - 3rd March Batch for 04/05 Council	
		March Services		
		001-000-151-515-91-41-00	Court Legal-Public Defender	\$250.00
Total 032018 SWC				\$250.00
Total 46035				\$250.00
Total Steven W. Crawford				\$250.00
Valley Communications Center				\$250.00
46036	0021918	3/10/2018	2018 - March - 3rd March Batch for 04/05 Council	
		911 Calls Feb 2018		
		001-000-214-521-20-41-00	Valley Comm - Dispatch Service	\$11,748.61
		281 Calls		
Total 0021918				\$11,748.61
Total 46036				\$11,748.61
Total Valley Communications Center				\$11,748.61

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

Varius Inc.

46037	1004 V	3/14/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Feb 2018 MDRT Services			
		001-000-257-558-70-41-02		MDRT Civil Engineering-	
		Mine Hazard Review			\$4,539.50
	Total 1004 V				\$4,539.50
46037	1005 V	3/14/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Jan-Feb Civil Engineering Services 2018			
		001-000-257-558-70-41-02		MDRT Civil Engineering-	
		Plan Review			\$14,429.50
	Total 1005 V				\$14,429.50
	Total 46037				\$18,969.00
	Total Varius Inc.				\$18,969.00

Washington Finance Officers Association (WFOA)

46038	2152702-107267494	3/12/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Event: BARS-CASH Basis			
		001-000-140-514-23-49-01		Workshops and Training	\$125.00
	Total 2152702-107267494				\$125.00
	Total 46038				\$125.00
	Total Washington Finance Officers Association (WFOA)				\$125.00

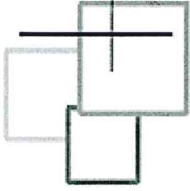
Washington State Patrol

46039	00066071	3/15/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Mar Charges			
		001-000-214-521-20-42-02		WSP Access	\$600.00
	Total 00066071				\$600.00

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

46039	118005879	3/7/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Background Checks			
		633-000-000-589-90-00-06		Due to WSP-FBI Fingerprinting-Background	\$12.00
Total 46039	Total 118005879				\$12.00
Total Washington State Patrol					\$612.00
Water Management Laboratories, Inc.					\$612.00
46040	165731	3/13/2018	2018 - March - 3rd March Batch for 04/05 Council		
		401-000-000-534-80-41-02		Water Testing and Sampling	\$21.00
Total 46040	Total 165731				\$21.00
Total Water Management Laboratories, Inc.					\$21.00
West Coast Awards					\$21.00
46041	30941	3/2/2018	2018 - March - 3rd March Batch for 04/05 Council		
		Council Name Plate			
		001-000-110-511-60-49-01		Miscellaneous	\$4.95
Total 46041	Total 30941				\$4.95
Total West Coast Awards					\$4.95
Zero Waste USA, Inc.					\$4.95
46042	201866	3/19/2018	2018 - March - 3rd March Batch for 04/05 Council		
		410-000-000-531-10-31-02		Storm Cap Grant Supplies	\$393.91
Total 46042	Total 201866				\$393.91
Total Zero Waste USA, Inc.					\$393.91
	Vendor Count	52	Grand Total		\$93,431.10

Voucher Directory with Transaction Date



Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
ADT Security Services (PA)				
46043	654773985	3/13/2018	2018 - April - 1st Apr Batch for 04/05 Council	
	04/01-04/31 Services			
	001-000-270-576-80-49-02		Security	\$0.99
	001-000-280-536-20-49-02		Security	\$2.00
	101-000-000-542-90-49-03		Security	\$11.00
	401-000-000-534-80-49-07		Security	\$12.00
	407-000-000-535-80-49-05		Security	\$12.00
	410-000-000-531-10-49-04		Security	\$12.00
	Total 654773985			\$49.99
Total 46043				\$49.99
Total ADT Security Services (PA)				
Sorci Family LLC				
46044	033118 SFLLC	3/31/2018	2018 - April - 1st Apr Batch for 04/05 Council	
	April Rent			
	001-000-248-518-20-45-02		MDRT Property Rental Cost	\$647.43
	001-000-254-518-20-45-02		Facilities-Prop Rental	\$970.12
	001-000-254-518-20-45-05		Facilities City Hall Bldg Rental	\$2,125.21
	Total 033118 SFLLC			\$3,742.76
Total 46044				\$3,742.76
Total Sorci Family LLC				
Vendor Count 2				Grand Total
				\$3,792.75

City of Black Diamond


Payroll Register

February 2018

Number	Name	Fiscal Description	Amount
<u>19497</u>	Paper paycheck	2018 - February - Month End	\$692.00
<u>19498</u>	Paper paycheck	2018 - February - Month End	\$1,500.00
<u>19499</u>	Paper paycheck	2018 - February - Month End	\$3,640.00
<u>19500</u>	Paper paycheck	2018 - February - Month End	\$5,328.81
<u>19501</u>	Paper paycheck	2018 - February - Month End	\$1,228.55
<u>19502</u>	Paper paycheck	2018 - February - Month End	\$5,373.54
<u>19503</u>	Paper paycheck	2018 - February - Month End	\$4,146.50
<u>19504</u>	Paper paycheck	2018 - February - Month End	\$3,882.48
<u>19505</u>	Paper paycheck	2018 - February - Month End	\$295.52
<u>19506</u>	Aflac	2018 - February - Month End	\$128.44
<u>19507</u>	AWC Sup Life	2018 - February - Month End	\$21.40
<u>19508</u>	BD Police Officers Association	2018 - February - Month End	\$840.00
<u>19509</u>	City of Black Diamond Flex	2018 - February - Month End	\$260.00
<u>19510</u>	Dept of Labor and Industries	2018 - February - Month End	\$2,687.85
<u>19511</u>	Employment Security Dept	2018 - February - Month End	\$674.39
<u>19512</u>	Joseph Kaufman Leoff 1	2018 - February - Month End	\$115.40
<u>19513</u>	Teamsters Local 117	2018 - February - Month End	\$1,564.68
<u>19514</u>	Trusted Plans Service CP LTD	2018 - February - Month End	\$1,035.63
<u>ACH - Feb 18 AWC</u>	AWC Employee Benefit Trust	2018 - February - Month End	\$45,414.02
<u>ACH - Feb 18 Fed Taxes</u>	City of Black Diamond Taxes	2018 - February - Month End	\$53,895.10
<u>ACH - Feb 2018 Def Comp</u>	DOR - Deferred Comp	2018 - February - Month End	\$3,625.00
<u>ACH - Feb 2018 Retirement</u>	Dept of Retirement Systems	2018 - February - Month End	\$35,034.88
<u>February 2018 Draw</u>	Payroll Vendor	2018 - February - Month End	\$31,945.00
<u>February 2018 Payroll</u>	Payroll Vendor	2018 - February - Month End	\$94,076.27
Total for Council Approval			\$297,405.46

I hereby certify that payroll and benefits have been processed and delivered as required under contract or legal obligation.

Finance
Director



Date

3-8-2018

**BLACK DIAMOND CITY COUNCIL
WORK SESSION MINUTES
March 8, 2018**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular work session meeting to order at 6:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Oglesbee, Edelman, Stout and Wisnoski.

ABSENT: None

Staff present were: Brenda L. Martinez, City Clerk.

Mayor Benson welcomed everyone and announced that Councilmember Edelman would be leading the meeting and going over the changes the Attorney suggested.

1) Final Review of Council Rules of Procedure

Councilmember Edelman discussed the process thus far and suggested starting at Section 1.

SECTION 1 - Authority

It was noted the City Attorney suggested adding a new phrase "remain in effect" to section 1 after the word "and" in the fourth line.

Councilmember Edelman gave background information regarding Council rules and noted it being discussed at earlier meetings to refer to RCWs rather than citing the whole verbiage

SECTION 2 – Council Meetings

2.1 – It was noted that Councilmember Edelman and the Clerk will make sure the "see section" areas are correct.

2.2 – Agenda

Council was okay with the suggested wording by the City Attorney.

2.4 – Schedule of Regular Meetings

It was noted the suggested changes also requires an ordinance change. The propose ordinance is already drafted and the Attorney is reviewing. The goal is to have the Council rules ready for adoption at the first meeting in April along with the ordinance.

There was discussion on the role of the Mayor Pro Tem cancelling meetings.

Old 2.8, now 2.10 – Executive and Closed Session – Councilmember Edelman discussed the new wording regarding keeping executive session information confidential.

The Council was okay with the new language that was suggested by the Attorney that starts with the word “Discussions”.

2.12 – Disruption of Meetings – There was discussion that removal should be by a majority vote. It was suggested to add after “removed” “by the Mayor or a majority vote of the Council”.

SECTION 3 – Regular Council Meeting Order of Business

3.1 – Moved to 2.2

3.4 – Agenda Review and Approval – Council okay with Attorney’s suggested language.

3.6 – Consent Agenda – add under (f) “or other contracts”.

3.7 – Public Comments – Council okay with Attorney’s suggested language.

SECTION 5 - Councilmembers

5.1.1 – Excused Absence – Council okay with Attorney’s suggested language.

5.4 – Limitations on Political Speech – Suggested to remove as it is redundant.

SECTION 6 – Debates

Section 6.6 – Amendment of Rules – Council okay with the Attorney’s suggested language addition to add the words “or suspension” after the word “Waiver”.

SECTION 9 – Ordinances and Resolutions

9.2 – Resolutions – suggested to change “the whole membership” to “a quorum”.

SECTION 13 – Mayor Pro Tempore Selection Process

It was discussed to strike the words “a new” and replace them with “the”.

SECTION 15 – Council Meeting Staffing

Council okay with Attorney’s suggestion to add the words “ by the Mayor” after the word “excused” in the first sentence.

There was Council discussion on the process for not having an attorney present at a meeting.

SECTION 18 – Council Committees and Citizen Advisory Boards

There was discussion on committee chairs and it was suggested not to have them. Remove anything in section 18 that refers to committee chairs.

18.1.3(j) - It was suggested to change so that audience participation at a Council standing committee is not allowed.

18.1.4 – This section lists the committees the Council has; and it was noted they are working very well.

SECTION 23 - Severability

It was noted this section was changed from “savings” to “severability.”

In Section 2.4 Councilmember Dedy suggested to change to “following the regular work session” and to strike the words “Mayor Pro Tem” in the last sentence.

Council discussed being happy with the suggested changes and it was noted that the Council Rules once adopted can be change by a super majority vote.

ADJOURNMENT:

Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Dedy. Motion **passed** with all voting in favor (5-0).

The meeting ended at 6:51 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL
TOWN HALL MINUTES
March 8, 2018**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

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

ROLL CALL:

PRESENT: Councilmembers Deady, Oglesbee, Edelman, Stout and Wisnoski.

ABSENT: None

Staff present: Brenda L. Martinez, City Clerk.

Mayor Benson welcomed everyone and explained that anyone wishing to speak will have ten minutes and after everyone has had a chance to speak once those wishing to speak again will have three minutes.

PUBLIC COMMENTS:

Darrell Bryant, Black Diamond spoke to Council.
Brian McGee, Black Diamond spoke to Council.
Johna Thomson, Black Diamond spoke to Council.
Robbin Taylor, Black Diamond spoke to Council.
James Stout, Black Diamond spoke to Council.
Gary Davis, Black Diamond spoke to Council.
Johna Thomson, Black Diamond spoke a second time to Council.
Robbin Taylor, Black Diamond spoke a second time to Council.
Mira Hoke, Black Diamond spoke to Council.

ADJOURNMENT:

Councilmember Deady **moved** to adjourn the meeting; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0). The meeting ended at 8:12 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL
SPECIAL MEETING MINUTES - RETREAT
March 9, 2018**

New Community Church, 21401 Ave SE, Maple Valley, Washington

CALL TO ORDER:

Mayor Benson called the special meeting to order at 9:00 a.m.

ROLL CALL:

PRESENT: Councilmembers Deady, Oglesbee, Edelman, Stout and Wisnoski.

ABSENT: None

Staff present: May Miller, Finance Director; Jamey Kiblinger, Police Chief; Seth Boettcher, Public Works Director; Andrew Williamson, MDRT/Ed Dev/Interim Community Development Director; Krista White-Swain, Municipal Court Judge; Rob Reed, IS Manager, and Brenda L. Martinez, City Clerk.

Mayor Benson welcomed everyone and discussed an email she received from Enumclaw School Superintendent Mike Nelson regarding holding a meeting. She also discussed that the Tri-City meeting will be held on May 23, 2018 at 6:30 p.m.

DEPARTMENT PRESENTATIONS:

The following department PowerPoint presentations were shared with Council.

- Finance
- Community Development
- MDRT
- Public Works
- Court
- Police
- City Clerk/Information Services
- Fire

2018 WORK PLAN/PRIORITIES

Mayor Benson discussed with Council the following work plan/priorities:

- Homelessness
- Substance Abuse and Mental Health

- Affordable Housing
- Welcome Wagon
- Pop-Up Tents
- Municipal Code Updates
- Communication – (i.e facebook)

OTHER ISSUES ON THE HORIZON:

Issues brought up and discussed by Council included:

- Property for a new City Hall.
- Is there a need for a City Administrator?
- Going to a seven-member Council.
- Update on springs.
- Requested presentation from Oakpointe on the Master Planned Developments.
- Format change to Town Hall meetings. Suggested to have a theme and focus.

ADJOURNMENT:

Mayor Benson adjourned the meeting at 3:00 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

BLACK DIAMOND CITY COUNCIL MINUTES

March 15, 2018

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, Edelman, and Stout.

ABSENT: Councilmember Oglesbee (excused).

Staff present: Seth Boettcher, Public Works Director; May Miller, Finance Director; Sergeant Girias; Kevin Esping, Facilities Coordinator; David Linehan, City Attorney, and Kathy Allen, Deputy City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:

Councilmember Edelman **moved** to adopt the Consent Agenda; **second** Councilmember Deady. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – March 15, 2018 – Check No. 45930 through 45986 and EFTs in the amount of \$267,401.60
- 2) **Minutes** – Council Meeting of March 1, 2018
- 3) **AB18-041** – Resolution No. 18-1234 Declaring Certain City Property as Surplus

PUBLIC COMMENTS:

Jennifer Lathom, Black Diamond spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

4) AB18-037A – Ordinance No. 18-1102 Regarding Cross Connection Control Program

Public Works Director Boettcher briefed Council on this item.

Councilmember Edelman **moved** to adopt Ordinance No. 18-1102, establishing the authority to adopt a Cross Connection Control Program; adopting Black Diamond Municipal Code sections 13.04.025, 13.04.085 and 13.04.095; amending section 13.04.090; repealing section 13.04.070; providing for severability; and establishing an effective date; **second** Councilmember Stout. Motion **passed** with all voting in favor (4-0).

5) AB18-042 – Resolution No. 18-1235 Approving Acquisition of an Easement for Ginder Creek Trail Project

Public Works Director Boettcher discussed this item.

There was Council discussion.

Councilmember Deady **moved** to adopt Resolution No. 18-1235, approving the acquisition of an easement for pedestrian and non-motorized vehicle access to the Ginder Creek Trail; **second** Councilmember Stout.

There was continued Council discussion.

Vote: Motion **passed** with all voting in favor (4-0).

6) AB18-043 – Resolution No. 18-1236 Authorizing Youth and Amateur Sports Grant with King County for the Ginder Creek Trail Project

Public Works Director Boettcher reported to Council on this item.

There was back and forth discussion between staff and Council.

Councilmember Edelman **moved** to adopt Resolution No. 18-1236, authorizing the Mayor to execute a Youth and Amateur Sports Grant Agreement with King County for the Ginder Creek Trail project; **second** Councilmember Deady. Motion **passed** with all voting in favor (4-0).

7) AB18-044 – Resolution No. 18-1237 Approving Software License Agreement with Vision Municipal Solution for Account Receivable Software

Finance Director Miller reported on this item.

There was Council discussion.

Councilmember Deady **moved** to adopt Resolution No. 18-1237, approving the Software License Agreement with Vision Municipal Solutions to utilize their Accounts Receivable software product; **second** Councilmember Stout. Motion **passed** with all voting in favor (4-0).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson reported on the Tri City meeting that will be held on May 23, 2018 and the City of Covington will be hosting the meeting. She also reported attending the Public Works Committee meeting and the Council Retreat on March 9th.

COUNCIL REPORTS:

Councilmember Deady reported attending the Council retreat and shared that it was the best. She discussed hiring a City Administrator and after listening at the retreat she noted the need seems to be for more resources and people and it made more sense than paying for a City Administrator. She noted fully agreeing with staff that Mayor Benson is the best City Administrator and supports hiring more people to get projects done.

Councilmember Edelman discussed the need to decide who will be on the Fire Ad Hoc Committee as she will be stepping down. There was Council discussion.

Councilmember Edelman **moved** to have Councilmembers Wisnoski and Deady on the ad hoc committee; **second** Councilmember Deady. Motion **passed** with all voting in favor (4-0).

Councilmember Edelman reported on the retreat and noted it being very worthwhile; she noted meeting with the City Clerk regarding Council Rules and the plan is to have these ready for adoption at the April 5th meeting. She distributed copies of "One Table" which addresses root causes of homelessness, lack of affordable housing, etc. and noted she will be forwarding this on to Sound Cities Association. She shared that the Sound Cities Association Networking Dinner will be April 4th and this being a great way to meet other elected officials.

Councilmember Stout reported attending the Public Works Committee meeting; joint Council/Planning Commission meeting on traffic, Finance Committee meeting, work session to finalize Council Rules, Town Hall meeting, and the Council retreat. She noted the retreat presentations were eye opening and staff has full plates. Every department is busy up to their eyelashes. They noted there being discussion on a new city website and every department had a PowerPoint presentation. She also noted the Judge has a very interesting job.

Councilmember Wisnoski reported attending the joint Council/Planning Commission meeting about traffic engineering, Town Hall meeting, Council retreat and noted being very impressed. The meeting was very informational and it was good to see how hard all departments work for the City.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Gary Davis, Black Diamond spoke to Council.
Erika Morgan, Black Diamond spoke to Council.
Robbin Taylor, Black Diamond spoke to Council.
Kristen Bryant, Bellevue spoke to Council.

EXECUTIVE SESSION:

At 7:45 p.m. Mayor Benson called for an executive session pursuant to RCW 42.30.110(1)(i) to discuss with Legal Counsel potential litigation. The executive session was anticipated to last twenty minutes with no action to follow.

At 8:04 p.m. a ten minute extension was announced.

Mayor Benson called the meeting back to order at 8:15 p.m.

ADJOURNMENT:

Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (4-0).

The meeting ended at 8:15 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:	Agenda Date: April 5, 2018	AB18-045
Resolution accepting grant award in the amount of \$13,313.56 with a local match requirement of \$5,766.38 from the Washington State Parks and Recreation Commission, Recreational Boating Safety Program.	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	
Cost Impact (see also Fiscal Note): \$	Public Works – Seth Boettcher	
Fund Source: --	Court – Stephanie Metcalf	
Timeline:		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution; Agreement		
SUMMARY STATEMENT:		
<p>The City of Black Diamond was notified we were awarded a Grant for \$13,313.56 from the Washington State Parks and Recreation Commission, Recreational Boating Safety Program to assist the police department with law enforcement on Lake Sawyer.</p>		
<p>The City is required to provide a local match requirement of \$5,766.38. This local match will come from already budgeted items in the police department's portion of the general fund; training, salaries, and educational supplies etc.</p>		
<p>This is an award that the police department has received numerous times. It allows the police department to provide education and enforcement in several areas in order to protect the lives and property of persons boating on Lake Sawyer.</p>		
<p>Grant awards may be utilized for the purchase, maintenance, and operation of vessels, marine equipment, educational materials, and marine related personnel salaries.</p>		
<p>FISCAL NOTE (Finance Department): The Marine Grant Revenue and Expenditures were anticipated and have already been included in the 2018 Budget for the Police Department. The matching amount are also already included in the 2018 Budget. This Grant provides Funds for needed summer Marine training, supplies and Marine Patrol at Lake Sawyer.</p>		
<p>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: The Public Safety Committee reviewed the Washington State Parks and Recreation Commission Boat Safety Grant and recommend forwarding to Council for acceptance of the Grant.</p>		

RECOMMENDED ACTION: **MOTION** to adopt Resolution No. 18-1238, accepting grant award in the amount of \$13,313.56 with a local match requirement of \$5,766.38 from the Washington State Parks and Recreation Commission, Recreational Boating Safety Program.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 5, 2018		

RESOLUTION NO. 18-1238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON TO ACCEPT AN AWARD FROM THE WASHINGTON STATE PARKS AND RECREATION COMMISSION RECREATIONAL BOATING PROGRAM FEDERAL FINANCIAL ASSISTANCE GRANT PROGRAM, FOR THE YEAR 2017, IN THE AMOUNT OF \$13,313.56, WITH A LOCAL MATCH REQUIREMENT OF \$5,766.38

WHEREAS, the Washington State Parks and Recreation Commission, Recreational Boating Safety Program is authorized by law to administer grant funds to local law enforcement agencies who are in Approved Program status; and

WHEREAS, the City of Black Diamond has an approved boating program with the Washington State Parks and Recreation Commission; and

WHEREAS, the Washington State Parks has awarded the City of Black Diamond a 2018 Federal Financial Assistance Grant in the amount of \$13,313.56 with a local match requirement of \$5,766.38; and

WHEREAS, the local match requirement will be provided through the Police Department's portion of the General Fund; and

WHEREAS, this has been an award to the police department in order to assist in law enforcement on Lake Sawyer; and

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

Section 1. The Mayor is hereby authorized to execute any documents necessary to accept the award of a 2018 Federal Financial Assistance Grant, from the Washington State Parks and Recreation Commission, Recreational Boating Safety Program in the amount of \$13,313.56, with a local match requirement of 5,766.38.

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

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

Don Hoch
Director



STATE OF WASHINGTON
WASHINGTON STATE PARKS AND RECREATION COMMISSION

1111 Israel Road S.W. • P.O. Box 42650 • Olympia, WA 98504-2650 • (360) 902-8500

TDD Telecommunications Device for the Deaf: 800-833-6388

www.parks.wa.gov

FEDERAL FINANCIAL ASSISTANCE GRANT

In exchange for grant dollars in the amount of \$13,313.56, Black Diamond Police Department agrees to the following terms:

- To expend local funds in the amount of \$5,766.38 during Federal Fiscal Year 2018 that will satisfy the match requirement of this grant.
- To use funds solely for expenditures limited to the areas outlined in the document "Eligible Expenses of Vessel Registration Fees and Federal Financial Assistance Grants" that can be found at <http://mle.parks.wa.gov/>.
- To use Federal grant funds consistent with the requirements of 2 CFR 200.
- To make at least one instructor available upon request as outlined in the A-300 application.
- To meet all requirements outlined in the annual Vessel Registration Fee Agreement (A-299) with Washington State Parks.
- To follow these procedures to request reimbursement:
 - Use the Marine Law Enforcement Grant Invoice Voucher (form A-19) to invoice State Parks for reimbursement.
 - Submit invoices no more than monthly and no less than quarterly.
 - Submit invoices with the following documents:
 - Officer List Worksheet.
 - Detailed explanations for equipment purchases and maintenance expenditures that occurred during the period in which reimbursement is requested.
 - Maintain records for all allowable expenditures for which grant dollars were spent for a period of six years following the completion of the grant, and provide them to State Parks upon request. This includes vessel log sheets.
 - Submit A-19 Invoice Vouchers by the following dates:
 - For the period March-April-May-June (2nd quarter): by July 15th.
 - For the period July-August-September (3rd quarter): by October 15th.

PREVENTION GOALS SUMMARY	
Total Patrol Hour Goal	225.00
Total Inspections Goal	150.00
Count of State Approved Boater Education Classes Planned	2.00
Sum of Hours for State Approved Boater Education Classes	16.00
Sum of State Approved Boater Education Classes Planned Attendance	20.00
Count of Community Events	1.00
Sum of Community Events Hours	8.00
Count of Presentations to Schools	2.00
Sum of Presentation to Schools Hours	13.00
Count of Presentations to Groups	1.00
Sum of Presentations to Groups Hours	4.00
Count of Dealer Visits Planned	1.00
Sum of Dealer Visits Hours	0.00
Count of Rental Sites Planned	1.00
Sum of Rental Site Visits Hours	0.00
Owned Media Posts	16.00
Earned Media Posts	16.00
Count of Partnering Organizations	0.00
Sum of Partnering Organization Hours	0.00

- If, during any quarter, Black Diamond Police Department is unable to meet the requirements of the grant it will submit a letter, signed by the police chief or sheriff, along with the reimbursement request explaining the reasons and mitigating circumstances. If requested, Black Diamond Police Department will submit a plan within 30 days of the end of the quarter that describes steps Black Diamond Police Department will take to meet minimum requirements. In these cases, reimbursement requests may be deferred until the plan is received and approved by State Parks.
- Consider a "zero tolerance" enforcement policy for violations of:
 - Life jacket requirements, including lifejackets not worn, insufficient lifejackets, and lifejackets found unserviceable or the incorrect size
 - Completion and possession of the mandatory boater education card when operating, for operators required to carry it
 - Boat operation under the influence of alcohol (BUI) rules
 - "Rules of the road" and other operating regulations
- Participate with Washington State Parks in the following campaigns:
 - Operation Dry Water
 - National Safe Boating Week
 - Spring Aboard
 - Paddle Safety Week
- My agency will accomplish the goals stated in the A-300 online application and summarized after the signature in this agreement.

AUTHORIZED SIGNATURE

I certify that I am authorized to obligate the Black Diamond Police Department listed below, I am authorized to accept such funds, and to guarantee that all grant requirements outlined in this agreement will be met.



 Signing Officer Signature

Jamey Kiblinger

 Signing Officer Name (Please Print)

3/2/18

 Date

Chief of Police

 Title

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date: April 5, 2018	AB18-046
Resolution authorizing the Mayor to execute a Financial Consulting agreement with Peninsula Financial Consulting for water, sewer, and stormwater utilities rate study	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	
Cost Impact \$11,600	Public Works – Seth Boettcher	x
Fund Source: --water, sewer, stormwater	Court – Stephanie Metcalf	
Timeline: Spring		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution, proposal, City letter authorization		
<p>SUMMARY STATEMENT: The water utility is in need of financial consulting services for:</p> <ol style="list-style-type: none"> 1. a future rate outlook to determine the rate impacts of rapid growth and the higher O&M cost of Tacoma Water. 2. The sewer and storm water utility have been operating recently at a loss and some level of rate adjustment is needed. 3. The sewer utility may be entitled to a credit on taxes paid to the state. A tax review is needed. <p>FISCAL NOTE (Finance Department): The services will be divided \$5,936 to water, \$3,637 to sewer and \$2,027 to the storm water utility (See attached cost split sheet).The sewer and storm utilities have enough funding for these services within the operations budget. The water utility will cover these costs with the funds budgeted for the water comprehensive plan as this financial analysis will support the financial chapter of the plan.</p>		
<p>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Public Works Committee recommends placing this item in the Consent Agenda for full Council approval.</p>		
<p>RECOMMENDED ACTION: MOTION to adopt Resolution No. 18-1239, authorizing the Mayor to execute a financial consulting services contract for the City’s utilities with Peninsula Financial Consulting on a time and expense basis not to exceed \$11,600.</p>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
April 5, 2018		

RESOLUTION NO. 18-1239

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL
CONSULTING SERVICES AGREEMENT FOR THE CITY'S
UTILITIES WITH PENINSULA FINANCIAL CONSULTING
FOR A RATE STUDY**

WHEREAS, the water utility is needs an update and recalculation of the Capital Facility Charge; and

WHEREAS, the water, sewer and storm water utilities are in need of a long-range review of revenue requirements considering rapid growth coming and recent fund balance needs; and

WHEREAS, Ashley Emery of Peninsula Financial Consulting has provided excellent financial services for the City in the past and has a computer financial model for the City already; and

WHEREAS, Ashley Emery also has familiarity with state utility tax codes and may be able to get the city a rebate on taxes the City may have overpaid;

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

Section 1. Authorizing the Mayor to execute a financial consulting services contract with Peninsula Financial Consulting for the City's utilities as described in the attached proposal on a time and expense basis not to exceed \$11,600.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF APRIL 2018.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

Scope of Work

City of Black Diamond 2018 Utility Rate Study

Introduction

This scope of work includes analyzing monthly rates for the City's water, sewer, and storm water utilities, determining a general facility charge (GFC) for the water utility, and performing a state revenue tax breakdown for the sewer utility. The proposed cost for this work is a not to exceed amount of \$11,600.

TASK 1 - UTILITY RATE STUDY

The scope of work is limited to a revenue requirements analysis that will be used to determine a 6-year forecast of monthly rates that will fund operations as well as planned capital improvements. Future growth is a significant variable for the City and this will be addressed by utilizing a low, moderate, and high growth rates for consideration.

The analysis will require the following tasks:

- Data collection and review
- Loading updated data into the budget forecast models developed for the 2013 study
- Meeting with City staff to analyze model results and recommended rates for various scenarios and funding levels
- Create power point presentation of recommended rates for City Council and public education

TASK 2 - WATER UTILITY GFC

The analysis will require the following steps:

- Data collection and review
- Determination of a pro rata share if the cost of existing facilities
 - Including up to ten years if interest
- Determination of a pro rata share of planned capital facilities
 - Individual review and assignment of the ERUs benefitting from each facility
- Meeting with City engineering consultants to review GFC and methodologies
- Determination of a single, area wide water GFC
- Write report documenting the GFC calculation

The analysis will also require input concerning water flows, design capacities (in gpd and ERUs), and population growth (ERUs). It is expected that this information will be provided by the City or their engineers.

The following is a preliminary list of data that is required to undertake the project. Additional information may be needed.

- Current and planned ERUs
- Original cost of existing water facilities
- Capital facilities planned within the next ten years
- Estimated capital costs in the year planned for capital improvements
- All outstanding debt details
- ERUs benefitting from each planned capital improvement

TASK 3 – SEWER TAX ANALYSIS

The City operates a sewer collection system and transmits the sewer to Renton for treatment. In billing for this service, the City segregates the monthly sewer bill into a collection component as well as a treatment portion. The City's portion the bill (for collection) can be further broken down, for tax purposes, into a local collection component and a transmission component. Both these components are taxed at different rates by the State. This analysis will provide the City with a breakdown of how revenues should be allocated between local collection and transmission in order to apply the two different State sewer tax rates and thus lower the City's sewer taxes.

The analysis will require the following steps:

- Data collection and review
- Review sewer transmission map with City staff
- Allocation of sewer expenses between local collection and transmission
- Determination of the ratio of monthly sewer revenues to be allocated between collection and transmission
- Create report documenting analysis

EXHIBIT		
FINANCIAL CONSULTING SERVICES SCOPE AND ESTIMATED COST		
Project Title: 2018 Utility Rate Study		
TASKS	Hours	Cost
Utility Rate Study		
1 Gather data needed for study	8	\$ 920
2 Load model with data	12	\$ 1,380
3 Define revenue requirements (2 staff meetings)	12	\$ 1,380
4 Create power point presentation	12	\$ 1,380
5 Public meeting	4	\$ 460
Water GFC		
6 Gather data needed for study	10	\$ 1,150
7 Pro rata share of existing facilities	4	\$ 460
8 Pro rata share of planned facilities	4	\$ 460
9 Single, area wide water GFC	2	\$ 230
10 Meeting in Tacoma with City engineers	6	\$ 690
11 Write report documenting GFC	8	\$ 920
Sewer Tax Analysis		
12 Gather data needed for study	2	\$ 230
13 Review sewer map with staff	2	\$ 230
14 Allocate costs between collection & transmission	4	\$ 460
15 Determine ratio	2	\$ 230
16 Write report documenting calculation'	4	\$ 460
Total		\$ 11,040
Hourly Rate:	\$ 115.00	
Total Labor Cost	\$ 11,040	
Mileage & Expenses (Mileage @ \$0.56/mile)	\$ 515	
Printing		
TOTAL ESTIMATED COST:	\$ 11,600	

EXHIBIT		
FINANCIAL CONSULTING SERVICES SCOPE AND ESTIMATED COST		
Project Title: 2018 Utility Rate Study		
TASKS	Hours	Cost
Utility Rate Study		
1 Gather data needed for study	8	\$ 920
2 Load model with data	12	\$ 1,380
3 Define revenue requirements (2 staff meetings)	12	\$ 1,380
4 Create power point presentation	12	\$ 1,380
5 Public meeting	4	\$ 460
Water GFC		
6 Gather data needed for study	10	\$ 1,150
7 Pro rata share of existing facilities	4	\$ 460
8 Pro rata share of planned facilities	4	\$ 460
9 Single, area wide water GFC	2	\$ 230
10 Meeting in Tacoma with City engineers	6	\$ 690
11 Write report documenting GFC	8	\$ 920
Sewer Tax Analysis		
12 Gather data needed for study	2	\$ 230
13 Review sewer map with staff	2	\$ 230
14 Allocate costs between collection & transmission	4	\$ 460
15 Determine ratio	2	\$ 230
16 Write report documenting calculation'	4	\$ 460
Total		\$ 11,040
Hourly Rate:	\$ 115.00	
Total Labor Cost	\$ 11,040	
Mileage & Expenses (Mileage @ \$0.56/mile)	\$ 515	
Printing	\$ 45	
TOTAL ESTIMATED COST:	\$ 11,600	

water - \$1840
sewer - \$1840
storm - \$1840

3
1.
\$5520

\$3910
water
capital

sewer
\$1610

186
187
187

water share - 1840 + 3910 + 186 =
sewer share 1840 + 1610 + 187 =
storm share 1840 + 187 =

\$ 5936
\$ 3637
\$ 2027



CITY OF BLACK DIAMOND

24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

Phone: (360) 886-5700
Fax: (360) 886-2592
www.ci.blackdiamond.wa.us

March 14, 2018

Mr. Ashley Emery
Peninsula Financial Consulting
PO Box 354
Brinnon, WA 98320

Mr. Emery:

Thank you for your proposal for financial consulting services for our water, sewer and storm water utilities. We have reviewed and approved of the scope of work on a time and expense bases not to exceed \$11,600.

By this letter the City is approving and accepting your proposal and authorizing you to start work according to your proposal as attached to this letter.

We understand that initially much of the data gathering is on our plate. We will begin collecting the data that you need to begin your work and expect to have that first step completed in about a month. We are looking forward to establishing appropriate utility rates to keep the utilities on sound financial footing.

Thank you for your assistance.

Sincerely,

Approved and Authorized by

Seth Boettcher
Public Works Director
City of Black Diamond

Carol Benson
Mayor
City of Black Diamond

Accepted: _____ Date: _____
Ashley Emery
Peninsula Financial Consulting

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date:	April 5, 2018 AB18-047
Resolution 18-1240, amending the City Fee schedule adopted by Resolution 17-1177 to update miscellanies city fees	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	
Cost Impact (see also Fiscal Note): \$	Public Works – Seth Boettcher	
Fund Source: --	Court – Stephanie Metcalf	
Timeline:		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair Administrator		
Attachments: Resolution; Exhibit A, 2018 Fee Schedule-changes highlighted		
SUMMARY STATEMENT: <p>In September 2015 the City updated the entire City Fee Schedule with Resolution 15-1043. One fee for the Police department was updated in 2017 with Resolution 17-1177. A few miscellaneous fees need to be updated annually as they are set by State or Federal Agencies, or City Contracts.</p> <p>This update includes only those minor fee updates. A more extensive Fee Schedule review will take place this later this year to make sure that the Community Development Permitting type fees are covering the costs of city services and are in-line with neighbor community rates.</p> <p>This minor amendment updates two Police Fees, Passport Fees, Fire Plan check/Inspection Fees as well as some minor administrative fees or titles clarifications.</p> <p>The minor fee changes are highlighted in yellow on of the attached Fee Schedule.</p> <p>FISCAL NOTE (Finance Department): This allows the city to charge the legal updated fees for Passports, Police Fees and for Fire Plan Check/Inspections Fees per Federal or State mandates as well as the terms of city contracts.</p>		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution 18-1240, amending the City Fee Schedule adopted by Resolution 17-1177 to update miscellaneous city fees.		

RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 5, 2018		

RESOLUTION NO. 18-1240

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
AMENDING THE CITY FEE SCHEDULE ADOPTED BY
RESOLUTION NO. 17-1177 TO UPDATE MISCELLENAOUS
FEES**

WHEREAS, the City Council of Black Diamond amended the City Fee Schedule with Resolution No.17-1177 in 2017; and

WHEREAS, several minor fees need to be updated annually to reflect the required amounts set by Federal or State agencies or city contracts;

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

Section 1. The City Council hereby amends Resolution No 17-1177 to update miscellaneous City Fees. See Exhibit A, Fee Schedule, page one to seven, highlighted items. as attached.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,
AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF APRIL 2018.**

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

2018 FEE SCHEDULE

Proposed
by Council 04/05/2018
Resolution No. 18-1240



City of Black Diamond FEE Schedule

Table of Contents – By Line

	Line
Police.....	1
Passports.....	29
Business Licenses.....	54
Utilities.....	72
Parks.....	90
Cemetery.....	101
Miscellaneous Fees.....	114
City Staff Rates.....	140
Signs/Trees/Fireworks.....	177
Street Fees.....	192
Grade and Clear Civil PW.....	202
Public Works Civil.....	223
Planning and Land Use.....	231
Building Permit Fees.....	296
Mechanical Permits.....	326
Plumbing Permits.....	365
Other Permits.....	401
Fire Permits.....	417
Water	425
Sewer.....	444
Stormwater.....	452
Other Inspections and Fees.....	456

	Fee Title	Description	Fee
	POLICE		
1	Fingerprinting	Non-Resident	\$15
2		Resident	\$10
3	Electronic Monitoring-Police		\$15 day
4	Hook-up Fee	One Time Application Fee (Non Refundable)	\$25
5	Equipment Deposit	Refundable	Per Contract
6	Concealed Pistol License		
7	Original	Original License	per State Law
8	Renewal	Valid License Renewal	\$32
9	Late	Within 90 Days After Expiration	\$42
10	Replacement		\$10
11	Process Service	Civil and Court	\$25
12	Mileage for process service		Current IRS Rate
13	False Alarm Responses		
14		First Occurrence	None
15		Second Occurrence Per Year	\$50
16		Third or More Per Year	\$75
17	Discovery --copies	No Charge For One Copy of Documents Provided In Compliance With Defense Requests On Municipal Court Cases.	None
18	Traffic Safety School	Per Class - Not to exceed amount of infraction	Ord 16-1071
19	Police Reports	Per Case Reports	\$.15/page
20	Photographs		
21	Copies	Each	\$0.15
22	CD Reproduction	Each	\$1.50
23	Firearms Dealer Fee	Annual - Set by US Govt	\$125
24	Firearms Clearance Letter	For Foreign Countries	\$15
25	Local Record Clearance Letter	In-House Records Check	\$15
26	Work Crew	Screening fee (non- refundable)	\$25
27		Per Day, State Fee	\$15
28	Work Release	Per Day, Payable in Advance	Per Contract

Fee Title		Description	Fee
29	PASSPORTS		
30	Passport fee check is made payable to the US Department of State. The execution fee check is made payable to the City of Black Diamond	**Other conditions and restrictions may apply. See City Clerk's office for more details.	
31	Passport Book		
32	Passport Fee**	Age 16 and over	\$110
33	Execution Fee		\$35
34			Total \$145
35	Passport Fee**	Under age 16	\$80
36	Execution Fee		\$35
37			Total \$115
38	Passport Card		
39	Passport Fee**	Age 16 and over	\$30
40	Execution Fee		\$35
41			Total \$65
42	Passport Fee**	Under age 16	\$15
43	Execution Fee		\$35
44			Total \$50
45	Passport & Card		
46	Passport Fee**	Age 16 and over	\$140
47	Execution Fee		\$35
48	Passport Fee**	Under age 16	\$95
49	Execution Fee		\$35
50	Expediting Fee (Book only)		\$60
51	File Search Fee		\$150
52	Overnight Delivery Return Fee		\$15.89
53	Overnight Delivery Fee to Agency.		Current US Postal Rate
54	BUSINESS LICENSES		
55	Regular Business License	Annual	Initial fee \$70 renewal \$60
56	Regular Business License Annual partial	Pro-rate: 50% fee reduction after June 30.	\$35
57	Utility Business license	Annual	\$60
58	Penalty Late Renewal Payment	Feb. 1-28	\$10
59		Mar. 1-31	\$20
60		Apr. 1-30	\$30

	Fee Title	Description	Fee
61		May 1 and after	double renewal fee, collections
62	Temporary Business License (30 days)	per 30 day license, maximum of 2 per year	\$15
63	Duplicate Business License	per copy	\$10/copy
64	Relocation/Reissue	Business moves locations	\$10
65	Business Inspection Fee	As needed - per inspections	\$75
66	Specialty Licenses		
67	Solicitors and mobile vendors	Annual	\$70
68		Temporary (30 day)	\$50
69	Adult Entertainment	Per establishment	\$1,000
70		Operator license (per establishment)	\$100
71		Employees license	\$50
72	UTILITIES		
73	Meter Testing Charge	One hour	\$76
74	Customer Requested Turn Off	After Business Hours, 2 hour minimum	\$175
75	Lifeline Utility Relief Rate	City Water, Sewer and Stormwater only (excluding KC Metro)	50%
76	Delinquency Notice		\$10
77	Door Hanger w/Shut Off/Turn On	During Working Hours 8-5	\$45
78		After Working Hours	\$75
79		Holidays	100
80	Meter Rental/Water Purchase	Collect Deposit, Rental fee, and Water Purchase	Deposit \$1,000
81		Base Rental Fee Plus Double the Current Water Rate	Rental per day \$25
82		Base Rental Fee Plus Double the Current Water Rate	Rental per week \$100
83	See BDMC 13.04.280	Base Rental Fee Plus Double the Current Water Rate	Rental, per month \$250
84	Non Account Water Purchase		Double out of city rates
85	Emergency Repair	Working hours-if prior locate	Time and Materials
86		Working hours-if no locate	3 times Time and Materials

Fee Title		Description	Fee
87		After hours, if prior locate	1 1/2 Time and Materials
88		After hours, no locate	3 times 1 1/2 Time and Materials
89		Holidays	Double Time to above rates
90	PARKS		
91	Park Use / Special Event Permit	Fee	\$100
92	Deposit required for events over 150 people - amount set by size/length of event (\$500-\$10,000)		Actual cost
93	Gym Rental	Drop In Over 18	\$3 per person over 18
94		Sports or Special Events	\$30 per hour
95		Contract Events	Per Contract
96	Parking fee at boat launch	Per vehicle	\$5
97	Annual parking pass - Lake Sawyer	Per vehicle (non-transferable)	\$60
98	Annual parking pass - Lake Sawyer	Per vehicle for senior citizens 65 years and older	\$35
99	Annual parking pass - Lake Sawyer	Per vehicle for persons with a valid State of Washington Disable Vehicle Permit	\$35
100	Lost parking pass replacement or change in vehicle		\$10
101	CEMETERY		
102	Casket Burial	Coordination, Excavation; Liner and Installation; Casket Placement; Backfill and compaction; Landscaping	\$1,500
103	Tent For Service In The Rain	Set Up The Tent, Take Down, Dry in the Warehouse	200
104	Vault		Actual cost
105	Saturday Service Fee	Additional Charge to be Added to Burial Costs	\$1,000
106	Placement of Cremated Remains	Site Measurements, Location Records, Excavation and Restoration	\$200
107	Saturday Placement of Remains		\$350
108	Plot	Per Plot	\$1,500
109	Niche Purchase		\$350

	Fee Title	Description	Fee
110	Niche Remain Placement	Open/Close; Secure and Record	\$200
111	Headstone Placement	Excavation and Setting According to Cemetery Standards. Normal up to 44" x 20" (880 sq. in.)	\$100
112	Headstone Placement-Large	Larger than 44"x20" (example 45"x21") 45x21=945 sq. in. 945-880=65 65 sq. in. x \$.50=\$32.50	\$.50 Per Square Inch In Excess of 880 Sq. In.
113	Exhumation		\$5,000 or Actual Contract Cost Whichever Is Greater
114	MISCELLANEOUS FEES		
115	Photocopying	Materials copied on the copier on legal, letter or ledger size paper (includes packet material, ordinances, resolutions, minutes, contracts, etc.	\$.15/page
116	Oversized Documents	per page, black & white	Actual Cost
117		per page, color	Actual Cost
118	Duplication Audio Tapes/CDs	Per tape/CD	\$1.50
119	CD or DVD Disk	Per disk	\$1.50
120	Transcription Preparation	Staff Time	Actual cost
121		Deposit	\$300
122	City Clerk Certification of Documents	Per page	\$1
123	King Co. Recording Fee	Per page, pass through King County fees	Actual cost from King County
124	Return check fee/NSF Fee		\$35
125	City of Black Diamond Maps		
126		Oversized 18x 24 or larger (Black and White)	\$5
127		Color	\$7
128		11 x 17	\$3
129	Code/Comprehensive Planning Documents Reproduction		
130	Zoning Code		Actual Cost
131	Comprehensive Plan		Actual Cost
132	Water Comprehensive Plan		Actual Cost
133	Sewer Comprehensive Plan		Actual Cost

	Fee Title	Description	Fee
134		Engineering Design and Construction Standards/Guidelines	\$100
135		Each Section	\$10
136	Municipal Code		Actual Cost
137	Public Notice Boards (BDMC 18.08)		Actual Cost
138	Newspaper Advertising		Actual Cost
139	Liquor Use Permit		\$25
140	CITY STAFF RATES		
141		All rates are per hour	
142	City Administrator		\$94
143	Assistant City Administrator/City Clerk/Human Resources Manager		\$84
144	Deputy City Clerk		\$51
145	Finance Director		\$81
146	Deputy Finance Director		\$60
147	Senior Accountant		\$54
148	Community Development Director/Natural Resources Director		\$81
149	Permit Technician Supervisor		\$54
150	Permit Technician		\$47
151	Economic Development Director		\$78
152	Building Official/Code Official		per contract
153	Building Plans Examiner		per contract
154	Fire Plan Checks/Inspector Fees	Res 08-554	\$56
155	Public Works Director		\$81
156	Capital Project/Program Manager		\$68
157	Utilities Supervisor		\$76
158	Utility Operator		\$48
159	Utility Worker		\$45
160	Seasonal Worker		\$22
161	Facilities Coordinator		\$52
162	Police Chief		\$89
163	Police Commander		\$84
164	Police Officer with vehicle		\$85

	Fee Title	Description	Fee
165	Senior Planner		\$68
166	Information Services		per contract
167	MDRT Inspector/Construction Superintendent		78
168	MDRT Senior Planner		\$68
169	Clerical Staff		\$31
170	Engineer		per contract
171	City Attorney		per contract
172	Landscape Architect		per contract
173	Consultant Planner		per contract
174	Other Consultants/Contract.	\$1,000 Deposit Actual cost	
175	Hearing Examiner	Hearing Fee	\$788
176		Actual Costs	Actual Cost
177	SIGNS/TREES/FIREWORKS		
178	Wall Sign electric		\$125-\$225
179	Wall Sign, non electric		\$105-\$205
180	Ground, non electric		\$145-\$245
181	Ground electric		\$165-\$265
182	All signs less than 25 sf		\$407
183	Change of sign, all sizes		\$413
184	Street Signs Charge	Sign Post	Actual Cost
185		Installation	\$138
186	Tree Permit	Level 1 application fee	\$267
187		Level 2 application fee	\$487
188		Exemption Review	\$110
189	Fireworks Display	Plan review and inspection fee	per contract
190	Temporary Fireworks Stand	Permit fee	\$100
191		Removal bond-refundable	\$750
192	STREET FEES		
193	Public Works-Streets		
194	Right-of-Way Use Permit	Base Amount CD Fee	60
195		2 inspections and 1/2 hour City Review	\$263

	Fee Title	Description	Fee
196	Right-of-Way Extra Inspection	1 hour minimum	\$138
197	Right-of-Way Extra City Staff Review	1 hour minimum	\$138
198	Failure to call for inspection	Right of Way - Work Without a Permit	
199	Street Cleaning		Actual cost
200	Right-of-Way Vacations Processing	Application Fees	\$1,000
201	ULID or LID	City Costs	Actual cost
202	GRADE AND CLEAR CIVIL PW		
203	a. The Clearing and Grading permit shall be calculated by adding applicable amounts from Clearing and Grading Fee Tables.		
204	Clearing Fee Table		
205	Clearing Fee (ac)		Fee
206	Min	Max	Min
207	-	1	\$680
208	1	10	\$680
209	10	40	\$1,112
210	40	120	\$2,702
211	120		\$4,452
212	Grading Fee Table		
213	Grading Volume (cv)		Fee
214	Min	Max	Min
215	0-100		No Charge
216	100	1,000	\$432
217	1,000	10,000	\$720
218	10,000	100,000	\$2,160
219	100,000		\$4,860
220	b. Plan revision fee		
221		Base fee, each occurrence	\$417
222		Plus hourly fee	\$138

Fee Title		Description	Fee
223	PUBLIC WORKS CIVIL		
224	Infrastructure Civil Permit--PW	Engineering Plan Review Fee	\$494 (plus an additional per hour rate if review exceeds 5 hours, (Actual cost)
225	PW	Construction Permit--Includes Inspection	3% of total cost of project
226	PW	As-Built Review Fee	\$210
227	PW	Engineering Alternative Methods Request (per item)	\$263
228	Civil Plan-Long Plat Projects PW	Engineering Plan Review Fee	\$494 (plus an additional per hour rate if review exceeds 5 hours (Actual cost)
229	PW	Engineering Permit Fee	\$1,439
230	PW	Inspection Fee	3% of total cost of project
231	PLANNING/LAND USE		
232	Postage		Actual cost
233	Preliminary Plat	CD Base Application Fee	\$2388 (Up to first 20 hours, over plus additional hourly rate)
234	<i>See Residential Land Development Below</i>	CD Per Lot Charge	\$100
235	PW	Public Works-Per Lot Charge	\$100
236	CD	Plat Alteration or Vacation	\$1,812 (Up to first 36 hours, over plus additional hourly rate)
237		Time Extension - 1 year	\$1,050
238	Final Plat	CD Base Application Fee	\$4,238 (Up to the first 36 hours additional hourly rate)
239	PW	Engineering Review Per Lot Charge	\$76
240	Binding Site Plan	CD Base Application Fee	\$2,918 (Up to first 24 hours additional hourly rate)
241	PW	Engineering Review-per acre charge	\$100
242	Preliminary Short Plat	CD Base Application Fee	\$1,944 (Up to first 16 hours additional hourly rate)

	Fee Title	Description	Fee
243		PW Per Lot Charge	\$100
244		PW Engineering Review-per lot charge	\$300
245		CD Modified Short Plat	\$1,944 (Up to first 16 hours additional hourly rate)
246	Final Short Plat	CD Application Fee	\$1,040 (Up to first 8 hours additional hourly rate)
247		PW Engineering Final Review	\$76
248	Lot Line Adjustment	CD Residential application fee	\$1,019 (Up to first 8 hours additional rate @ actual)
249		PW Engineering Final Review	\$152
250	Lot Line Elimination	CD Application Fee	\$442
251		PW Engineering Final Review	\$152
252	Master Plan Development	Application Fee	\$26, 250
253		Per Acre charge	\$100
254	Development Agreement	Application Fee	\$1,575
255		Staff Review Time	Staff hours
256	Annexation		\$10,000 deposit, cost
257	Postage		Cost
258	Conditional Use	Application Fee	\$2,918 (Up to first 24 hours additional cost @ actual)
259		Engineering Review	\$304
260	Administrative Conditional Use	Application Fee	\$1,459 (Up to first 12 hours additional cost @ actual)
261	Variance	Single Family Lot	\$1,944 (Up to first 16 hours)
262		All Others	\$2,384 (Up to first 20 hours additional cost @ actual)
263	Administrative Variance	Application Fee	\$1,504 (Up to first 12 hours additional cost@actual)
264	Accessory Dwelling Unit	Application Fee	\$1,064 (Up to first 8 hours additional cost@actual)

	Fee Title	Description	Fee
265	Shoreline Exemption	Application Fee	\$487
266	Shoreline Substantial Development	Application Fee	\$2,824 (Up to first 24 hours additional cost @ actual)
267	Shoreline Variance Fee	Application Fee	\$2,824 (Up to first 24 hours additional hourly rate)
268	Shoreline Conditional Use	Application Fee	\$2,824 (Up to first 24 hours additional hourly rate @ actual)
269	Site Plan Review	Application Fee	\$2,824 (Up to first 24 hours additional cost @ actual)
270	Public Works	Engineering Review	\$100 per acre
271	Comprehensive Plan Amendment	Application Fee	\$2,734 (Up to first 24 hours additional cost @ actual)
272	Text Amendment, Title 16-19	Application Fee	\$2,734 (Up to first 24 hours additional hourly rate)
273	Rezone	Application Fee	\$2,734 (Up to first 24 hours additional cost @ actual)
274	SEPA Checklist		\$597 (Up to first 5 hours additional cost @ actual)
275		For Each Additional Study	\$267
276	In the review of a land-use permit application, including but not limited to environmental (SEPA) review, the City may determine that such review requires the retention of professional consultant services. In addition to the above development fees that an applicant is required to submit, the applicant shall also be responsible for reimbursing the City for the cost of professional consultant services if the City determines that such services are necessary to complete its review of the application submittal. The City may also require the applicant to deposit an amount with the City which is estimated, at the discretion of the Community Development Director, to be sufficient to cover anticipated costs of retaining professional consultant services and ensure reimbursement to the City for such costs.		
277	Environmental Impact Statement	Per consultant contract	Contract
278	Appeal of Administrative Decision (filing fee is \$487.00, which must be paid before the appeal deadline)	Where the appellant prevails in the appeal, reimbursement may be requested of the City.	\$487

	Fee Title	Description	Fee
279	Appeal of SEPA Decision (filing fee is \$487.00, which must be paid before the appeal deadline)	Where the appellant prevails in the appeal, reimbursement may be requested of the City.	\$487
280	Appeal of Notice of Violation Fee (filing fee is \$487.00, which must be paid before the appeal deadline)	Where the appellant prevails in the appeal, reimbursement may be requested of the City.	\$487
281	Temporary Use Permit	After fee is paid the City's actual costs will be charged	\$532
282	Transfer Development Rights	Application Fee	\$525
283		per development credit	\$50
284	Treasured Place Status		\$263
285	Reasonable Use Exception	Application Fee	\$487
286	Sensitive Areas Permit	Application Fee	\$1,147 (Up to first 10 hours additional cost @ actual)
287	Sensitive Area Utility Exception	Application Fee	\$1,050
288	Formal Code Interpretation	Application Fee	\$487 (Up to first 4 hours additional cost @ actual)
289	Pre-Application Meeting	1 hour meeting/review	\$267
290		Additional Meetings	Staff time
291	Hearing Examiner	Hearing Fee	\$880 (Up to first 8 hours additional cost @ actual)
292		Plus Examiner Costs	Actual Cost
293	Public Notice Boards	Per BDMC 18.08	Actual Cost
294	BDMC 2.62.012 may require the posting of a deposit and payment of actual city costs for certain permits.		
295	Late Fee (If not paid within 30 days of invoicing)	Per Month	\$25

Fee Title		Description	Fee
296	BUILDING PERMIT FEES		
297	General		
298	Total Project Valuation		
299	\$1.00 to \$500		\$35
300	\$501 to \$2,000		\$35 for first \$500. plus \$7 for each additional \$100 or fraction thereof up to and including \$2,000
301	\$2,001 to \$25,000		\$140 for first \$2,000 plus \$17 per each additional \$1,000 or fraction thereof up to and including \$25,000
302	\$25,001 to \$50,000		\$531 for the first \$25,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$50,000.
303	\$50,001 to \$100,000		\$881 for the first \$50,000 plus \$13 for each additional \$1,000 or fraction thereof, to and including \$100,000.
304	\$100,001 to \$500,000		\$1,531 for first \$100,000 plus \$13 per each additional \$1,000 or fraction thereof up to and including \$500,000
305	\$500,001 to \$1,000,000		\$6,731 for first \$500,000 plus \$9 per each additional \$1,000 or fraction thereof up to and including \$1,000,000.

Fee Title		Description	Fee
306	\$1,000,000 and Up		\$11,231 for the first \$1,000,000 plus \$9 per each additional \$1,000 or fraction thereof.
307	Building Plan Check Fee	Based on project valuation per IBC 2012 Section 109	65% of permit fee, see above
308	Other Inspections and Fees		\$138 Per Hour
309	Change of Use w/o a TI	Permit fee and deposit	\$200 deposit, Actual cost
310	Re-Roof permit Residential	Permit fee	\$138
311	Re-Roof permit Commercial/MF	Permit fee and plan check	Based on valuation, see Building Permit section
312	Miscellaneous Permit	Permit fee	\$100 deposit and actual cost
313	Investigation Fee- work w/o a permit	Permit fee	Double required permit fees
314	Temporary Certificate of Occupancy	Per 30 day TCO	\$263
315	Permit Extension	180 day extension	\$50
316	Application Extension	90 day extension	\$50
317	Consultant/Peer Review	Consultant fees	per contract
318	Coal Mine Hazard Report Review		\$138
319	1. Inspections outside of normal business hours		\$172
320	2. Re-Inspection fees		\$86
321	3. Inspections for which no fee is specifically indicated		\$86 per hour, minimum charge, one hour
322	4. Additional plan review due to additions or revisions to plans		\$86 per hour, minimum charge, one hour
323	5. Additional plan review due to Deferred Submittals		\$86 per hour, minimum charge, one hour
324	6. For use outside consultants for plan checking and inspections or both		Actual cost

	Fee Title	Description	Fee
325	Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, equipment, hourly wage and fringe benefits of the employees involved.		Actuals
326	MECHANICAL PERMIT		
327	New Single Family Residence - Permit		\$200
328	Commercial Mechanical Permit Plan Review	65% of mechanical permit fee	
329	For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table.		\$14
330	Permit Issuance and Heaters		
331	1. For issuing a mechanical permit associated with a building permit		\$50
332	2. For issuing a mechanical permit not associated with a current building permit		\$138
333	3. Technology Fee-PLM/MEC		\$45
334	Unit Fee Schedule (Note: the following do not include permit issuing fee)		
335	1. Furnaces		
336	For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 btu/h (29.3kW)		\$20
337	For the installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3kW)		\$23
338	For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater		\$26
339	2. Appliance Vents		
340	For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit		\$23
341	3. Repairs or Additions		
342	For the repair of, the alternation of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code		\$17
343	4. Boilers, Compressors and Absorption Systems		

	Fee Title	Description	Fee
344		For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6kW) or each absorption system to and including 1,000,000 BTU/h	\$22
345		For the installation or relocation of each boiler or compressor over 3 horsepower (10.6kW) to and including 15 horsepower (52.7kW) or each absorption system over 500,000 btu/h (293.1kW) to and including 1,000,000 btu/h (293.1kW).	\$36
346		For the installation or relocation of each boiler or compressor over 15 horsepower (105kW) to and including 20 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 btu/h (512.9kW).	\$51
347		For the installation or relocation of each boiler or compressor over 30 horsepower (105kW) to and including 50 horsepower (176kW) or each absorption system over 1,000,000btu/h (293.1kW) to and including 1,750,000 btu/h (512.9kW).	\$73
348		For the installation or relocation of each boiler or compressor over 50 horsepower (176kW), or each absorption system over 1,750,000 btu/h (512.9kW)	\$120
349	5. Air Handlers		
350		For each air handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto (Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance cooling system, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	\$15
351		For each air-handling unit over \$10,000 cfm (4719 L/s)	\$26
352	6. Evaporative Cooler		
353		For each evaporative cooler other than a portable type.	\$15
354	7. Ventilation and Exhaust		
355		For each ventilation fan connected to a single duct	\$12
356		For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$15
357		For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood.	\$15
358	8. Incinerators		
359		For the installation or relocation of each domestic-type incinerator	\$26
360		For the installation or relocation of each commercial or industrial type incinerator	\$22
361	9. Gas Piping		
362		Gas piping systems 1-5 outlets	\$10

	Fee Title	Description	Fee
363		For each additional gas outlet over 5	\$6
364		Hazardous process piping system (HPP)	
365		1-4 outlets	\$10
366		each outlet over 5	\$6
367	10. Miscellaneous		
368	Technology Fee	per application	\$45
369		per \$10,000 in project value (graduated)	\$3
370	The technology fee for permit tracking software costs is assessed for each of the following transactions: building permits, fire permit, sign permit, demolition permit, right-of-way use permit and most land use permits. A technology fee will be assessed at land use application submittal.		
371	Other Inspections and Fees		
372		1. Inspections outside of normal business hours, per hour (minimum charge 2 hours)	\$240
373		2. Inspections for which no fee is specifically indicated, per hour (minimum charge one-half hour)	\$120
374		3. Revisions to plans or to plans for which an initial review has been completed (minimum charge one-half hour)	\$60
375	PLUMBING PERMIT		
376	Permit Issuance		
377		New Single Family Residence - Permit	\$200
378		1. For issuing a plumbing permit associated with a building permit	\$38
379		2. For issuing a plumbing permit not associated with a current building permit	\$100
380		3. For issuing each supplemental permit	\$15
381		4. Technology Fee - PLM/MEC	\$45
382	Unit Fee Schedule (Note the following do not include permit-issuing fee)		
383		1. For each additional plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and back flow protection thereof.	\$12
384		2. For each building sewer and each trailer park sewer	\$23
385		3. Rainwater systems - per drain (inside building)	\$12

	Fee Title	Description	Fee
386	4. For each water heater and/or vent		\$9
387	5. For each industrial waste pretreatment interceptor including its trap and vent except kitchen-type grease interceptors functioning as fixture traps.		\$12
388	6. For each installation, alteration or repair or water piping and/or water treatment, each		\$12
389	7. For each repair or alteration of a drainage or vent piping, each fixture		\$12
390	8. For each lawn sprinkler system on any one meter including back flow protection devices thereof.		\$12
391	9. For atmospheric-type vacuum breakers not included in item 12:		
392		1 to 5	\$10
393		over 5, each	\$6
394	10. For each backflow protective device other than atmospheric type vacuum breakers:		
395		2 inch (51mm) diameter and smaller	\$12
396		over 2 inch (51mm) diameter	\$23
397	11. For initial installation and testing for a reclaimed water system		\$40
398	12. For each annual cross-connection testing of a reclaimed water system (excluding initial test)		\$40
399	13. For each medical gas piping system service one to five inlet(s) for a specific gas		\$68
400	14. For each additional medical gas inlet(s)/outlet(s)		\$10
401	OTHER		
402	1. Inspections outside of normal business hours		\$200
403	2. Re-inspection fee		\$138
404	3. Inspections for which no fee is specifically indicated		\$138
405	4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge one-half hour)		\$93

	Fee Title	Description	Fee
406	Demo-SFR out building etc.	Permit fee and deposit	\$120 permit, \$1000 deposit
407	Relocation Permit		\$250
408	Mobile Home Title Elimination	Permit fee	\$138
409	Driveway (stand alone)	expansion and new	\$250
410	Fuel/Oil Tank Decommission/Remove	Base permit fee	\$138
411		Plan review and inspection fee	per contract
412	Residential LPG Tanks	Base Permit Fee	\$126
413		Tank Under 125 gal.	\$46
414		126-500 gal.	\$74
415		501 and up, additional	\$100
416		Each 500 gal additional	\$126
417	FIRE PERMIT		
418	Commercial Building Permit	Plan review and inspection fee	per contract
419	Multi-family Building Permit	Plan review and inspection fee	per contract
420	Single-family Building Permit	Plan review and inspection fee	per contract
421	Annual Code Enforcement Inspection		per contract
422	Final and correction inspections		per contract
423	Fire Permit	Base fee	\$105
424	Fire Sprinkler/Alarm Sys. Rev	Plan review and inspection fee	per contract

	Fee Title	Description	Fee
425	PUBLIC WORKS-WATER		
426	Water Connection Fee	Per BDMC 13.04.295	
427	Drop In Meter Charges		
428	5/8" meter	City Installed	\$500
429	3/4" meter	City Installed	\$500
430	1" meter	City Installed	\$600
431	1 1/2" meter thru 6" meter	City Installed	meter cost
432	Irrigation 5/8" meter	City Installed	\$500
433	Cross Connection Control	Per Occurrence	\$138
434	In-Fill Lots Installation of Water Service Charges	Homeowner Incurs ALL Costs, Plus Deposit per BDMC 13.040.050	Deposit \$1,000
435	Water Service Line Review/Inspection Fee		\$138
436	Unauthorized connection fine	No Meter Present or Bypassing	\$1,200
437		Others	Per BDMC 13.04.295
438	Back Flow Device Inspection		\$138
439	Water Investigation Needs Report	Residential (Not required for lots within approved city subdivisions and short plats)	\$105
440		Multi-Family, Commercial, Industrial, Public	\$210
441	Hydraulic Model for Water System	Note: Some applications will require the use of outside consultants. See BDMC 2.60.050	Actual cost
442		Deposit	\$500
443	Water Equipment and Parts		Actual cost
444	SEWER		
445	Grease Interceptor	Per Occurrence	\$138
446	Reinsertion Fee	Per Occurrence	\$138
447	Sewer Connection Fee		Per BDMC 13.20.080
448	Sewer Investigation Certificates	Residential	\$138
449		Multi-Family, Commercial, Industrial, Public	\$300
450	Side Sewer Review/Inspection		\$138

	Fee Title	Description	Fee
451	Engineered Hydraulic Flows to Sewer System	Deposit Cost	Deposit \$1,000
452	STORMWATER		
453	Stormwater Drainage	Plan Review-per single family lot	\$138
454		Inspection per single family lot	\$138
455	Commercial Storm Water System Inspections	Per Inspection	\$138
456	OTHER		
457	Public Works Final Inspection-- Building Permit		\$138
458	Deviation of Public Works Standards	Application Fee	\$300
459	Traffic Engr. Review Fees	Note: Some applications will require the use of outside consultants. See BDMC 2.60.050	Actual Cost
460		Deposit	\$1,000
461	Review of Resubmitted/Reinspection	Per Occurrence	\$138
462	Inspections Outside Business Hours		\$176
463	Equipment Fee w/o Operator	City Dump Truck	\$75/hour
464		City Vehicle	\$50/hour
465		City Backhoe	\$75/hour
466		Miscellaneous Small Utility Equipment	\$30/hour
467		Shoulder Mower	\$75/hour
468		Riding Mower	\$30/hour
469		Parts	Actual Cost
470	Temporary Erosion Sediment Control	Inspection \$500 deposit	Per Inspection \$138

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT:	Agenda Date: April 5, 2018	AB18-048
Resolution awarding a construction contract to Transblue LLC for the 2018 Patching project.	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): \$56,050	Public Works – Seth Boettcher	X
Fund Source: TIB grant and City Street Funds	Court – Stephanie Metcalf	
Timeline: Work to be completed by June 1		
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; Bid Advertisement; Small Works Contract; Special Provisions; Transblue Bid; Bid Tabulation		
<p>SUMMARY STATEMENT:</p> <p>Public Works staff received a grant from the Transportation Improvement Board (TIB) for roadwork, including patching and chip seal, along 228th Ave. SE, 224th Ave. SE, and a portion of SE 296th St. (Resolution 18-1216). This project is for patching along this roadway in preparation for chip seal work that will occur this summer. The work covered under this grant is in Schedule A of the bid.</p> <p>Public Works staff included shoulder improvements at select locations along Roberts Drive in this project and is included as Schedule B. Work along Roberts Drive will not be covered by the grant. Two locations from the bid will likely be removed from the project due to budget constraints.</p> <p>Public Works staff utilized the City's Small Works Roster to solicit bids from contractors on March 13, 2018. A total of five bids were received on March 20, 2018. Transblue LLC provided the lowest responsive bid at \$56,050. The five bids ranged from \$56,050 to \$91,857. The City's estimate for the construction of this project was \$56,235.</p> <p>FISCAL NOTE (Finance Department):</p> <p>The City Council accepted the grant for this work on January 4, 2018 (Resolution 18-1216). The grant and previously budgeted funds will cover this work. Schedule A work will be done as part of the grant. Schedule B will be covered entirely by City funds.</p>		
<p>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</p> <p>The Public Works Committee recommends forwarding to Council for their approval.</p>		

RECOMMENDED ACTION: **MOTION to adopt Resolution 18-1241, authorizing the Mayor to execute a \$56,050 contract with Transblue LLC for the 2018 Patching project and authorizing a \$5,000 contingency fund for the construction of this project.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 5, 2018		

RESOLUTION NO. 18-1241

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AWARDING THE LOW BID ON THE 2018 PATCHING
PROJECT TO TRANSBLUE LLC**

WHEREAS, the City received a grant from the Washington State Transportation Improvement Board; and

WHEREAS, the City has planned and budgeted for road improvements along 228th Ave. SE/224th Ave. SE/SE 296th St.; and

WHEREAS, the City has planned and budgeted for general street improvements; and

WHEREAS, the City received 5 bids on March 20, 2018; and

WHEREAS, Transblue LLC was the lowest responsive bidder and has met all conditions of providing a responsible bid;

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

Section 1. The Mayor is hereby authorized to award the bid for the construction of the 2018 Patching project to Transblue LLC in the amount of \$56,050 and authorize the Mayor to execute a contract for the same.

Section 2. Authorize a \$5,000 contingency fund to cover change orders and changes in quantities for the 2018 Patching project.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF APRIL 2018.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

REQUEST FOR BIDS CITY OF BLACK DIAMOND 2018 PATCHING PROJECT

The City is requesting asphalt patching work for hot mix asphalt patches along 228th Ave. SE/224th Ave. SE/SE 296th St. between SE 296th St. and SE 312th St. in the City of Black Diamond, and a shoulder patch along portions of Roberts Drive. Work will also include protecting up to three monuments. The City is requesting unit price bids for each category of work as defined in the attached bid proposal form/Scope of Work.

The cut and patch marks on the streets in Schedule 'A' delineate the intended failed pavement removal only as measured longitudinally along the roadway and are not meant to delineate patch width. The City will freshen the patch delineation striping on the roadway after award of the project (see Plans). The plans show approximate locations of each patch location. Marks next to the road in Schedule 'B' show the limits of new shoulder patches along Roberts Drive.

Small Works Roster bids must be turned into Scott Hanis in the Community Development Building, located at 24301 Roberts Drive, Black Diamond, WA 98010, by 3:00 pm on Tuesday, March 20, 2018. Hard copy bids must be signed. E-mailed bids will also be accepted. E-mailed bids must be submitted in pdf form and contain a signature. If the apparent low bidder submitted an electronic bid, the bidder must provide a signed paper copy prior to notice of award. E-mailed bids shall be sent to and received by Scott Hanis: shanis@blackdiamondwa.gov by 3:00 pm at the time stated above. The City will not accept late e-mail submittals or those delayed due to file sizes or incorrect e-mail addresses. An acknowledgment that the bid was received will be sent via e-mail. All contract documents, plans, specifications, and addenda will be published on the City's Small Works page on the City's website: http://ci.blackdiamond.wa.us/Depts/PubWorks/works_roster.html.

Invitations to bid will be sent to all contractors registered on the City's Small Works Roster located at <http://www.mrscrosters.org> under the category of "Roadway Construction, Repair, and Maintenance" and sub-category of "Asphalt Pavement Minor Repairs" at the time of advertisement. Bids will also be accepted from contractors registered on the Small Works Roster at the time of bid closing.

Bid guarantees will not be required for this bid. There will not be a public opening of bids.

REQUEST FOR BIDS

CITY OF BLACK DIAMOND

Citywide Emergency Pothole Repair and Road Maintenance Project

BID FORM, SCOPE OF WORK, AND SPECIAL PROVISIONS

The City of Black Diamond is hereafter referred to as “the City.”

1. The undersigned hereby certifies that he/she has examined the locations of the patching as outlined in the bid documents for the City of Black Diamond 2018 Patching Project, is familiar with the local conditions at the location of the work to be done, and has read and thoroughly understands the work that the City requires to be completed, the Contract governing the work and the method by which payment will be made for said work in accordance with the City Contract at the proposed bid prices contained herein.
2. The bid will be evaluated by the sum of the total of the bids for the 4 categories of work in Schedule ‘A’ and the 4 categories of work in Schedule ‘B.’

The undersigned has checked the amounts below and understands that the City will not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

In order for the Owner to consider a bid, all items on the bid must be filled in completely.

3. It is agreed that this bid may not be withdrawn within a period of sixty (60) days after the date set for the opening thereof.
4. In accordance with this bid and the City Contract, the undersigned further agrees to so plan the work and to prosecute it with such diligence that said work shall be commenced within ten (10) days after issuance of a notice to proceed.
5. Receipt of the following Addenda to the Plans and/or Specifications is hereto acknowledged:

Addendum

No.

Addendum Receipt Date

Signed Acknowledgement

1.

2.

NOTE: Failure to acknowledge receipt of the Addenda may be considered as an irregularity in the Bid.

6. The undersigned hereby proposes to complete the attached scope of work and hourly rates at the following prices according to the City Contract, this Bid, and the Bid Solicitation:

SCHEDULE A – 228 th Ave. SE/224 th Ave. SE/SE 296 th St.					
ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	QTY	TOTAL
1	Mobilization \$_____ Per LS Unit Price in Words	LS	\$_____	1	\$
2	Project Temporary Traffic Control \$_____ Per LS Unit Price in Words	LS	\$_____	1	\$
3	Removing Asphalt Concrete Pavement, Incl. Haul \$_____ Per SY Unit Price in Words	SY	\$_____	450	\$
4	HMA Cl. ½ In. PG 64-22 for Pavement Patch \$_____ Per TON Unit Price in Words	TON	\$_____	55	\$
BID TOTAL SCHEDULE A					\$

SCHEDULE B – Roberts Dr.					
ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	QTY	TOTAL
1	Project Temporary Traffic Control \$_____ Per LS Unit Price in Words	LS	\$_____	1	\$
2	Roadway Excavation, Incl. Haul \$_____ Per CY Unit Price in Words	CY	\$_____	45	\$
3	HMA Cl. ½ In. PG 64-22 for Pavement Patch \$_____ Per TON Unit Price in Words	TON	\$_____	90	\$
4	Longitudinal Joint Seal \$_____ Per LF Unit Price in Words	LF	\$_____	1740	\$
BID TOTAL SCHEDULE B					\$
BID TOTAL A+B					\$

Bidder

Date

Contractor's License No.

Contractor's Washington UBI No.

By _____
Authorized Official

Address:

NOTES: 1. If the bidder is a co-partnership, so state, giving firm name under which business is transacted.
2. If the bidder is a corporation, this bid must be executed by its duly authorized officials.

REPAIR LOCATIONS & APPROXIMATE DIMENSIONS

NOTE: Patch limits will be marked in the field. Locations and quantities are approximated on the list below as well as on the maps to follow. All patches in Schedule 'A' will be at a depth of 2 inches:

Schedule A

Site #	Street	Limits	Square Yards
1	SE 296 th St.	North of SE 297 th St.	13
2	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	4
3	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	6
4	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	3
5	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	6
6	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	26
7	224 th Ave. SE	At SE 300 th St.	16
8	224 th Ave. SE	Between SE 300 th St. and SE 302 nd St.	4
9	224 th Ave. SE	Between SE 300 th St. and SE 302 nd St.	10
*10	224 th Ave. SE	At SE 302 nd St.	2
11	224 th Ave. SE	At SE 303 rd Pl.	30
*12	224 th Ave. SE	At SE 304 th St.	2
13	224 th Ave. SE	At SE 304 th Pl.	36
14	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	56
15	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	24
16	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	81
17	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	16
18	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	36
19	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	27
20	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	12
21	224 th Ave. SE	At SE 307 th Pl.	9
*22	228 th Ave. SE	Between SE 307 th Pl. and SE 312 th St., across from the school	2
23	228 th Ave. SE	Between SE 307 th Pl. and SE 312 th St., across from the school	27

**Monument present at this location. It may be necessary to adjust the case to grade, if necessary. Any adjustments are considered incidental and are covered under bid item 4. Monuments shall be protected by the Contractor. Site 22 may or may not have a monument (no case is exposed).*

NOTE: All work will be in the shoulder abutting concrete panels. Work in Schedule 'B' will provide a paved shoulder in some locations on Roberts Drive. Locations will be marked in the field on March 15, 2018. Excavation will be required prior to paving. Pavement in Schedule B shall be at a depth of 4 inches:

Schedule B

Site #	Street	Limits	Length	Width	Square Feet
1	Roberts Dr.	North side (south/westbound lane)	816'	2'	1632
2	Roberts Dr.	West side (south/westbound lane)	175'	2'	350
3	Roberts Dr.	East side (north/eastbound lane)	190'	2'	380
4	Roberts Dr.	South/east side (north/eastbound lane)	557'	2'	1114

Patch Locations

SCHEDULE 'A'
(Sheet 2 of 3)

Lake Sawyer

SCHEDULE 'B'
(Sheet 3 of 3)

Legend

- Patch Location (Sch. A)
- Roberts Shoulder (Sch. B)

SE 296TH ST
SE 298TH ST
SE 302ND PL
SE 303RD PL
SE 304TH ST
SE 304TH PL
SE 308TH ST
SE 312TH ST
SE 313TH PL
SE SAWYER RIDGE WAY SE
224TH PL SE
227TH AVE SE
ROBERTS DR
WILLOW AVE SE
SE STEVENS ST
SE 292ND
SE 293RD PL
232ND AVE SE
235TH AVE SE
232ND PL SE
234TH AVE SE
MAPLE VALLEY-BLACK DIAMOND RD SE
SUMMIT DR
3RD AVE SE R 169
SE 321ST ST
SE 322ND ST
SE 323RD ST
227TH AVE SE
SUNNY LN
MORGAN DR
LYNCH LN
ROBERTS DR
TERRACE PL
MORGAN ST
ABRAMS AVE
MINER ST

City of Black Diamond
2018 Patching Project

Author: Scott Hanis
Revised: March 13, 2018

Sheet 1 of 3

Sheet 1 of 3



CITY OF BLACK DIAMOND

Department of Public Works
P.O. Box 599 – 24301 Roberts Drive
Black Diamond, Washington 98010

PUBLIC WORKS CONTRACT SMALL WORKS

1. **Contract and Parties.** This Public Works Contract-Small Works ("Contract") is between the CITY OF BLACK DIAMOND, King County, Washington ("City"), a Washington municipal corporation and _____ ("Contractor"), a _____ corporation organized under the laws of the State of Washington, whose address is _____. The City and Contractor are each a "Party" and together the "Parties" to the Contract. The Parties agree as follows.
2. **Project.** The Parties enter into this Contract for purposes of Contractor providing the City with equipment, materials and performing work for the City ("the Project"), generally described as:

City of Black Diamond 2018 Patching project.
3. **Effective date.** This Contract becomes effective and binding upon the Parties, including each Party's heirs, successors, and assigns, immediately upon execution of this contract by both parties.
4. **Notices to Parties.** Contractor agrees to accept notices under this Contract via facsimile or email. It is the responsibility of Contractor to notify the City in writing if any of the contact information appearing below should change. Any notices required shall be in writing and delivered to the following addresses. If notice by email, a hard copy shall be delivered or mailed the same date as email.

CITY:

CITY OF BLACK DIAMOND
PO Box 599 – 24301 Roberts Drive
Black Diamond, Washington 98010
Contact: Scott Hanis
Phone: (360) 886-5700 ext. 5713
Fax: (360) 886-2592

CONTRACTOR:

Tax ID # _____
Contact: _____
Phone: (_____) _____
Fax: (_____) _____

5. **Notice to Proceed.** Contractor shall provide a performance bond, insurance certificates, a City business license and statement of intent to pay prevailing wage rates within 10 days of receiving a notice of award. The City expects to issue a notice of award on or about April 6, 2018. Upon timely receipt of the bond, insurance certificate, business license and

statement of intent to pay prevailing wage rates, the City will thereafter have ten (10) days to issue a notice to proceed. June 1, 2018 shall be the deadline for completion of all work in accordance with the terms and conditions of the Contract. The contract will stay in full force and effect until all obligations of the contract are satisfied.

6. Obligations of Contractor. The following terms and conditions apply to this Contract:

A. In general.

- (1) Responsible for all labor and work. Contractor shall be solely responsible for furnishing all labor and performance of all work necessary to complete the Project as required.
- (2) Responsible for furnishing all materials and equipment. Contractor shall furnish all materials and equipment necessary to complete the Project, except for any materials expressly agreed in writing to be provided by the City.
- (3) Documents incorporated by reference. All terms and specifications contained in any Request for Bids that was issued by the City as part of determining the awarding of this Contract are hereby incorporated by reference and must be complied with by Contractor, unless one or more of such terms and specifications are expressly amended or waived in writing by the City. The contract documents that the contractor shall comply with are: (1) this contract (2) the City's Construction Standards; (3) the most recent WSDOT Standard Specs for Road, Bridge and Municipal Construction; (4) Contractor's proposal; (5) the solicitation for bids including the roadway section design, the project and reconstruction limits
- (4) Laws and regulations to be followed. Contractor, its employees, agents, and subcontractors, shall at all times fully comply with all applicable laws, regulations, and administrative rulings in performing work for the Project.
- (5) Work Hours. Contractor shall not work on weekends. On Mondays through Thursdays, Contractor shall not start work before 7:00 AM, and shall not work after 6:00 PM. Contractor shall not start work before 7:00 AM on Fridays. Contractor must be off the street and shall not work after 3:30 PM on Fridays.
- (6) Conditions of Work. By submitting a proposal in response to the City's solicitation for quotations, Contractor represents and warrants to the City that Contractor has fully informed itself of all conditions relating to the work involved for completing the Project. In prosecuting the work, Contractor shall employ such methods or means as will not interfere with or interrupt the work of the City or its agents, employees or contractors.
- (7) Contractor's Responsibility. Contractor will prosecute the work in accordance with instructions, descriptions and/or plans and specifications provided by the City. Contractor shall carry on the work at its own risk until the same is fully completed and accepted, and shall, in case of any accident, destruction or injury to the work and/or materials before its final completion and acceptance, repair or replace forthwith the work and/or materials so injured, damaged or destroyed, at his own

expense and to the satisfaction of the City. When materials and equipment are furnished by others for installation or erection by Contractor, Contractor shall receive, unload, store and handle same at site and become responsible therefore as though such materials and/or equipment were being furnished by Contractor. Contractor shall procure all permits (unless permits are secured by the City) and licenses, pay all charges, fees and taxes, and give all notices necessary and incidental to the due and lawful prosecution of the work. Contractor shall be responsible for preparing working drawings and shall submit them to the City for approval prior to commencement of work. For purposes of this Contract, working drawings shall mean, shop drawings, shop plans, erection plans, false-work plans, framework plans, cofferdam, cribbing and shoring plans, or any other supplementary plans or similar data, including a schedule of submittal dates for working drawings where specified, which Contractor will rely on for purposes of conducting the work for the Project.

- (8) Contractor Clean-Up. Prior to physical completion, all debris resulting from Contractor's work, delivery or installation of equipment shall be disposed of entirely by Contractor in an efficient and expeditious manner as required and directed by the City.
- (9) Safety. Contractor and its subcontractors shall take all safety precautions and furnish and install all guards necessary for the prevention of accidents, and shall comply with all laws and regulations with regard to the prosecution of the work. Contractor agrees to furnish Material Safety Data Sheets (Form OSHA-20) applicable for hazardous or potentially hazardous products. Contractor agrees to comply with the conditions of the Washington Industrial Safety and Health Act of 1970, and standards and regulations issued thereunder, and certify that all items furnished and purchased will conform to and comply with said standards and regulations. Contractor further agrees to indemnify and hold harmless the City from damages assessed against the City because of Contractor's failure to comply with the Acts and the standards issued thereunder and for the failure of the items furnished under this order to so comply.

B. Work Performance.

- (1) Prevailing wages. Contractor shall pay prevailing wages, as that term is defined under the laws of the State of Washington, for all work performed on this Project by Contractor and by Contractor's employees, agents and subcontractors. Contractor is fully responsible for prevailing wage compliance.

For reference only, and without relieving any Contractor responsibility, the City notes the State of Washington prevailing wage rates for public works projects located in King County may be found at the following website address of the Department of Labor and Industries: <https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx>. Based on the bid submittal deadline for this Project, the applicable effective date for prevailing wages for this Project is March 13, 2018. A copy of prevailing wage rates is also available for viewing at the office of the City, located at 24301 Roberts Drive, Black Diamond, WA 98010. Upon request, the City will mail a hard copy of the applicable prevailing wages for this Project.

- (2) Notice to City. Minimum 24-hours prior notice shall be given to the City's Department of Public Works prior to commencement of work under this Contract.
- (3) Approved Plans & Specifications to be followed. All work is to be performed to the City's satisfaction and in compliance with the Contract Documents listed in section 6.A(3) above, unless such requirements or specifications are expressly amended in writing by the City.
- (4) Schedule of Work to be followed. The project shall be completed by June 1, 2018. Contractor shall diligently proceed with the work and shall assure that it, and its subcontractors, have adequate staffing at all times in order for Contractor to comply with any Schedule of Work agreed to by the Parties, and shall make all reasonable efforts to complete the work in a timely manner.
- (5) Duty to Correct. Contractor shall promptly correct work rejected by the City as failing to conform to the requirements of the Contract. The Contractor shall bear the cost of correcting such rejected work. If the Contractor fails to correct nonconforming work within a reasonable time, the City may correct it and Contractor shall reimburse the City for the cost of the correction.
- (6) Project Administration/Notice to Proceed. The Public Works Director, or his or her designee, shall administer this Contract and shall have all authority provided for the City under this Contract including all project approvals, including change orders. Contractor shall not commence work until Notice to Proceed has been given by the City. All work performed under this Contract will be monitored and inspected by the Public Works Director or his or her designee, and accepted by same.

C. Non-Discrimination.

- (1) Contractor, Contractor's officers and employees, and its subcontractors and agents, shall not discriminate against any employee or applicant for employment or any other person in the performance of this Contract because of race, creed, color, national origin, marital status, sex, age, disability, or other condition prohibited by federal, state, or local law or ordinance, except where the condition constitutes a bona fide occupational qualification under law.
- (2) Any violation of this Section shall be a material breach of this Contract and grounds for immediate cancellation, termination, or suspension of the Contract by the City, in whole or in part, and may result in Contractor being ineligible to perform further work for the City.

7. Compensation. Compensation shall be by Unit Price for each of the 5 categories of work in Schedule A and each of the categories of work in Schedule B as defined in the attached Bid Form/Scope of Work at the bid amounts.

Compensation for services requested by the City beyond the defined Scope of Work shall be by the unit prices according to the bid or by change order.

Rule 171 (WAC 458-20-171) and its related rules apply to this project.

8. Payment

- A. Contractor shall request approval and acceptance of each category of work from the City. Contractor may not bill for the completed work until the City has accepted the completed work.
- B. All invoices shall be submitted for work after it has been performed, and paid by City warrant within thirty (30) days of receipt of a proper invoice.
- C. Failure to perform any of the obligations under the Contract by Contractor may be decreed by the City to be adequate reason for withholding any payments until compliance is achieved. Progress payments for work performed shall not be evidence of acceptable performance or an admission by the City that any work has been satisfactorily completed.
- D. Payments received on account of work performed by a subcontractor are subject to the provisions of RCW 39.04.250.

9. Performance Bond. Contractor shall provide a performance and payment bond to the City prior to commencement of work for 100% of the bid amount guaranteeing the full and faithful performance by Contractor of the terms and conditions of this Contract.

Initial: _____ (Contractor)

In lieu of a performance and payment bond, the Contractor may request, in writing, that the City retain an additional 10% of the contract amount, on top of required retainage in item 10 below, until 30 days after the date of final acceptance, or until the receipt of all necessary releases from the Department of Revenue, Department of Employment Security, and Department of Labor and Industries, whichever is later and as determined by Revised Code of Washington (RCW) 39.08.010(3).

- A. If Contractor chooses to withhold extra retainage, the Contractor will still be required to provide a Maintenance Bond for a period of two years upon notification of physical completion from the Contracting Agency. The project will not be accepted until a Maintenance Bond is provided by the contractor.

10. Retainage. Pursuant to Chapter 60.28 RCW, a sum of five percent (5%) of the monies earned by Contractor will be retained from progress payments. Such retainage shall be used as a trust fund for the protection and payment (1) to the State with respect to taxes imposed pursuant to RCW Title 82, and (2) the claims of any person arising under the Contract. No final payment or release of any retainage will be made until Contractor and each subcontractor has submitted an "Affidavit of Wages Paid" (LI 700-7 or other approved form) that has been certified by the industrial statistician of the Department of Labor and Industries. Also the retainage will not be released until the City has received certification that the Department of Revenue has received due payment of applicable taxes. Once the City has received certification from appropriate departments of the state

of Washington, 45 days has passed from the date of acceptance of the Project and the City has not received any claims against the Project, then the City will release the retainage.

11. **Changes.** After execution of the Contract, changes in the Project may be accomplished by change order. The City, without invalidating the Contract, may order changes in the Project within the general scope of the Contract consisting of additions, deletions or other revisions, the contract sum and Contract completion date being adjusted accordingly. Change orders shall be in writing signed by the Parties.
12. **Termination of Contract.** This Contract may be terminated by the City at any time upon the default of the Contractor or upon public convenience, in which Contractor shall be entitled to just and equitable compensation for any satisfactory work completed prior to the date of termination. Contractor shall not be entitled to any reallocation of cost, profit or overhead. Contractor shall not in any event be entitled to anticipated profit on work not performed because of such termination. Contractor shall use its best efforts to minimize the compensation payable under this Contract in the event of such termination. If the contract is terminated for default, Contractor shall not be entitled to receive any further payments under the Contract until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to Contractor. Contractor shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.
13. **Responsibility Criteria and Verification by Contractor.** Pursuant to Chapter 39.04 RCW, the following requirements are part of this Contract:
 - A. *Responsibility Criteria.*
 - (1) Eligibility to be awarded contract. Contractor hereby certifies that Contractor meets the following responsibility criteria:
 - a. Contractor has a certificate of registration in compliance with chapter 18.27 RCW;
 - b. Contractor has a current state unified business identifier number;
 - c. If applicable, Contractor has industrial insurance coverage for Contractor's employees working in Washington as required under Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW; and
 - d. Contractor is not disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).
 - B. *Requirement to verify subcontractors.* Contractor verifies the responsibility criteria contained above for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors and that each subcontractor verify the responsibility criteria

for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in RCW 39.04.350(1) and possesses an electrical contractor license, if required by chapter 19.28 RCW, or an elevator contractor license, if required by chapter 70.87 RCW. This verification requirement must be included in every subcontract of every tier.

14. Insurance.

- A. All employees, subcontractors, agents to be covered. Contractor shall procure and maintain for the duration of the Contract, and shall provide proof satisfactory to the City, insurance that covers Contractor and each of Contractor's employees, subcontractors or agents (who are not otherwise covered by Contractor's insurance) against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Contractor, its employees, subcontractors or agents.
- B. Lack of insurance grounds for termination of contract. Failure of Contractor to maintain insurance as required herein shall be grounds for immediate termination of this Contract by the City.
- C. Title 51 Industrial Insurance Waived. The Parties have specifically negotiated as a term of this Contract that Contractor has agreed to expressly waive immunity under Title 51 RCW, Industrial Insurance Law.
- D. Minimum Scope of Insurance. Contractor shall obtain insurance of the types described below and maintain such insurance for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives or employees as follows
 - 1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. The policy shall provide contractual liability coverage.
 - 2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.
 - 3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Builders Risk [when applicable] insurance covering interests of the City, Contractor, Subcontractors, and Sub-subcontractors in the work. Builders Risk insurance shall be on a all-risk policy form and shall insure against the perils of fire, flood, earthquake, theft, vandalism, malicious mischief, collapse, temporary buildings and debris removal. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of Contractor. Higher deductibles for flood and earthquake perils may be accepted by the City upon written request by Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of Contractor. The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

E. Minimum Amounts of Insurance. Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.

3. Builders Risk insurance shall be written in the amount of the completed value of the Project with no coinsurance provisions.

4. Employer's liability insurance each accident \$1,000,000; Employer's Liability Disease each employee \$1,000,000; and Employer's Liability Disease – policy limit \$1,000,000.

E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Commercial General Liability, Employer's Liability and Builders Risk insurance:

1. Contractor's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

2. Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

3. Contractor, at the City's request, shall provide to the City a complete copy of requested policy(ies) and not just certificates.

4. The City will not waive its right to subrogation against the Contractor. The Contractor's insurance shall be endorsed acknowledging that the City will not waive its right to subrogation. The Contractor's insurance shall be endorsed to waive the right of

subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City.

- F. Verification of Coverage. Contractor shall furnish the City with original certificates and a copy of all amendatory endorsements, naming the City as additional named insured, including but not necessarily limited to the additional insured endorsements evidencing the Automobile Liability and Commercial General Liability insurance of Contractor before commencement of the work. Before any exposure to loss may occur, Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this Project.
- G. Subcontractors. Contractor shall ensure that each subcontractor of every tier obtains at a minimum the same insurance coverage and limits as stated herein for Contractor (with the exception of Builders Risk insurance). Upon request of the City, Contractor shall provide evidence of such insurance.
- H. Contractor's Other Losses. Whether insured or not, Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, vehicles, equipment or other personal property; and Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by Contractor, or Contractor's agents, suppliers or contractors as well as to any temporary structures, scaffolding and protective fences.

15. Claims for damages.

- A. Excluded situations. The City shall not be responsible for delays caused by soil conditions; underground obstructions; labor disputes; fire; delays by third parties, including public and private utilities; or reasonably foreseeable delays.
- B. Liability limited to direct costs. Contractor agrees that the City's liability to Contractor for payment of claims or damages of any kind whatsoever related to this Contract shall be limited to direct costs as provided under the force account provisions of applicable standard specifications. Contractor expressly waives all claims for payment of damages that include or are computed on total costs of job performance, extended overhead, or other similar methods that are not specific as to the actual, direct costs of contract work as defined in the force account provisions of applicable standard specifications.
- C. Indemnification. The following provision shall control over any other indemnification provision in the Contract Documents. The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries or damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials,

employees and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence.

It is further agreed that claims for damages against the City for which Contractor's insurance carrier does not accept defense of the City may be tendered by the City to Contractor, who shall then accept and settle with the claimant or defend the claim. The City retains the right to approve claims investigation and counsel assigned to said claims, and all investigation of legal work product regarding said claims shall be performed under a fiduciary relationship to the City.

It is further specifically and expressly understood that the indemnification provided herein constitutes Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Contract.

16. Assigning or Subcontracting. Contractor shall not assign, transfer, subcontract or encumber any rights, duties, or interests accruing from this Contract without the express prior written consent of the City.

17. Independent Contractor. Contractor is and shall be at all times during the term of this Contract an independent contractor.

18. Disputes. Any action for claims arising out of or relating to this Contract shall be governed by the laws of the State of Washington. Venue shall be in King County Superior Court.

19. Attorneys Fees. In any suit or action instituted to enforce any right granted in this Contract, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorneys fees from the other party.

20. Extent of Contract/Modification. This Contract, together with attachments or addenda, represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may be amended, modified or added to only by written instrument properly signed by both parties. Should any language in any of the Exhibits or Contract Documents conflict with language contained in this Contract, the provisions of this Contract shall prevail.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

BY ITS SIGNATURE BELOW, EACH PARTY ACKNOWLEDGES HAVING READ AND UNDERSTOOD THE TERMS AND CONDITIONS OF THIS CONTRACT AND AGREES TO BE BOUND BY THEM.

CITY OF BLACK DIAMOND

CONTRACTOR

By: _____

By: _____

Print name: _____

Print name: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

Office of the City Attorney

Attachments

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____ (*Corporate Officer (Not Contract Signer)*) certify that I am the _____ (*Corporate Title*) of the corporation named as Contractor in the Contract attached hereto; that _____, (*Contract Signer*) who signed said Contract on behalf of Contractor, was then _____ (*Corporate Title*) of said corporation; that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corp. officer signature (not contract signer)

Printed

Title

State of _____

County of _____

_____, (*corporate officer (not contract signer)*) being duly sworn, deposes and says that he/she is _____ (*Corporate Title*) of _____ (*Name of Corporation*)

Subscribed and sworn to before me this _____ day of _____,
20_____

Notary Public (Signature)

Notary Public (Print)
My commission expires _____

**DECLARATION OF OPTION FOR MANAGEMENT
OF STATUTORY RETAINED PERCENTAGE**

Note: This form must be submitted at the time Contractor executes the contract. Contractor shall designate the option desired by checking the appropriate space.

Monies reserved under provisions of RCW 60.28, at the option of Contractor, shall be:

_____ (1) Retained in a fund by the City.

_____ (2) Deposited by the City in an interest-bearing account in a bank, mutual savings bank or savings and loan association.

_____ (3) Placed in escrow with a bank or trust company by the City. When the monies reserved are to be placed in escrow, the City will issue a check representing the sum of the monies reserved payable to the bank or trust company and Contractor jointly. Such check shall be converted into bonds and securities chosen by Contractor and approved by the City and the bonds and securities held in escrow. Contractor in choosing option (2) or (3) agrees to assume full responsibility to pay all costs which may accrue from escrow services, brokerage charges or both, and further agrees to assume all risks in connection with the investment of the retained percentages in securities.

Contractor Signature

Date

**CITY OF BLACK DIAMOND
PERFORMANCE BOND**

Surety Bond #: _____
DATE POSTED: _____
PROJECT COMPLETION DATE: _____

RE: Subdivision/Plat/Name: _____
Owner/Developer/Contractor: _____
Project Address: _____

KNOW ALL PERSONS BY THESE PRESENTS: That we, _____
_____ (hereinafter called the "Principal"), and _____
a corporation organized under the laws of the State of _____, and authorized
to transact surety business in the State of Washington (hereinafter called the "Surety"), are held and
firmly bound unto the City of Black Diamond, Washington, in the sum of _____
(\$_____), lawful money of the United States of America, for the payment of which
sum we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns,
jointly and severally, by these presents. THE CONDITIONS of the above obligation are such that:

WHEREAS, the above named Principal has entered into a certain agreement with the City,
or has been granted approval by the City, for _____,
within the City;

WHEREAS, the agreement or the approval granted by the City requires that certain
improvements be made in connection with construction of the project; and that such improvements
be constructed in full compliance with City standards, and the plans and specifications submitted
with the project, as required by the City; and

WHEREAS, the agreement or the approval granted by the City requires that the
improvements are to be made or constructed within a certain period of time, unless an extension is
granted in writing by the City; and

NOW, THEREFORE, it is understood and agreed that this obligation shall continue in effect
until released in writing by the City of Black Diamond, but only after the Principal has performed
and satisfied the following conditions:

A. Conditions.

1. The improvements to be constructed by the Principal include: (insert complete
description here)

2. The Principal must construct the improvements to conform to the design, location, materials and other specifications for the indicated site improvements, as required by the City in the above-referenced City file. In addition, the Principal must construct the improvements according to the applicable ordinances and standards of the City and/or state statutes, as the same now exist or are hereafter amended.
3. The Principal must have completed all improvements required by the above-referenced conditions, plans and City file within _____ which time period shall begin to run from the earlier of _____ unless an extension is granted by the City.
4. The Principal must have paid all sums owing to laborers, contractors, mechanics, subcontractors, materialmen and suppliers or others as a result of such work for which a lien against any City property has arisen or may arise.
5. The Principal must obtain acceptance by the City of the work completed, all on or before thirty (30) days after the completion date set forth in paragraph 3 above.

B. Default.

1. If the Principal defaults and does not perform the above conditions within the time specified, then the Surety shall, within twenty (20) days of demand of the City, make a written commitment to the City that it will either:
 - a). remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the City; or
 - b). tender to the City within an additional ten (10) days the amount necessary, as determined by the City, for the City to remedy the default, up to the total bond amount.

Upon completion of the Surety's duties under either of the options above, the Surety shall then have fulfilled its obligations under this bond. If the Surety elects to fulfill its obligation pursuant to the requirements of subsection B(1)(b), the City shall notify the Surety of the actual cost of the remedy, upon completion of the remedy. The City shall return, without interest, any overpayment made by the Surety, and the Surety shall pay to the City any actual costs, which exceeded the City's estimate, limited to the bond amount.

2. In the event the Principal fails to complete all of the above referenced improvements within the time period specified by the City, then the City, its employees and agents shall have the right at the City's sole election to enter onto said property described above for the purpose of completing the improvements. This provision shall not be construed as creating an obligation on the part of the City or its representatives to complete such improvements.

C. Corrections. Any corrections required by the City shall be commenced within seven (7) days of notification by the City and completed within thirty (30) days of the date of

notification. If the work is not performed in a timely manner, the City shall have the right, without recourse to legal action, to take such action under this bond as described in Section B above.

- D. Extensions and Changes. No change, extension of time, alteration or addition to the work to be performed by the Principal shall affect the obligation of the Principal or Surety on this bond, unless the City specifically agrees, in writing, to such alteration, addition, extension or change. The surety waives notice of any such change, extension, alteration or addition thereunder.
- E. Enforcement. It is specifically agreed by and between the parties that in the event any legal action must be taken to enforce the provisions of this bond or to collect said bond, the prevailing party shall be entitled to collect its costs and reasonable attorney fees as a part of the reasonable costs of securing the obligation hereunder. In the event of settlement or resolution of these issues prior to the filing of any suit, the actual costs incurred by the City, including reasonable attorney fees, shall be considered a part of the obligation hereunder secured. Said costs and reasonable legal fees shall be recoverable by the prevailing party, not only from the proceeds of this bond, but also over and above said bond as a part of any recovery (including recovery on the bond) in any judicial proceeding. The Surety hereby agrees that this Agreement shall be governed by the laws of the State of Washington. Venue of any litigation arising out of this Agreement shall be in King County Superior Court.
- F. Bond Expiration. This bond shall remain in full force and effect until the obligations secured hereby have been fully performed and a bond guaranteeing maintenance of all improvements for a period of twenty-four (24) months from acceptance has been submitted to the City in an amount to be determined by the City Engineer, in a form suitable to the City and until released in writing by the City.

DATED this _____ day of _____, 201____.

SURETY COMPANY
(Signature must be notarized)

DEVELOPER/OWNER
(Signature must be notarized)

By: _____
Its _____

By _____
Its _____

Print Name: _____

Print Name: _____

Business Name: _____

Business Name: _____

Business Address: _____

Business Address: _____

City/State/Zip Code: _____

City/State/Zip Code: _____

Telephone Number: _____

Telephone Number: _____

CITY OF BLACK DIAMOND

By: _____
Its: _____

Date: _____

The City of Black Diamond
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

APPROVED AS TO FORM:

Office of the City Attorney

CHECK FOR ATTACHED NOTARY SIGNATURE

_____ Individual (Form P-1)
_____ Corporation (Form P-2)

FORM P-1 / NOTARY BLOCK
(Use For Individual/Sole Proprietor Only)

STATE OF WASHINGTON)
) ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing
at: _____
My Commission expires: _____

FORM P-2 / NOTARY BLOCK - (Use For Partnership or Corporation Only)

STATE OF WASHINGTON)
) ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said _____ person acknowledged as the _____ of _____ that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)

NOTARY PUBLIC in and for the State of
Washington, residing
at: _____
My Commission expires: _____

(For Surety Company)

STATE OF WASHINGTON)
) ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said _____ person acknowledged as the _____ of _____ that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing
at: _____
My Commission expires: _____

**CITY OF BLACK DIAMOND
MAINTENANCE BOND**

Surety Bond #: _____
Date Posted: _____
Expiration Date: _____

RE: Project Name: _____
Owner/Developer/Contractor: _____
Project Address: _____

KNOW ALL PERSONS BY THESE PRESENTS: That we, _____
(hereinafter called the "Principal"), and _____, a corporation organized
under the laws of the State of _____, and authorized to transact surety business in
the State of Washington (hereinafter called the "Surety"), are held and firmly bound unto the City
of Black Diamond, Washington, in the sum of _____
dollars (\$ _____), lawful money
of the United States of America, for the payment of which sum we and each of us bind ourselves,
our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.
THE CONDITIONS of the above obligation are such that:

WHEREAS, the above named Principal has constructed and installed certain improvements
on public property in connection with a project as described above within the City of Black
Diamond; and

WHEREAS, as a condition of approval, or as a condition of a contract with the City, the
Principal is required to post a bond following project completion in order to provide security for the
obligation of the Principal to repair and/or replace said improvements against defects in
workmanship, materials, or installation for a period of twenty-four (24) months after written and
final acceptance of the same and approval by the City;

NOW, THEREFORE, this Maintenance Bond has been secured and is hereby submitted to
the City. It is understood and agreed that this obligation shall continue in effect until released in
writing by the City, but only after the Principal has performed and satisfied the following
conditions:

A. The work or improvements installed by the Principal and subject to the terms and conditions
of this Bond are as follows: (insert complete description of work here)

B. The Principal and Surety agree that the work and improvements installed in the above-
referenced project shall remain free from defects in material, workmanship and installation (or, in
the case of landscaping, shall survive,) for a period of twenty-four (24) months after written and
final acceptance of the same and approval by the City. Maintenance is defined as acts carried out to

prevent a decline, lapse or cessation of the state of the project or improvements as accepted by the City during the twenty-four (24) month period after final and written acceptance, and includes, but is not limited to, repair or replacement of defective workmanship, materials or installations.

C. The Principal shall, at its sole cost and expense, carefully replace and/or repair any damage or defects in workmanship, materials or installation to the City-owned real property on which improvements have been installed, and leave the same in as good condition as it was before commencement of the work.

D. The Principal and the Surety agree that in the event any of the improvements or restoration work installed or completed by the Principal as described herein, fail to remain free from defects in materials, workmanship or installation (or in the case of landscaping, fail to survive), for a period of twenty-four (24) months from the date of acceptance of the work by the City, the Principal shall repair and/replace the same within ten (10) days of demand by the City, and if the Principal should fail to do so, then the Surety shall:

1. Within twenty (20) days of demand of the City, make written commitment to the City that it will either:
 - a). remedy the default itself with reasonable diligence pursuant to a time schedule acceptable to the City; or
 - b). tender to the City within an additional ten (10) days the amount necessary, as determined by the City, for the City to remedy the default, up to the total bond amount.

Upon completion of the Surety's duties under either of the options above, the Surety shall then have fulfilled its obligations under this bond. If the Surety elects to fulfill its obligation pursuant to the requirements of subsection D(1)(b), the City shall notify the Surety of the actual cost of the remedy, upon completion of the remedy. The City shall return, without interest, any overpayment made by the Surety, and the Surety shall pay to the City any actual costs which exceeded the City's estimate, limited to the bond amount.

2. In the event the Principal fails to make repairs or provide maintenance within the time period requested by the City, then the City, its employees and agents shall have the right at the City's sole election to enter onto said property described above for the purpose of repairing or maintaining the improvements. This provision shall not be construed as creating an obligation on the part of the City or its representatives to repair or maintain such improvements.

E. Corrections. Any corrections required by the City shall be commenced within ten (10) days of notification by the City and completed within thirty (30) days of the date of notification. If the work is not performed in a timely manner, the City shall have the right, without recourse to legal action, to take such action under this bond as described in Section D above.

- F. Extensions and Changes. No change, extension of time, alteration or addition to the work to be performed by the Principal shall affect the obligation of the Principal or Surety on this bond, unless the City specifically agrees, in writing, to such alteration, addition, extension or change. The surety waives notice of any such change, extension, alteration or addition thereunder.
- G. Enforcement. It is specifically agreed by and between the parties that in the event any legal action must be taken to enforce the provisions of this bond or to collect said bond, the prevailing party shall be entitled to collect its costs and reasonable attorney fees as a part of the reasonable costs of securing the obligation hereunder. In the event of settlement or resolution of these issues prior to the filing of any suit, the actual costs incurred by the City, including reasonable attorney fees, shall be considered a part of the obligation hereunder secured. Said costs and reasonable legal fees shall be recoverable by the prevailing party, not only from the proceeds of this bond, but also over and above said bond as a part of any recovery (including recovery on the bond) in any judicial proceeding. The Surety hereby agrees that this Agreement shall be governed by the laws of the State of Washington. Venue of any litigation arising out of this Agreement shall be in King County Superior Court.
- H. Bond Expiration. This bond shall remain in full force and effect until the obligations secured hereby have been fully performed and until released in writing by the City at the request of the Surety or Principal.

DATED this ____ day of _____, 2016.

SURETY COMPANY
(Signature must be notarized)

By: _____
Its _____

Business Name: _____

Business Address: _____

City/State/Zip Code: _____

Telephone Number: _____

OWNER
(Signature must be notarized)

By _____
Its _____

Business Name: _____

Business Address: _____

City/State/Zip Code: _____

Telephone Number: _____

CITY OF BLACK DIAMOND

By: _____
Mayor

Date: _____

City of Black Diamond
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

APPROVED AS TO FORM:

Office of the City Attorney

CHECK FOR ATTACHED NOTARY SIGNATURE

- _____ Individual (Form P-1)
- _____ Corporation (Form P-2)
- _____ Surety Company (Form P-2)

FORM P-1 / NOTARY BLOCK

(Use For Individual/Sole Proprietor Only)

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing
at: _____
My Commission expires: _____

INTRODUCTION TO THE SPECIAL PROVISIONS

(*****)

The work on this project shall be accomplished in accordance with the Standard Specifications for Road, Bridge and Municipal Construction, 2018 edition, as issued by the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter (hereafter “Standard Specifications”). The Standard Specifications, as modified or supplemented by the Amendments to the Standard Specifications and these Special Provisions, all of which are made a part of the Contract Documents, shall govern all of the Work.

These Special Provisions are made up of both General Special Provisions (GSPs) from various sources, which may have project-specific fill-ins; and project-specific Special Provisions. Each Provision either supplements, modifies, or replaces the comparable Standard Specification, or is a new Provision. The deletion, amendment, alteration, or addition to any subsection or portion of the Standard Specifications is meant to pertain only to that particular portion of the section, and in no way should it be interpreted that the balance of the section does not apply.

The project-specific Special Provisions are not labeled as such. The GSPs are labeled under the headers of each GSP, with the date of the GSP and its source, as follows:

(May 18, 2007 APWA GSP)

(August 7, 2006 WSDOT GSP)

Also incorporated into the Contract Documents by reference are the following documents, regulations, and/or requirements, which shall supersede any conflicting provisions of the Standard Specifications and are made a part of this contract; provided, however, that if any of the following documents, regulations and or requirements are less restrictive than Washington State Law, then the Washington State Law shall prevail.

- City of Black Diamond 2009 Engineering Design and Construction Standards
- Manual on Uniform Traffic Control Devices for Streets and Highways, currently adopted edition, with Washington State modifications, if any
- Standard Plans for Road, Bridge, and Municipal Construction, WSDOT/APWA, current edition

DIVISION 1

GENERAL REQUIREMENTS

DESCRIPTION OF WORK

(March 13, 1995)

This Contract provides for pavement patching along 228th Ave. SE/224th Ave. SE/SE 296th St. between SE 296th St. and SE 312th St.

1-01 DEFINITIONS AND TERMS

1-01.3 Definitions

(January 4, 2016 APWA GSP)

Delete the heading **Completion Dates** and the three paragraphs that follow it, and replace them with the following:

Dates

Bid Opening Date

The date on which the Contracting Agency publicly opens and reads the Bids.

Award Date

The date of the formal decision of the Contracting Agency to accept the lowest responsible and responsive Bidder for the Work.

Contract Execution Date

The date the Contracting Agency officially binds the Agency to the Contract.

Notice to Proceed Date

The date stated in the Notice to Proceed on which the Contract time begins.

Substantial Completion Date

The day the Engineer determines the Contracting Agency has full and unrestricted use and benefit of the facilities, both from the operational and safety standpoint, any remaining traffic disruptions will be rare and brief, and only minor incidental work, replacement of temporary substitute facilities, plant establishment periods, or correction or repair remains for the Physical Completion of the total Contract.

Physical Completion Date

The day all of the Work is physically completed on the project. All documentation required by the Contract and required by law does not necessarily need to be furnished by the Contractor by this date.

Completion Date

The day all the Work specified in the Contract is completed and all the obligations of the Contractor under the contract are fulfilled by the Contractor. All documentation required by the Contract and required by law must be furnished by the Contractor before establishment of this date.

Final Acceptance Date

The date on which the Contracting Agency accepts the Work as complete.

Supplement this Section with the following:

All references in the Standard Specifications, Amendments, or WSDOT General Special Provisions, to the terms "Department of Transportation", "Washington State Transportation Commission", "Commission", "Secretary of Transportation", "Secretary", "Headquarters", and "State Treasurer" shall be revised to read "Contracting Agency".

All references to the terms "State" or "state" shall be revised to read "Contracting Agency" unless the reference is to an administrative agency of the State of Washington, a State statute or regulation, or the context reasonably indicates otherwise.

All references to "State Materials Laboratory" shall be revised to read "Contracting Agency designated location".

All references to "final contract voucher certification" shall be interpreted to mean the Contracting Agency form(s) by which final payment is authorized, and final completion and acceptance granted.

Additive

A supplemental unit of work or group of bid items, identified separately in the Bid Proposal, which may, at the discretion of the Contracting Agency, be awarded in addition to the base bid.

Alternate

One of two or more units of work or groups of bid items, identified separately in the Bid Proposal, from which the Contracting Agency may make a choice between different methods or material of construction for performing the same work.

Business Day

A business day is any day from Monday through Friday except holidays as listed in Section 1-08.5.

Contract Bond

The definition in the Standard Specifications for "Contract Bond" applies to whatever bond form(s) are required by the Contract Documents, which may be a combination of a Payment Bond and a Performance Bond.

Contract Documents

See definition for "Contract".

Contract Time

The period of time established by the terms and conditions of the Contract within which the Work must be physically completed.

Notice of Award

The written notice from the Contracting Agency to the successful Bidder signifying the Contracting Agency's acceptance of the Bid Proposal.

Notice to Proceed

The written notice from the Contracting Agency or Engineer to the Contractor authorizing and directing the Contractor to proceed with the Work and establishing the date on which the Contract time begins.

Traffic

Both vehicular and non-vehicular traffic, such as pedestrians, bicyclists, wheelchairs, and equestrian traffic.

1-02 BID PROCEDURES AND CONDITIONS

1-02.1 Prequalification of Bidders

Delete this section and replace it with the following:

1-02.1 Qualifications of Bidder

(January 24, 2011 APWA GSP)

Before award of a public works contract, a bidder must meet at least the minimum qualifications of RCW 39.04.350(1) to be considered a responsible bidder and qualified to be awarded a public works project.

1-02.2 Plans and Specifications

(June 27, 2011 APWA GSP)

Delete this section and replace it with the following:

Information as to where Bid Documents can be obtained or reviewed can be found in the Call for Bids (Advertisement for Bids) for the work.

After award of the contract, plans and specifications will be issued to the Contractor at no cost as detailed below:

To Prime Contractor	No. of Sets	Basis of Distribution
Contract Provisions	2	Furnished automatically upon award.
Large plans (e.g., 22" x 34")	0	Furnished only upon request.

Additional plans and Contract Provisions may be obtained by the Contractor from the source stated in the Call for Bids, at the Contractor's own expense.

1-02.9 Delivery of Proposal

(August 15, 2012 APWA GSP, Option A)

Delete this section and replace it with the following:

Each proposal shall be submitted in a sealed envelope, with the Project Name (224th Ave. SE/228th Ave. SE/SE 296th St. Patching Project) and **TIB Project Number 2-P-800(007)-1** as stated in the Call for Bids clearly marked on the outside of the envelope, or as otherwise required in the Bid Documents, to ensure proper handling and delivery.

As an alternative to the sealed proposal, proposals may be submitted in pdf format to shanis@blackdiamondwa.gov with a signature on the pdf. An apparent low bidder submitting a pdf version shall provide a signed paper copy prior to the City prior to a notice of award.

The Contracting Agency will not open or consider any Bid Proposal that is received after the time specified in the Call for Bids for receipt of Bid Proposals, or received in a location other than that specified in the Call for Bids.

1-02.10 Withdrawing, Revising, or Supplementing Proposal

(July 23, 2015 APWA GSP)

Delete this section, and replace it with the following:

After submitting a physical Bid Proposal to the Contracting Agency, the Bidder may withdraw, revise, or supplement it if:

1. The Bidder submits a written request signed by an authorized person and physically delivers it to the place designated for receipt of Bid Proposals, and
2. The Contracting Agency receives the request before the time set for receipt of Bid Proposals, and
3. The revised or supplemented Bid Proposal (if any) is received by the Contracting Agency before the time set for receipt of Bid Proposals.

If the Bidder's request to withdraw, revise, or supplement its Bid Proposal is received before the time set for receipt of Bid Proposals, the Contracting Agency will return the unopened Proposal package to the Bidder. The Bidder must then submit the revised or supplemented package in its entirety. If the Bidder does not submit a revised or supplemented package, then its bid shall be considered withdrawn. Late revised or supplemented Bid Proposals or late withdrawal requests will be date recorded by the Contracting Agency and returned unopened. Mailed, emailed, or faxed requests to withdraw, revise, or supplement a Bid Proposal are not acceptable.

1-02.12 Public Opening of Proposals

(May 4, 2012 APWA GSP)

Delete this section and replace it with the following:

Proposals will not be opened and publicly read at the time indicated in the Call for Bids. Bid tabulations will be made available to the public to all bidders and to the public.

1-02.13 Irregular Proposals

(January 4, 2016 APWA GSP)

Delete this section and replace it with the following:

1. A proposal will be considered irregular and will be rejected if:
 - a. The Bidder is not prequalified when so required;
 - b. The authorized proposal form furnished by the Contracting Agency is not used or is altered;
 - c. The completed proposal form contains any unauthorized additions, deletions, alternate Bids, or conditions;
 - d. The Bidder adds provisions reserving the right to reject or accept the award, or enter into the Contract;
 - e. A price per unit cannot be determined from the Bid Proposal;
 - f. The Proposal form is not properly executed;
 - g. The Bidder fails to submit or properly complete a Subcontractor list, if applicable, as required in Section 1-02.6;
 - h. The Bidder fails to submit or properly complete a Disadvantaged Business Enterprise Certification, if applicable, as required in Section 1-02.6;
 - i. The Bidder fails to submit written confirmation from each DBE firm listed on the Bidder's completed DBE Utilization Certification that they are in agreement with the bidders DBE participation commitment, if applicable, as required in Section 1-02.6, or if the written confirmation that is submitted fails to meet the requirements of the Special Provisions;

- j. The Bidder fails to submit DBE Good Faith Effort documentation, if applicable, as required in Section 1-02.6, or if the documentation that is submitted fails to demonstrate that a Good Faith Effort to meet the Condition of Award was made;
 - k. The Bid Proposal does not constitute a definite and unqualified offer to meet the material terms of the Bid invitation; or
 - l. More than one proposal is submitted for the same project from a Bidder under the same or different names.
2. A Proposal may be considered irregular and may be rejected if:
- a. The Proposal does not include a unit price for every Bid item;
 - b. Any of the unit prices are excessively unbalanced (either above or below the amount of a reasonable Bid) to the potential detriment of the Contracting Agency;
 - c. Receipt of Addenda is not acknowledged;
 - d. A member of a joint venture or partnership and the joint venture or partnership submit Proposals for the same project (in such an instance, both Bids may be rejected); or
 - e. If Proposal form entries are not made in ink.

1-02.15 Pre Award Information

(August 14, 2013 APWA GSP)

Revise this section to read:

Before awarding any contract, the Contracting Agency may require one or more of these items or actions of the apparent lowest responsible bidder:

- 1. A complete statement of the origin, composition, and manufacture of any or all materials to be used,
- 2. Samples of these materials for quality and fitness tests,
- 3. A progress schedule (in a form the Contracting Agency requires) showing the order of and time required for the various phases of the work,
- 4. A breakdown of costs assigned to any bid item,
- 5. Attendance at a conference with the Engineer or representatives of the Engineer,
- 6. Obtain, and furnish a copy of, a business license to do business in the city or county where the work is located.
- 7. Any other information or action taken that is deemed necessary to ensure that the bidder is the lowest responsible bidder.

1-03 AWARD AND EXECUTION OF CONTRACT

1-03.4 Contract Bond

(July 23, 2015 APWA GSP)

Delete the first paragraph and replace it with the following:

The successful bidder shall provide executed payment and performance bond(s) for the full contract amount. The bond may be a combined payment and performance bond; or be separate payment and performance bonds. In the case of separate payment and performance bonds, each shall be for the full contract amount. The bond(s) shall:

- 1. Be on Contracting Agency-furnished form(s);
- 2. Be signed by an approved surety (or sureties) that:
 - a. Is registered with the Washington State Insurance Commissioner, and
 - b. Appears on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner,
- 3. Guarantee that the Contractor will perform and comply with all obligations, duties, and conditions under the Contract, including but not limited to the duty and obligation to indemnify,

defend, and protect the Contracting Agency against all losses and claims related directly or indirectly from any failure:

- a. Of the Contractor (or any of the employees, subcontractors, or lower tier subcontractors of the Contractor) to faithfully perform and comply with all contract obligations, conditions, and duties, or
 - b. Of the Contractor (or the subcontractors or lower tier subcontractors of the Contractor) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, material person, or any other person who provides supplies or provisions for carrying out the work;
4. Be conditioned upon the payment of taxes, increases, and penalties incurred on the project under titles 50, 51, and 82 RCW; and
 5. Be accompanied by a power of attorney for the Surety's officer empowered to sign the bond; and
 6. Be signed by an officer of the Contractor empowered to sign official statements (sole proprietor or partner). If the Contractor is a corporation, the bond(s) must be signed by the president or vice president, unless accompanied by written proof of the authority of the individual signing the bond(s) to bind the corporation (i.e., corporate resolution, power of attorney, or a letter to such effect signed by the president or vice president).

1-03.7 Judicial Review

(July 23, 2015 APWA GSP)

Revise this section to read:

Any decision made by the Contracting Agency regarding the Award and execution of the Contract or Bid rejection shall be conclusive subject to the scope of judicial review permitted under Washington Law. Such review, if any, shall be timely filed in the Superior Court of the county where the Contracting Agency headquarters is located, provided that where an action is asserted against a county, RCW 36.01.050 shall control venue and jurisdiction.

1-04 SCOPE OF THE WORK

1-04.2 Coordination of Contract Documents, Plans, Special Provisions, Specifications, and Addenda

(March 13, 2012 APWA GSP)

Revise the second paragraph to read:

Any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):

1. Addenda,
2. Proposal Form,
3. Special Provisions,
4. Contract Plans,
5. Amendments to the Standard Specifications,
6. Standard Specifications,
7. Contracting Agency's Standard Plans or Details (if any), and
8. WSDOT Standard Plans for Road, Bridge, and Municipal Construction.

1-05.11 Final Inspection

Delete this section and replace it with the following:

1-05.11 Final Inspections and Operational Testing

1-05.11(1) Substantial Completion Date

When the Contractor considers the work to be substantially complete, the Contractor shall so notify the Engineer and request the Engineer establish the Substantial Completion Date. The Contractor's request shall list the specific items of work that remain to be completed in order to reach physical completion. The Engineer will schedule an inspection of the work with the Contractor to determine the status of completion. The Engineer may also establish the Substantial Completion Date unilaterally.

If, after this inspection, the Engineer concurs with the Contractor that the work is substantially complete and ready for its intended use, the Engineer, by written notice to the Contractor, will set the Substantial Completion Date. If, after this inspection the Engineer does not consider the work substantially complete and ready for its intended use, the Engineer will, by written notice, so notify the Contractor giving the reasons therefor.

Upon receipt of written notice concurring in or denying substantial completion, whichever is applicable, the Contractor shall pursue vigorously, diligently and without unauthorized interruption, the work necessary to reach Substantial and Physical Completion. The Contractor shall provide the Engineer with a revised schedule indicating when the Contractor expects to reach substantial and physical completion of the work.

The above process shall be repeated until the Engineer establishes the Substantial Completion Date and the Contractor considers the work physically complete and ready for final inspection.

1-05.11(2) Final Inspection and Physical Completion Date

When the Contractor considers the work physically complete and ready for final inspection, the Contractor by written notice, shall request the Engineer to schedule a final inspection. The Engineer will set a date for final inspection. The Engineer and the Contractor will then make a final inspection and the Engineer will notify the Contractor in writing of all particulars in which the final inspection reveals the work incomplete or unacceptable. The Contractor shall immediately take such corrective measures as are necessary to remedy the listed deficiencies. Corrective work shall be pursued vigorously, diligently, and without interruption until physical completion of the listed deficiencies. This process will continue until the Engineer is satisfied the listed deficiencies have been corrected.

If action to correct the listed deficiencies is not initiated within 7 days after receipt of the written notice listing the deficiencies, the Engineer may, upon written notice to the Contractor, take whatever steps are necessary to correct those deficiencies pursuant to Section 1-05.7.

The Contractor will not be allowed an extension of contract time because of a delay in the performance of the work attributable to the exercise of the Engineer's right hereunder.

Upon correction of all deficiencies, the Engineer will notify the Contractor and the Contracting Agency, in writing, of the date upon which the work was considered physically complete. That date shall constitute the Physical Completion Date of the contract, but shall not imply acceptance of the work or that all the obligations of the Contractor under the contract have been fulfilled.

1-07.23 Public Convenience and Safety

1-07.23(1) Construction Under Traffic

(January 2, 2012 WSDOT GSP)

Work Zone Clear Zone

The Work Zone Clear Zone (WZCZ) applies during working and nonworking hours. The WZCZ applies only to temporary roadside objects introduced by the Contractor's operations and does not apply to preexisting conditions or permanent Work. Those work operations that are actively in progress shall be in accordance with adopted and approved Traffic Control Plans, and other contract requirements.

During nonworking hours equipment or materials shall not be within the WZCZ unless they are protected by permanent guardrail or temporary concrete barrier. The use of temporary concrete barrier shall be permitted only if the Engineer approves the installation and location.

During actual hours of work, unless protected as described above, only materials absolutely necessary to construction shall be within the WZCZ and only construction vehicles absolutely necessary to construction shall be allowed within the WZCZ or allowed to stop or park on the shoulder of the roadway.

The Contractor's nonessential vehicles and employees private vehicles shall not be permitted to park within the WZCZ at any time unless protected as described above.

Deviation from the above requirements shall not occur unless the Contractor has requested the deviation in writing and the Engineer has provided written approval.

Minimum WZCZ distances are measured from the edge of traveled way and will be determined as follows:

Regulatory Posted Speed	Distance From Traveled Way (Feet)
35 mph or less	10*
40 mph	15
45 to 55 mph	20
60 mph or greater	30

*or 2-feet beyond the outside edge of sidewalk

Minimum Work Zone Clear Zone Distance

(*****)

Lane closures are subject to the following restrictions:

During nonworking hours, the Contractor shall maintain one lane of traffic in each direction at all times on all roadways.

During working hours, the Contractor may close the road to all traffic provided that adequate detour signage is installed and detour routes are clearly marked as part of the traffic control plan.

If the Engineer determines the permitted lane closure hours adversely affect traffic, the Engineer may adjust the hours accordingly. The Engineer will notify the Contractor in writing of any change in the lane closure hours.

No lane closures will be allowed on a holiday or holiday weekend, or after 12:00 PM (noon) on a day prior to a holiday or holiday weekend. Holidays that occur on Friday, Saturday, Sunday or Monday are considered a holiday weekend.

1-08 PROSECUTION AND PROGRESS

1-08.5 Time For Completion

Section 1-08.5 is supplemented with the following:

(*****)

This project shall be physically completed within 10 working days or by June 1, 2018, whichever comes first.

For the purpose of this contract, a working day is defined as any day (or part of a day) in which any construction activity takes place.

1-10 TEMPORARY TRAFFIC CONTROL

1-10.1 General

The first paragraph of Section 1-10.1 is revised as follows:

(*****)

The Contractor shall provide traffic control plans to the Engineer for review and approval. Plans shall be submitted for review no more than 14 calendar days following award of the contract. Notice to Proceed will not be given until the traffic control plans are approved. Plans shall be in accordance with the MUTCD and the WSDOT "Work Zone Traffic Control Guidelines." A minimum of 5 working days will be required for review. Plans will be developed by the Traffic Control Supervisor or a licensed civil engineer. The plans as provided by the Contractor shall include and not be limited to the following information:

- Minimum lane widths provided for vehicular travel.
- Location, legend, and size for all signage.
- Location of flagger stations.
- Lane closure tapers.
- Identification and spacing for traffic control devices
- Identification of detour routes for road closures

The Contractor shall provide flaggers, signs, and other traffic control devices not otherwise specified as being furnished by the Contracting Agency. The Contractor shall erect and maintain all construction signs, warning signs, detour signs, and other traffic control devices necessary to warn and protect the public at all times from injury or damage as a result of the Contractor's operations which may occur on highways, roads, streets, sidewalks, or paths. No work shall be done on or adjacent to any traveled way until all necessary signs and traffic control devices are in place.

1-10.2 Traffic Control Management

1-10.2(1) General

Section 1-10.2(1) is supplemented with the following:

(January 3, 2017 WSDOT GSP)

Only training with WSDOT TCS card and WSDOT training curriculum is recognized in the State of Washington. The Traffic Control Supervisor shall be certified by one of the following:

The Northwest Laborers-Employers Training Trust
27055 Ohio Ave.
Kingston, WA 98346
(360) 297-3035
Evergreen Safety Council
12545 135th Ave. NE
Kirkland, WA 98034-8709
1-800-521-0778 or
(206) 382-4090
The American Traffic Safety Services Association
15 Riverside Parkway, Suite 100
Fredericksburg, Virginia 22406-1022
Training Dept. Toll Free (877) 642-4637
Phone: (540) 368-1701

1-10.2(2) Traffic Control Plans

The first sentence of Section 1-10.2(2) is replaced with the following:

(*****)

Traffic control plans have not been provided by the Owner. The Contractor shall prepare traffic control plans. Traffic control plans shall be prepared based on the requirements set forth in Sections 1-07.23 and 1-10.1 of these Special Provisions.

END OF DIVISION 1

DIVISION 2

EARTHWORK

2-02 REMOVAL OF STRUCTURES AND OBSTRUCTIONS

2-02.3 Construction Requirements

2-02.3(3) Removal of Pavement, Sidewalks, Curbs, and Gutters

Section 2-02.3(3) is supplemented with the following:

(*****)

Existing pavement shall be saw cut before commencing removal. Pavement shall be removed as required for the construction, and approved by the Engineer. Pavement thickness, type, and extent may vary throughout the project. Removal shall be accomplished by making a neat longitudinal vertical cut along the boundaries of the area to be removed. All cuts shall be continuous, and shall be made with saws specifically equipped for this purpose. No skip cutting will be allowed.

Any pavement, sidewalk, or curb and gutter that is damaged, and not designated for removal as shown on the Plans or preapproved by the Owner, shall be repaired or replaced entirely at the Contractor's expense. The width and location of cuts shall be preapproved by the Engineer before cutting of pavement.

Wheel cutting or jack hammering will not be considered an acceptable means of pavement "cutting," unless preapproved by the Engineer. However, even if preapproved as a method of cutting, or if the Engineer directs the Contractor to utilize this method of cutting, no payment will be made for this type of work; but rather, it shall be considered incidental to the project and as such, included in the various unit prices bid in the Proposal.

Add the following new section:

2-02.3(4) Adjust Existing Monument Case to Grade

New Section

Existing monuments shall be protected and cases adjusted, as necessary. The Contractor shall, prior to the beginning of any work, familiarize himself or herself with the existing monument locations. The Contractor shall mark the location of all monuments prior to paving the new surface. All costs associated with adjusting monuments and cases are considered incidental to the Project.

2-02.4 Measurement

Section 2-02.4 is supplemented with the following:

(*****)

"Removing Asphalt Conc. Pavement" will be measured per square yard regardless of depth prior to removal. Only asphalt concrete pavement designated for removal on the Plans, or approved by the Engineer, will be measured for payment.

No separate measurement will be made for saw cutting of any kind.

No separate measurement will be made for marking existing monuments to be adjusted, as necessary, by the City.

2-02.5 Payment

Section 2-02.5 is supplemented with the following:

(*****)

"Removing Asphalt Conc. Pavement", per square yard.

The unit bid price in the Proposal for "Removing Asphalt Conc. Pavement" will be full compensation for the costs of all labor, tools, equipment, and materials necessary or incidental to remove, haul tailings for disposal. Disposal costs will be the responsibility of the Contractor.

All saw cutting shall be considered incidental to other bid items in the Proposal and no additional compensation will be made.

Marking existing utilities to be raised, as necessary, by the City shall be considered incidental to other bid items in the Proposal and no additional compensation will be made.

2-03 ROADWAY EXCAVATION AND EMBANKMENT

2-03.3 Construction Requirements

2-03.3(14) Embankment Construction

2-03.3(14)E Unsuitable Foundation Excavation

Section 2-03.1(14)E is supplemented with the following:

(*****)

Where directed by the engineer, the Contractor shall remove unsuitable subbase materials beneath the roadway and shall replace the material with crushed surfacing top course per the Plans.

2-03.4 Measurement

Section 2-03.4 is supplemented with the following:

(*****)

No separate measurement will be made for “Unsuitable Foundation Excavation Incl. Haul”. Measurement and payment for all excavation will be made under “Roadway Excavation Incl. Haul” regardless of the nature or classification of excavation.

END OF DIVISION 2

DIVISION 5
SURFACE TREATMENTS AND PAVEMENTS

5-04 HOT MIX ASPHALT

5-04.1 Description

Section 5-04.1 is supplemented with the following:

(*****)

Asphalt concrete pavement shall be used at the following locations on the project:

1. HMA Cl. ½ In., PG 64-22: For all asphalt concrete patch.

5-04.3 Construction Requirements

5-04.3(3)A Material Transfer Device / Vehicle

(January 16, 2014 APWA GSP)

The first paragraph of this section is revised to read:

Additionally, a material transfer device or vehicle (MTD/V) is not required at the Project Site.

5-04.3(7)A2 Statistical or Nonstatistical Evaluation

Delete this section and replace it with the following:

5-04.3(7)A2 Nonstatistical Evaluation

(January 16, 2014 APWA GSP)

Mix designs for HMA accepted by Nonstatistical evaluation shall;

- Be submitted to the Project Engineer on WSDOT Form 350-042
- Have the aggregate structure and asphalt binder content determined in accordance with WSDOT Standard Operating Procedure 732 and meet the requirements of Sections 9-03.8(2) and 9-03.8(6).
- Have anti-strip requirements, if any, for the proposed mix design determined in accordance with WSDOT Test Method T 718 or based on historic anti-strip and aggregate source compatibility from WSDOT lab testing. Anti-strip evaluation of HMA mix designs utilized that include RAP will be completed without the inclusion of the RAP.

At or prior to the preconstruction meeting, the contractor shall provide one of the following mix design verification certifications for Contracting Agency review;

- The proposed mix design indicated on a WSDOT mix design/anti-strip report that is within one year of the approval date
- The proposed HMA mix design submittal (Form 350-042) with the seal and certification (stamp & signature) of a valid licensed Washington State Professional Engineer.
- The proposed mix design by a qualified City or County laboratory mix design report that is within one year of the approval date.

The mix design will be performed by a lab accredited by a national authority such as Laboratory Accreditation Bureau, L-A-B for Construction Materials Testing, The Construction Materials Engineering Council (CMEC's) ISO 17025 or AASHTO Accreditation Program (AAP) and shall supply evidence of participation in the AASHTO Material Reference Laboratory (AMRL) program.

At the discretion of the Engineer, agencies may accept mix designs verified beyond the one year verification period with a certification from the Contractor that the materials and sources are the same as those shown on the original mix design.

5-04.3(8) Mixing

5-04.3(8)A Acceptance Sampling and Testing—HMA Mixture

5-04.3(8)A1 General

(January 16, 2014 APWA GSP)

Delete this section and replace it with the following:

Acceptance of HMA shall be as defined under nonstatistical or commercial evaluation.

Nonstatistical evaluation will be used for all HMA not designated as Commercial HMA in the contract documents.

The mix design will be the initial JMF for the class of HMA. The Contractor may request a change in the JMF. Any adjustments to the JMF will require the approval of the Project Engineer and must be made in accordance with Section 9-03.8(7).

Commercial evaluation may be used for Commercial HMA and for other classes of HMA in the following applications: sidewalks, road approaches, ditches, slopes, paths, trails, gores, prelevel, and pavement repair. Other nonstructural applications of HMA accepted by commercial evaluation shall be as approved by the Project Engineer. Sampling and testing of HMA accepted by commercial evaluation will be at the option of the Project Engineer. Commercial HMA can be accepted by a contractor certificate of compliance letter stating the material meets the HMA requirements defined in the contract.

5-04.3(8)A4 Definition of Sampling Lot and Sublot

(January 16, 2014 APWA GSP)

Section 5-04.3(8)A4 is supplemented with the following:

For HMA in a structural application, sampling and testing for total project quantities less than 400 tons is at the discretion of the engineer. For HMA used in a structural application and with a total project quantity less than 800 tons but more than 400 tons, a minimum of one acceptance test shall be performed:

- i. If test results are found to be within specification requirements, additional testing will be at the engineers discretion.
- ii. If test results are found not to be within specification requirements, additional testing as needed to determine a CPF shall be performed.

5-04.3(8)A5 Test Results

(January 16, 2014 APWA GSP)

The first paragraph of this section is deleted.

5-04.3(8)A6 Test Methods
(January 16, 2014 APWA GSP)

Delete this section and replace it with the following:

Testing of HMA for compliance of Va will be at the option of the Contracting Agency. If tested, compliance of Va will be use WSDOT Standard Operating Procedure SOP 731. Testing for compliance of asphalt binder content will be by WSDOT FOP for AASHTO T 308. Testing for compliance of gradation will be by WAQTC FOP for AASHTO T 27/T 11.

5-04.3(8)A7 Test Section – HMA Mixtures
(March 10, 2010 APWA GSP)

Delete this section.

5-04.4 Measurement

Section 5-04.4 is supplemented with the following:

(*****)

“Crack Sealing” will be an incidental item under HMA Cl. ½ In. PG 64-22 for Pavement Patch. No separate measurement will be made for crack sealing.

5-04.5 Payment

Section 5-04.5 regarding “Crack Sealing” is deleted and replaced with the following:

(*****)

“Crack Sealing”.

All work for crack sealing, including all labor, tools, equipment, and materials necessary or incidental for sealing around new patches, shall be considered incidental to other bid items in the Proposal and no additional compensation will be made.

5-04.5(1)B Price Adjustments for Quality of HMA Compaction
(January 16, 2014 APWA GSP)

Delete this section and replace it with the following:

The maximum CPF of a compaction lot is 1.00.

For each compaction lot of HMA when the CPF is less than 1.00, a Nonconforming Compaction Factor (NCCF) will be determined. THE NCCF equals the algebraic difference of CPF minus 1.00 multiplied by 40 percent. The Compaction Price Adjustment will be calculated as the product of the NCCF, the quantity of HMA in the lot in tons and the unit contract price per ton of the mix.

END OF DIVISION 5

REQUEST FOR BIDS CITY OF BLACK DIAMOND 2018 PATCHING PROJECT

The City is requesting asphalt patching work for hot mix asphalt patches along 228th Ave. SE/224th Ave. SE/SE 296th St. between SE 296th St. and SE 312th St. in the City of Black Diamond, and a shoulder patch along portions of Roberts Drive. Work will also include protecting up to three monuments. The City is requesting unit price bids for each category of work as defined in the attached bid proposal form/Scope of Work.

The cut and patch marks on the streets in Schedule 'A' delineate the intended failed pavement removal only as measured longitudinally along the roadway and are not meant to delineate patch width. The City will freshen the patch delineation striping on the roadway after award of the project (see Plans). The plans show approximate locations of each patch location. Marks next to the road in Schedule 'B' show the limits of new shoulder patches along Roberts Drive.

Small Works Roster bids must be turned into Scott Hanis in the Community Development Building, located at 24301 Roberts Drive, Black Diamond, WA 98010, by 3:00 pm on Tuesday, March 20, 2018. Hard copy bids must be signed. E-mailed bids will also be accepted. E-mailed bids must be submitted in pdf form and contain a signature. If the apparent low bidder submitted an electronic bid, the bidder must provide a signed paper copy prior to notice of award. E-mailed bids shall be sent to and received by Scott Hanis: shanis@blackdiamondwa.gov by 3:00 pm at the time stated above. The City will not accept late e-mail submittals or those delayed due to file sizes or incorrect e-mail addresses. An acknowledgment that the bid was received will be sent via e-mail. All contract documents, plans, specifications, and addenda will be published on the City's Small Works page on the City's website: http://ci.blackdiamond.wa.us/Depts/PubWorks/works_roster.html.

Invitations to bid will be sent to all contractors registered on the City's Small Works Roster located at <http://www.mrscrosters.org> under the category of "Roadway Construction, Repair, and Maintenance" and sub-category of "Asphalt Pavement Minor Repairs" at the time of advertisement. Bids will also be accepted from contractors registered on the Small Works Roster at the time of bid closing.

Bid guarantees will not be required for this bid. There will not be a public opening of bids.

REQUEST FOR BIDS

CITY OF BLACK DIAMOND

Citywide Emergency Pothole Repair and Road Maintenance Project

BID FORM, SCOPE OF WORK, AND SPECIAL PROVISIONS

The City of Black Diamond is hereafter referred to as “the City.”

1. The undersigned hereby certifies that he/she has examined the locations of the patching as outlined in the bid documents for the City of Black Diamond 2018 Patching Project, is familiar with the local conditions at the location of the work to be done, and has read and thoroughly understands the work that the City requires to be completed, the Contract governing the work and the method by which payment will be made for said work in accordance with the City Contract at the proposed bid prices contained herein.
2. The bid will be evaluated by the sum of the total of the bids for the 4 categories of work in Schedule ‘A’ and the 4 categories of work in Schedule ‘B.’

The undersigned has checked the amounts below and understands that the City will not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

In order for the Owner to consider a bid, all items on the bid must be filled in completely.

3. It is agreed that this bid may not be withdrawn within a period of sixty (60) days after the date set for the opening thereof.
4. In accordance with this bid and the City Contract, the undersigned further agrees to so plan the work and to prosecute it with such diligence that said work shall be commenced within ten (10) days after issuance of a notice to proceed.
5. Receipt of the following Addenda to the Plans and/or Specifications is hereto acknowledged:

Addendum

<u>No.</u>	<u>Addendum Receipt Date</u>	<u>Signed Acknowledgement</u>
1.	N/A	
2.		

NOTE: Failure to acknowledge receipt of the Addenda may be considered as an irregularity in the Bid.

6. The undersigned hereby proposes to complete the attached scope of work and hourly rates at the following prices according to the City Contract, this Bid, and the Bid Solicitation:

SCHEDULE A – 228 th Ave. SE/224 th Ave. SE/SE 296 th St.					
ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	QTY	TOTAL
1	Mobilization \$ _____ Per LS Unit Price in Words	LS	\$ <u>10,000</u>	1	\$ 10,000.00
2	Project Temporary Traffic Control \$ _____ Per LS Unit Price in Words	LS	\$ <u>5,000</u>	1	\$ 5,000.00
3	Removing Asphalt Concrete Pavement, Incl. Haul \$ _____ Per SY Unit Price in Words	SY	\$ <u>10.00</u>	450	\$ 4,500.00
4	HMA Cl. ½ In. PG 64-22 for Pavement Patch \$ _____ Per TON Unit Price in Words	TON	\$ <u>100.00</u>	55	\$ 5,500.00
BID TOTAL SCHEDULE A					\$ 25,000.00

SCHEDULE B – Roberts Dr.					
ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	QTY	TOTAL
1	Project Temporary Traffic Control \$ _____ Per LS Unit Price in Words	LS	\$ <u>15,000</u>	1	\$ 15,000.00
2	Roadway Excavation, Incl. Haul \$ _____ Per CY Unit Price in Words	CY	\$ <u>60</u>	45	\$ 2,700.00
3	HMA Cl. ½ In. PG 64-22 for Pavement Patch \$ _____ Per TON Unit Price in Words	TON	\$ <u>100</u>	90	\$ 9,000.00
4	Longitudinal Joint Seal \$ _____ Per LF Unit Price in Words	LF	\$ <u>2.50</u>	1740	\$ 4,350.00
BID TOTAL SCHEDULE B					\$ 31,050.00
BID TOTAL A+B					\$ 56,050.00

Transblue
Bidder

03.20.2018
Date

TRANSL*849QM
Contractor's License No.

604009618
Contractor's Washington UBI No.

By 
Authorized Official

Address:
PO Box 6158
Edmonds, WA 98026

NOTES: 1. If the bidder is a co-partnership, so state, giving firm name under which business is transacted.
2. If the bidder is a corporation, this bid must be executed by its duly authorized officials.

REPAIR LOCATIONS & APPROXIMATE DIMENSIONS

NOTE: Patch limits will be marked in the field. Locations and quantities are approximated on the list below as well as on the maps to follow. All patches in Schedule 'A' will be at a depth of 2 inches:

Schedule A

Site #	Street	Limits	Square Yards
1	SE 296 th St.	North of SE 297 th St.	13
2	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	4
3	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	6
4	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	3
5	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	6
6	224 th Ave. SE	Between SE 296 th St. and SE 300 th St.	26
7	224 th Ave. SE	At SE 300 th St.	16
8	224 th Ave. SE	Between SE 300 th St. and SE 302 nd St.	4
9	224 th Ave. SE	Between SE 300 th St. and SE 302 nd St.	10
*10	224 th Ave. SE	At SE 302 nd St.	2
11	224 th Ave. SE	At SE 303 rd Pl.	30
*12	224 th Ave. SE	At SE 304 th St.	2
13	224 th Ave. SE	At SE 304 th Pl.	36
14	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	56
15	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	24
16	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	81
17	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	16
18	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	36
19	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	27
20	224 th Ave. SE	Between SE 304 th Pl. and SE 307 th Pl.	12
21	224 th Ave. SE	At SE 307 th Pl.	9
*22	228 th Ave. SE	Between SE 307 th Pl. and SE 312 th St., across from the school	2
23	228 th Ave. SE	Between SE 307 th Pl. and SE 312 th St., across from the school	27

**Monument present at this location. It may be necessary to adjust the case to grade, if necessary. Any adjustments are considered incidental and are covered under bid item 4. Monuments shall be protected by the Contractor. Site 22 may or may not have a monument (no case is exposed).*

NOTE: All work will be in the shoulder abutting concrete panels. Work in Schedule 'B' will provide a paved shoulder in some locations on Roberts Drive. Locations will be marked in the field on March 15, 2018. Excavation will be required prior to paving. Pavement in Schedule B shall be at a depth of 4 inches:

Schedule B

Site #	Street	Limits	Length	Width	Square Feet
1	Roberts Dr.	North side (south/westbound lane)	816'	2'	1632
2	Roberts Dr.	West side (south/westbound lane)	175'	2'	350
3	Roberts Dr.	East side (north/eastbound lane)	190'	2'	380
4	Roberts Dr.	South/east side (north/eastbound lane)	557'	2'	1114

Patch Locations

SCHEDULE 'A'
(Sheet 2 of 3)

Lake Sawyer

SCHEDULE 'B'
(Sheet 3 of 3)

Legend

- Patch Location (Sch. A)
- Roberts Shoulder (Sch. B)

SE 296TH ST
SE 298TH ST
SE 302ND PL
SE 303RD PL
SE 304TH ST
SE 304TH PL
SE 308TH ST
SE 312TH ST
SE 313TH PL
SE SAWYER RIDGE WAY SE
224TH PL SE
227TH AVE SE
ROBERTS DR
WILLOW AVE SE
SE STEVENS ST
SE 292ND
SE 293RD PL
232ND AVE SE
235TH AVE SE
232ND PL SE
234TH AVE SE
MAPLE VALLEY-BLACK DIAMOND RD SE
SUMMIT DR
3RD AVE SE R 169
SE 321ST ST
SE 322ND ST
SE 323RD ST
227TH AVE SE
SUNNY LN
MORGAN DR
LYNCH LN
ROBERTS DR
TERRACE PL
MORGAN ST
ABRAMS AVE
MINER ST

City of Black Diamond
2018 Patching Project

Author: Scott Hanis
Revised: March 13, 2018

Sheet 1 of 3

Sheet 1 of 3



Revised: March 13, 2018

City of Black Diamond
2018 Patching Project



City of Black Diamond PO Box 599 Black Diamond, WA 98010									
Project: 2018 Patching Bid Opening: March 20, 2018		Bidder & Address		Transblue PO Box 6158 Edmonds, WA 98026		Puget Paving & Const. 10910 26th Ave. S. Lakewood, WA 98499		AA Asphaltting LLC 14720 Puyallup Street Sumner, WA 98390	
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount
SCHEDULE A - 228th/224th/296th									
A1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00	\$3,200.00	\$3,200.00
A2	Project Temporary Traffic Control	LS	1	\$5,000.00	\$5,000.00	\$7,200.00	\$7,200.00	\$7,000.00	\$7,000.00
A3	Removing Asphalt Concrete Pavement, Incl. Haul	SY	450	\$10.00	\$4,500.00	\$30.00	\$13,500.00	\$36.00	\$16,200.00
A4	HMA Cl. 1/2 In. PG 64-22 for Pavement Patch	TON	55	\$100.00	\$5,500.00	\$300.00	\$16,500.00	\$300.00	\$16,500.00
TOTAL SCHEDULE A					\$25,000.00		\$43,200.00		\$42,900.00
SCHEDULE B - Roberts									
B1	Project Temporary Traffic Control	LS	1	\$15,000.00	\$15,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00
B2	Roadway Excavation, Incl. Haul	CY	45	\$60.00	\$2,700.00	\$200.00	\$9,000.00	\$125.00	\$5,625.00
B3	HMA Cl. 1/2 In. PG 64-22 for Pavement Patch	TON	90	\$100.00	\$9,000.00	\$225.00	\$20,250.00	\$240.00	\$21,600.00
B4	Longitudinal Joint Seal	LF	1740	\$2.50	\$4,350.00	\$0.50	\$870.00	\$2.80	\$4,872.00
TOTAL SCHEDULE B					\$31,050.00		\$37,120.00		\$39,097.00
TOTAL CONTRACT AMOUNT BID (SCHEDULE A+B)					\$56,050.00		\$80,320.00		\$81,997.00

City of Black Diamond PO Box 599 Black Diamond, WA 98010									
Project: 2018 Patching Bid Opening: March 20, 2018		Bidder & Address		Asphalt Patch Systems 8812 Canyon Rd. E. Puyallup, WA 98371		Lakeridge Paving Co. PO Box 8500 Covington, WA 98042		City Estimate	
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount
SCHEDULE A - 228th/224th/296th									
A1	Mobilization	LS	1	\$4,700.00	\$4,700.00	\$6,000.00	\$6,000.00	\$5,000.00	\$5,000.00
A2	Project Temporary Traffic Control	LS	1	\$7,000.00	\$7,000.00	\$8,000.00	\$8,000.00	\$6,000.00	\$6,000.00
A3	Removing Asphalt Concrete Pavement, Incl. Haul	SY	450	\$14.00	\$6,300.00	\$38.00	\$17,100.00	\$30.00	\$13,500.00
A4	HMA Cl. 1/2 In. PG 64-22 for Pavement Patch	TON	55	\$374.00	\$20,570.00	\$340.00	\$18,700.00	\$150.00	\$8,250.00
TOTAL SCHEDULE A					\$38,570.00		\$49,800.00		\$32,750.00
SCHEDULE B - Roberts									
B1	Project Temporary Traffic Control	LS	1	\$4,000.00	\$4,000.00	\$6,000.00	\$6,000.00	\$4,000.00	\$4,000.00
B2	Roadway Excavation, Incl. Haul	CY	45	\$200.00	\$9,000.00	\$280.00	\$12,600.00	\$75.00	\$3,375.00
B3	HMA Cl. 1/2 In. PG 64-22 for Pavement Patch	TON	90	\$344.00	\$30,960.00	\$250.00	\$22,500.00	\$150.00	\$13,500.00
B4	Longitudinal Joint Seal	LF	1740	\$2.00	\$3,480.00	\$0.55	\$957.00	\$1.50	\$2,610.00
TOTAL SCHEDULE B					\$47,440.00		\$42,057.00		\$23,485.00
TOTAL CONTRACT AMOUNT BID (SCHEDULE A+B)					\$86,010.00		\$91,857.00		\$56,235.00

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

ITEM INFORMATION		
SUBJECT: Resolution amending Council Rules of Procedure as adopted by Resolution No. 18-1213	Agenda Date: April 5, 2018	
	AB18-049	
	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 Edelman	X
Agenda Placement: <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution No. 18-1242; Clean and Redlined versions of Council Rules		
SUMMARY STATEMENT: The City Council held several work sessions regarding proposed changes to the current Council Rules of Procedure. The attached draft document contains those changes that were suggested during these work sessions. You will also find included a redlined version.		
FISCAL NOTE (Finance Department): N/A		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: Council work sessions were held.		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 18-1242, amending the Council Rules of Procedure as adopted by Resolution No. 18-1213.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
April 5, 2018		

RESOLUTION NO. 18-1242

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
AMENDING THE COUNCIL RULES OF PROCEDURE AS
ADOPTED BY RESOLUTION NO. 18-1213**

WHEREAS, on January 4, 2018, the City Council passed Resolution No. 18-1213 reaffirming the Council Rules that were adopted with the passage of Resolution No. 15-1009; and

WHEREAS, the City Council held several works session regarding proposed amendments to the Council Rules of Procedure; and

WHEREAS, those suggested amendments have been incorporated into the Council Rules of Procedure;

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

Section 1. The City Council hereby adopts the amended Council Rules of Procedure attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF APRIL 2018.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk



RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

TABLE OF CONTENTS

SECTION 1 – AUTHORITY	1
SECTION 2 – COUNCIL MEETINGS	2
2.1 Meetings Shall be Open to Public	2
2.2 Agenda	2
2.3 Minutes	2
2.4 Schedule of Regular Meetings	2
2.5 Quorum Required	3
2.6 Holidays	3
2.7 Study Sessions	3
2.8 Special Meetings	3
2.9 Emergency Meetings	3
2.10 Executive and Closed Sessions	4
2.11 Town Hall Meetings	4
2.12 Disruption of Meetings	4
SECTION 3 – REGULAR COUNCIL MEETING ORDER OF BUSINESS	4
3.1 Call to Order	4
3.2 Flag Salute	4
3.3 Roll Call	4
3.4 Agenda Review and Approval	5
3.5 Appointment, Announcements, Proclamations and Presentations	5
3.5.1 Appointments	5
3.5.2 Announcements	5
3.5.3 Proclamations	5
3.5.4 Presentations	5
3.5.5 Prohibited Topics	5
3.6 Consent Agenda	6
3.7 Public Comments	6
3.8 Legislative Public Hearings	6
3.9 Quasi-judicial Hearings	6

3.10	Unfinished Business.....	6
3.11	New Business, Ordinances and Resolutions.....	6
3.11.1	New Business.....	6
3.11.2	Ordinances.....	6
3.11.3	Resolutions.....	7
3.12	Department Reports.....	7
3.13	Mayor's Report.....	7
3.14	Councilmember Reports.....	7
3.15	City Attorney Report.....	7
3.16	Public Comments.....	7
3.17	Executive Session.....	7
3.18	Adjournment.....	7
3.19	Recess.....	7
SECTION 4 – PRESIDING OFFICER.....		7
4.1	Who Shall Act as Presiding Officer.....	7
4.2	Duties of Presiding Officer.....	7
4.3	Reordering Items on Agenda.....	8
4.4	Limitations on Political Speech.....	8
4.5	Duties and Authority of Mayor Not Limited.....	8
SECTION 5 – COUNCILMEMBERS.....		8
5.1	Councilmember Attendance at Meetings.....	8
5.1.1	Excused Absence.....	8
5.1.2	Excessive Absence Shall Create Vacancy.....	8
5.1.3	Telephonic or Other Electronic Attendance.....	9
5.2	Remarks.....	9
5.3	Questioning.....	9
5.4	Limitations on Political Speech.....	9
SECTION 6 – DEBATES.....		9
6.1	Speaking to the Motion.....	9
6.2	Interruption.....	9
6.3	Courtesy.....	9
6.4	Violations.....	10
6.5	Challenge to Ruling.....	10
6.6	Amendment of Rules.....	10
SECTION 7 – PARLIAMENTARY PROCEDURES AND MOTIONS.....		10
7.1	Robert's Rules Supplementary.....	10
7.2	Motions.....	10
7.3	Waiver of Rules.....	12

SECTION 8 – VOTING	12
8.1 Voice Vote	12
8.2 Roll Call Vote.....	12
8.3 Abstentions.....	12
8.4 Votes by Mayor	13
8.5 Votes by Councilmember Serving as Presiding Officer	13
8.6 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness.....	13
8.7 Failure to Vote.....	14
SECTION 9 – ORDINANCES AND RESOLUTIONS	14
SECTION 10 – PUBLIC COMMENTS	15
10.1 Requesting to Speak	15
10.2 Time Limit.....	15
10.3 Advertising or Promoting Political Cause is Prohibited	15
10.4 Other Prohibited Remarks	16
SECTION 11 – LEGISLATIVE AND QUASI-JUDICIAL HEARINGS.....	16
11.1 Legislative Hearings	16
11.2 Quasi-judicial Hearings	16
SECTION 12 – TOWN HALL MEETINGS	18
SECTION 13 – MAYOR PRO TEMPORE SELECTION PROCESS.....	18
SECTION 14 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION	19
14.1 Selecting a Councilmember Pro Tempore.....	19
14.2 Filling Vacant Council Position	19
SECTION 15 – COUNCIL MEETING STAFFING.....	19
SECTION 16 – COUNCIL RELATIONS WITH STAFF	19
SECTION 17 – APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED	20
17.1 Mayor’s Power to Appoint.....	20
17.2 Confirmation by Council	20
SECTION 18 – COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS	20
18.1 Council Standing Committees	20
18.2 Task Force Committees and Intergovernmental Groups	22
18.3 Advisory Boards, Committees and Commissions.....	23

SECTION 19 – SPEAKING WHEN REPRESENTING THE CITY COUNCIL	23
19.1 An Official City Position Requires a Public Vote.....	23
19.2 Personal Opinions Must Be Distinguished From City Positions on an Issue.....	23
SECTION 20 – TRAVEL AUTHORIZATION.....	24
SECTION 21 – CONFIDENTIALITY	24
21.1 In General.....	24
21.2 Executive Sessions	24
SECTION 22 – SEVERABILITY.....	24

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 35A.12.100 and 35.A.11.020 the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and remain in effect until such time as they are amended or new rules are adopted in the manner provided for by these rules.

SECTION 2 - COUNCIL MEETINGS

- 2.1 Meetings Shall be Open to Public. All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in Chapter 42.30 RCW (the Open Public Meetings Act). Under RCW 42.30.040, no person at the meeting shall be required to register or provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, persons wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. *See Section.2.12*
- 2.2 Agenda. The City Clerk shall be responsible for preparing and publishing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor or the Mayor's designee prior to publication. The agenda for a Special Council Meeting may not be amended. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. After this time, inclusion of an item on the published agenda will be at the discretion of the Clerk, upon consultation with the Mayor. Once the agenda has been finalized, published, and provided to the Council, the Council may decline to consider additional items at the meeting for which the agenda was prepared, or postpone consideration of such items until a future Council meeting date, which date shall be specified by the Council.
- 2.3 Minutes. The City Clerk shall prepare action for all the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.
- 2.4 Schedule of Regular Meetings. In accordance with BDMC 2.04.010, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council. A work session of the City Council will be held on the second Thursday of the month at 6:00 p. m. Town Hall meetings shall be held semi-annually (March and October) on the second Thursday of the month at 7:00 p.m. following the regular Work Session in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The Town Hall Meeting will be adjourned by 9:00 p.m. unless otherwise amended by a majority vote of the Council. Council meetings, work sessions and/or Town Hall meetings may be cancelled and/or rescheduled by a majority vote of the Council in an open public

meeting. The Mayor or a majority of the City Council may, on an emergency basis, cancel a meeting due to unforeseen events.

- 2.5 Quorum Required. The presence of a majority of the whole membership of the Council who are also eligible to vote at a Council meeting shall constitute a quorum. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.
- 2.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be rescheduled to the next business day that is not a legal holiday or to another day certain by majority vote of Councilmembers present.
- 2.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings. No public testimony will be allowed during study sessions.
- 2.8 Special Meetings. In accordance with chapter 42.30.080 RCW, a special meeting of the City Council may be called by the Mayor or at the request of a majority of the City Council. If the City Clerk receives a request for a special meeting from a majority of the City Council, then the City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone, e-mail, or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered at the special meeting. The Council may not make final disposition of any matter not mentioned in the notice.

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with City emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

- 2.9 Emergency Meetings. In accordance with RCW 42.30.070 and .080, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Presiding Officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.

- 2.10 Executive and Closed Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members or others authorized to attend by the Mayor or a majority of Councilmembers present. In accordance with RCW 42.30.030 and .110, other persons and members of the public are prohibited from attending executive sessions.

Executive sessions may be held during regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during any one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the public. Prior to convening an executive session, the Presiding Officer shall make an announcement that an executive session is being held and inform the public when the executive session shall end; provided that, the ending time of an executive session may be extended by announcement of the Presiding Officer. Executive sessions may only be called to consider such matters as authorized by RCW 42.30.110.

No votes, straw polls, or decisions on final action shall be made in Executive or Closed Sessions. Discussions occurring during executive sessions are confidential, and violation of confidentiality by any participant in an executive session may subject the violator to censure by the Council, up to and including exclusion from future executive sessions if so determined by a public vote of a majority of the entire Council.

- 2.11 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond Community an opportunity to discuss emerging issues and matters of local or general concern.
- 2.12 Disruption of Meetings. As authorized by RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 35A.12.100 and 35.A.11.020 the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and remain in effect until such time as they are amended or new rules are adopted in the manner provided for by these rules.

SECTION 2 - COUNCIL MEETINGS

- 2.1 Meetings Shall be Open to Public. All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in Chapter 42.30 RCW (the Open Public Meetings Act). Under RCW 42.30.040, no person at the meeting shall be required to register or provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, persons wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. *See Section.2.12*
- 2.2 Agenda. The City Clerk shall be responsible for preparing and publishing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor or the Mayor's designee prior to publication. The agenda for a Special Council Meeting may not be amended. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. After this time, inclusion of an item on the published agenda will be at the discretion of the Clerk, upon consultation with the Mayor. Once the agenda has been finalized, published, and provided to the Council, the Council may decline to consider additional items at the meeting for which the agenda was prepared, or postpone consideration of such items until a future Council meeting date, which date shall be specified by the Council.
- 2.3 Minutes. The City Clerk shall prepare action for all the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.
- 2.4 Schedule of Regular Meetings. In accordance with BDMC 2.04.010, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council. A work session of the City Council will be held on the second Thursday of the month at 6:00 p. m. Town Hall meetings shall be held semi-annually (March and October) on the second Thursday of the month at 7:00 p.m. following the regular Work Session in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The Town Hall Meeting will be adjourned by 9:00 p.m. unless otherwise amended by a majority vote of the Council. Council meetings, work sessions and/or Town Hall meetings may be cancelled and/or rescheduled by a majority vote of the Council in an open public

meeting. The Mayor or a majority of the City Council may, on an emergency basis, cancel a meeting due to unforeseen events.

- 2.5 Quorum Required. The presence of a majority of the whole membership of the Council who are also eligible to vote at a Council meeting shall constitute a quorum. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.
- 2.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be rescheduled to the next business day that is not a legal holiday or to another day certain by majority vote of Councilmembers present.
- 2.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings. No public testimony will be allowed during study sessions.
- 2.8 Special Meetings. In accordance with chapter 42.30.080 RCW, a special meeting of the City Council may be called by the Mayor or at the request of a majority of the City Council. If the City Clerk receives a request for a special meeting from a majority of the City Council, then the City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone, e-mail, or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered at the special meeting. The Council may not make final disposition of any matter not mentioned in the notice.

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with City emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

- 2.9 Emergency Meetings. In accordance with RCW 42.30.070 and .080, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Presiding Officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.

- 2.10 Executive and Closed Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members or others authorized to attend by the Mayor or a majority of Councilmembers present. In accordance with RCW 42.30.030 and .110, other persons and members of the public are prohibited from attending executive sessions.

Executive sessions may be held during regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during any one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the public. Prior to convening an executive session, the Presiding Officer shall make an announcement that an executive session is being held and inform the public when the executive session shall end; provided that, the ending time of an executive session may be extended by announcement of the Presiding Officer. Executive sessions may only be called to consider such matters as authorized by RCW 42.30.110.

No votes, straw polls, or decisions on final action shall be made in Executive or Closed Sessions. Discussions occurring during executive sessions are confidential, and violation of confidentiality by any participant in an executive session may subject the violator to censure by the Council, up to and including exclusion from future executive sessions if so determined by a public vote of a majority of the entire Council.

- 2.11 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond Community an opportunity to discuss emerging issues and matters of local or general concern.
- 2.12 Disruption of Meetings. As authorized by RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 35A.12.100 and 35.A.11.020 the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and remain in effect until such time as they are amended or new rules are adopted in the manner provided for by these rules.

SECTION 2 – COUNCIL MEETING

2.1 Meeting Shall be Open to Public. All meetings shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in Chapter 42.30 RCW 42.30.RCW (the Open Public Meetings Act). Under RCW 42.30.040, no person at the meeting shall be required to register to provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, persons wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. *See Section 2.12*

2.2 Agenda. The City Clerk shall be responsible for preparing and publishing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor or the Mayor's designee prior to publication. The agenda for a Special Council Meeting may not be amended. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. After this time, inclusion of an item on the published agenda will be at the discretion of the Clerk, upon consultation with the Mayor. Once the agenda has been finalized, published, and provided to the Council, the Council may decline to consider additional items at the meeting for which the agenda was prepared, or postpone consideration of such items until a future Council meeting date, which date shall be specified by the Council.

2.3 Minutes. The City Clerk shall prepare action for all the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.

2.4 Schedule of Regular Meetings. In accordance with BDMC 2.04.010, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council. A work session of the City Council will be held on the second Thursday of the month at 6:00 p. m. Town Hall meetings shall be held semi-annually (March and October) on the second Thursday of the month at 7:00 p.m. following the regular Work Session in the City Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The Town Hall Meeting will be adjourned by 9:00 p.m. unless otherwise amended by a majority vote of the Council. Council meetings, work sessions and/or Town Hall meetings may be cancelled and/or rescheduled by a majority vote of the Council in an open public meeting. The Mayor or a majority of the City Council may, on an emergency basis, cancel a meeting due to unforeseen events.

2.5 Quorum Required. The presence of a majority of the whole membership of the Council who are also eligible to vote at a Council meeting shall constitute a quorum. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.

2.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be rescheduled to the next business day that is not a legal holiday or to another day certain by majority vote of Councilmembers present.

2.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings. No public testimony will be allowed during study sessions.

2.8 Special Meetings. In accordance with chapter 42.30.080 RCW, a special meeting of the City Council may be called by the Mayor or at the request of a majority of the City Council. If the City Clerk receives a request for a special meeting from a majority of the City Council, then the City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone, e-mail, or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered at the special meeting. The Council may not make final disposition of any matter not mentioned in the notice. Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with City emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

2.9 Emergency Meetings. In accordance with RCW 42.30.070 and .080, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Presiding Officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.

2.10 Executive and Closed Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members or others authorized to attend by the Mayor or a majority of Councilmembers present. In accordance with RCW 42.30.030 and .110, other persons and members of the public are prohibited from attending executive sessions.

Executive sessions may be held during regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during any one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the public. Prior to convening an executive session, the Presiding Officer shall make an announcement that an executive session is being held and inform the public when the executive session shall end; provided that, the ending time of an executive session may be extended by announcement of the Presiding Officer. Executive sessions may only be called to consider such matters as authorized by RCW 42.30.110.

No votes, straw polls, or decisions on final action shall be made in Executive or Closed Sessions. Discussions occurring during executive sessions are confidential, and violation of confidentiality by any participant in an executive session may subject the violator to censure by the Council, up to and including exclusion from future executive sessions if so determined by a public vote of a majority of the entire Council.

2.11 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond Community an opportunity to discuss emerging issues and matters of local or general concern.

2.12 Disruption of Meetings. As authorized by RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

SECTION 3 – REGULAR COUNCIL MEETING ORDER OF BUSINESS

The form of agenda of a Regular City Council meeting shall be as follows:

3.1 Call to Order. The Presiding Officer shall call the meeting to order.

3.2 Flag Salute. The Presiding Officer shall lead the flag salute. However, the Presiding Officer may designate a Councilmember or other person to lead the flag salute.

3.3 Roll Call. The City Clerk will call the roll and determine whether a quorum is satisfied. See Section 2.5.

3.4 Agenda Review and Approval. The Presiding Officer shall announce any changes to the Council's published agenda and present the agenda for approval. The Council may add, delete or amend agenda items by two-thirds majority vote of the members present. The order of the agenda may only be changed by a two-thirds vote of the majority of the Council Members present to suspend the rules and change the order of the agenda. Without the necessity of any vote thereon, the Presiding Officer may present matters to the Council for discussion, consideration, and/or voting.

3.5 Appointments, Announcements, Proclamations and Presentations.

- 3.51 *Appointments.* In accordance with the Black Diamond Municipal Code and these Rules of Procedure, individuals appointed by the Mayor to hold positions within City government or on various committees, boards and commissions may require confirmation by the Council. Where confirmation is required, the vote of the Council may be preceded by discussion in executive session. See SECTION 17 and SECTION 18.
- 3.5.2 *Announcements.* An announcement is a brief statement that informs the public of an event or happening of general interest. However, it cannot be a statement regarding a subject prohibited below Subsection 3.5.5
- 3.5.3 *Proclamations.* A proclamation is an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has had a major city-wide impact. The Mayor will read the proclamation and may invite guests to speak on the topic for no more than five (5) minutes.
- 3.5.4 *Presentations.* Any person(s) or organization(s) wishing to make a presentation to the Council must first submit a completed "Request to be on Council Agenda Form" with the City Clerk. The request should be made at least two weeks prior to the intended Council date. The Mayor or the Mayor's designee will determine if the proposed presentation is approved and will notify the applicant of the selected meeting date. If the presentation is not approved, the Mayor or the Mayor's designee will notify the applicant of the decision and the reason(s) for the decision. Presentations will not last more than five (5) minutes in length unless given at the request of the Mayor or Mayor's designee. Upon motion and approval of a majority of Councilmembers present, the Council may authorize presentations and may determine their length.
- 3.5.5 *Prohibited Topics.* Except as authorized or required by RCW 42.17A.555, no person may use this time to address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may use this time to address the Council for the purpose of advertising

3.6 Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings and appeals.
- c. Approval of claims, vouchers and payroll, bid awards and contracts.
- d. Approval of property as surplus.
- e. Authorization of grant applications.
- f. Approval of interlocal agreements or other contracts.
- g. Other items designated by the City Council.

3.7 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period, except where prohibited by RCW 42.17A.555. *See Section 10.*

3.8 Legislative Public Hearings. Individuals may comment on legislative decisions regarding matters of policy. *See Section 11.*

3.9 Quasi-judicial Hearings. More formal proceedings are held to determine the legal rights of specific parties, which include the receipt of proponent and opponent testimony. *See Section 11.*

3.10 Unfinished Business. Unfinished business consists of subjects discussed by the Council at a previous regular or special meeting and which have been placed on the agenda for additional discussion or resolution.

3.11 New Business, Ordinances and Resolutions.

3.11.1 *New Business.* New business shall mean topics or issues that have not previously been before the City Council for discussion or other action, other than ordinances and resolutions.

3.11.2 *Ordinances.* Ordinances prescribe general, uniform, and permanent rules of conduct and constitute the local law of the City of Black Diamond. *See Section 9.1.*

3.11.3 Resolutions. Resolutions concern matters of special, temporary, or ministerial character and express the opinion or mind of the City Council. See *Section 9.2*

3.12 Department Reports. Department Directors may report on action and activities of their respective departments.

3.13 Mayor's Report. The Mayor may report on significant activities since the last regular meeting, inquire on matters of general City business, or initiate investigation or action on a matter of concern.

3.14 Councilmember Reports. Councilmembers may report on Council committee discussions or other significant activities since the last regular meeting, or on matters of general City business, or may initiate investigation or action on a matter of concern.

3.15 City Attorney Report. The City Attorney may report on legally significant events or activities.

3.16 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in Section 10.

3.17 Executive Session. In accordance with RCW 42.30.030 and .110, executive sessions are closed to the general public. See *Section .2.8*.

3.18 Adjournment. With no further business to come before the Council, the Presiding Officer may request a vote to adjourn the meeting.

3.19 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer or majority of the City Council to recess for any reason, including executive sessions.

SECTION 4 – PRESIDING OFFICER

4.1 Who Shall Act as Presiding Officer.

4.1.1 The Mayor shall act as Presiding Officer at all meetings of the Council unless absent; in the absence of the Mayor, the Mayor Pro Tem will act as Presiding Officer. If both the Mayor and Mayor Pro Tem are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tem. See *Section 13*.

4.2 Duties of Presiding Officer. The duties of the Presiding Officer shall be to:

- 4.2.1 Preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct.
 - 4.2.2 Observe and enforce all rules adopted by the Council.
 - 4.2.3 Recognize Councilmembers in the order in which they request the floor, and recognize every Councilmember who wishes an opportunity to speak; provided that, the mover of a motion shall be permitted to debate it first; provided further that, the Presiding Officer may allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion.
- 4.3 Reordering Items on Agenda. Without the necessity of any vote thereon, Presiding Officer may present matters before the Council for discussion, consideration and voting in a different order than they appear in the agenda when matters on the agenda are able to be placed under more than one classification or category.
- 4.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. *See also Section 19.*
- 4.5 Duties and Authority of Mayor Not Limited. These rules do not limit the duties and authority of the Mayor as specified in RCW 35A.12.100.

SECTION 5 – COUNCILMEMBERS

5.1 Councilmember Attendance at Meetings.

- 5.1.1 *Excused Absence.* Councilmembers shall inform the Mayor or City Clerk in advance if the Councilmember will be unable to attend, or will be late to attend, any Council meeting. The Presiding Officer shall then announce during roll call that the Councilmember will be absent or late. Any absence following prior notice to the Mayor or City Clerk shall be noted in the minutes as an excused absence. Absence at a scheduled Council meeting due to sudden illness or emergency shall be noted in the minutes as an excused absence. Absences shall also be excused for the death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, and other unusual or unforeseen circumstances.
- 5.1.2 *Excessive Absence Shall Create Vacancy.* In accordance with RCW 35A.12.060, a Councilmember's position shall be deemed vacant if that Councilmember has three (3) consecutive unexcused absences from Regular Council meetings.

5.1.3 Telephonic or Other Electronic Attendance. Any Councilmember may attend any Council meeting by telephone, video conference, or other electronic means as long as all other persons present at the meeting can hear or otherwise understand all comments made and questions asked by the Councilmember and the Councilmember can hear or otherwise understand all comments made and questions asked by all other persons speaking at the meeting. The City Clerk shall reflect in the meeting minutes Councilmember attendance by telephone, video conference, or other electronic means.

5.2 Remarks. Councilmembers desiring to speak shall address the Presiding Officer and, when recognized, shall confine their remarks to matters currently under discussion, provided that a Councilmember may move to have a different matter considered by the Council, subject to these Rules of Procedure. Council Members may read prepared comments provided that printed copies of the prepared comments are furnished to other Council Members and the City Clerk. Council Members shall not read from part of a manuscript or book unless permitted by the majority vote of the Council Members present.

5.3 Questioning. Any Councilmember, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner that would constitute a cross-examination of or an attempt to ridicule or degrade the individual being questioned.

5.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting as an occasion to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. *See also Section 19.*

SECTION 6– DEBATES

6.1 Speaking to the Motion. Councilmembers may speak on the motion at the time the motion is before the Council.

6.2 Interruption. No Councilmember, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer's duty to preserve order during meetings as provided in Subsection 4.2.1 of these rules.

6.3 Courtesy. In the discussion, comments, or debate of any matter or issue, all speakers, including the Presiding Officer and Council members, shall be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or make insinuations about any other Councilmember, or any member of the staff or the public, but shall at all times confine their remarks only to those facts which are germane and relevant to the question or matter under discussion.

6.4 Violations. If a Councilmember violates these rules on debates, the Presiding Officer shall call such member to order, and the offending member shall be silent except to explain or continue in order. If the Presiding Officer violates these rules on debate or fails to call other members to order, any other Councilmember may, under a point of order, call the Presiding Officer or such other offending member to order, and the person being called to order shall be silent except to explain or continue in order.

6.5 Challenge to Ruling. Any Councilmember shall have the right to challenge any action or ruling of the Presiding Officer or other member, as the case may be, in which case the decision of the majority of the Councilmembers present shall govern.

6.6 Amendment of Rules. These rules may be amended or new rules adopted, by a two thirds or greater majority vote of the full Council at a regular or special City Council meeting. Waiver or suspension of the rules requires a two-thirds or greater majority vote by Councilmembers.

SECTION 7– PARLIAMENTARY PROCEDURES AND MOTIONS

7.1 Robert's Rules Supplementary. Except as provided in these Rules of Procedure, all City Council meetings shall be governed by ROBERTS RULES OF ORDER, NEWLY REVISED (latest edition). The City Attorney shall act as Parliamentarian when present; otherwise, the City Clerk shall act as Parliamentarian. If the Parliamentarian determines that a procedural issue is not adequately addressed by these Rules of Procedure or by Robert's Rules, the Council may handle the issue in any way that the majority of members who are present agrees is appropriate and which, in the opinion of the Parliamentarian, is not prohibited by law. Notwithstanding the foregoing, the proceedings of the Council may be conducted in an efficient and consensus based manner.

7.2 Motions.

7.2.1 If a motion does not receive a second, it dies.

7.2.2 Matters that do not constitute a motion include: nominations; withdrawal of motion by the person making the motion; request for a roll call vote; point of order or privilege. Because these matters are not motions, a second is not needed.

7.2.3 A Councilmember may abstain from voting on a motion because of a conflict of interest or to preserve the appearance of fairness, but cannot then participate in discussion or argument about the motion. *See Subsection 8.3.*

7.2.4 A motion that receives a tie vote is deemed to have failed; provided that, except where prohibited by RCW 35A.12.100 or other law, the Mayor shall be allowed to vote to break a tie vote.

- 7.2.5 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 7.2.6 After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote.
- 7.2.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.
- 7.2.8 A “motion to table” is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers’ consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires an affirmative vote of at least a majority of the whole membership of the Council.
- 7.2.9 A “motion to postpone to a certain time” is debatable and amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or may be postponed to a date certain at a future Regular or Special City Council meeting.
- 7.2.10 A “motion to postpone indefinitely” is debatable but not amendable, and may only be reconsidered at the same meeting if it receives an affirmative vote of at least a majority of Councilmembers present.
- 7.2.11 A “motion to call for the question” shall immediately close debate on the main motion and is not debatable. This motion must receive a second and fails without an affirmative vote of at least all of the Councilmembers present minus one. Debate is reopened if the motion fails.
- 7.2.12 A “motion to amend” is a motion to modify the wording of a pending motion before that pending motion is voted upon by the Council, by inserting, adding, striking out, striking out and inserting, or substituting language. A motion to amend must be seconded. However, some motions cannot be amended. *See Subsection 7.2.13.*
- 7.2.13 Motions that cannot be amended include: motion to adjourn; motion to lay on the table; motion to take from the table; motion for roll call vote; motion to reconsider; point of order; motion to amend. (A motion to amend an amendment is allowed.)

- 7.2.14 Amendments shall be voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 7.2.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 7.2.16 The Mayor, City Attorney or City Clerk shall repeat the motion prior to voting by the Council.
- 7.2.17 The City Clerk shall take a roll call vote, if requested by the Mayor, City Attorney, a Councilmember, or as required by law.
- 7.2.18 When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be made until the next Regular City Council meeting.
- 7.2.19 These rules may be amended, or new rules adopted, by a majority vote of the full Council at a Regular or Special City Council meeting.

7.3 Waiver of Rules. The Council may, by motion that carries with an affirmative vote of two-thirds or greater majority of the Council, waive, suspend, or modify these Rules of Procedure.

SECTION 8 – VOTING

8.1 Voice Vote. In general, voice votes shall be used. Voice votes are a generalized verbal indication by the Council as a whole of “yea or nay” on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where the Councilmember abstains from participation, discussion and voting because of a stated conflict of interest, to preserve the appearance of fairness, or for other good cause. See Subsection 8.3. The Presiding Officer shall announce the outcome of each voice vote immediately thereafter and the result of each vote shall be recorded in the minutes.

8.2 Roll Call Vote. A roll call vote may be requested by the Mayor or by any Councilmember. When a roll call vote has been requested, the Clerk shall call upon each Councilmember and request an individual “yes or no”. The Presiding Officer shall announce the result of the vote immediately thereafter and the result of the vote shall be recorded in the minutes.

8.3 Abstentions.

- 8.3.1 Abstention allowed for conflict of interest or appearance of fairness. It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from

discussion and voting on a question because of a stated conflict of interest or to preserve the appearance of fairness. Should the City Attorney indicate that the Mayor or a Councilmember is required to abstain from further participation on an issue, the affected person must abstain except where abstention would result in a lack of a quorum (or lack of a majority vote where required by law). See *Subsection 8.6.1*. Failure to abstain may cause delay in proceedings to allow court intervention. See *Subsection 8.6.3*.

- 8.3.2 Notice of intent to abstain required. Notice of intent to abstain shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Mayor or Councilmember perceives a need to abstain.
- 8.3.3 Need to abstain shall be confirmed by City Attorney. Prior to the time that the Mayor or a Councilmember gives notice of intent to abstain, the affected person shall confer with the City Attorney to determine if abstention is truly required. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter is scheduled to come before the City Council. If that cannot be done, the affected person should advise the City Council that he or she has an “abstention question” that he or she wants to review with the City Attorney. A brief recess should then be taken for that purpose.
- 8.3.4 Abstaining member shall advise the Council and end participation. After conferring with the City Attorney, the Mayor or Councilmember wishing to abstain from a vote because of a conflict of interest or to preserve the appearance of fairness shall so advise the Council, and shall then remove and absent himself or herself from the Council’s deliberations and considerations of the motion, and shall have no further participation in the matter.

8.4 Votes by Mayor. Except where prohibited by law, the Mayor may only vote to break a tie vote of the Council and only with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

8.5 Votes by Councilmember Serving as Presiding Officer. In accordance with RCW 35A.12.110, a Councilmember serving as Presiding Officer in the absence of the Mayor shall have the same rights to vote on matters before the Council as the person would otherwise have as a Councilmember.

8.6 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness.

- 8.6.1 If abstention removes quorum or majority. Should the City Attorney determine that the participation of the Mayor or a Councilmember in discussion and voting on an issue would be a conflict of interest or appear

to violate the appearance of fairness doctrine, or any specific part of chapter 42.36 RCW, that person shall abstain from further participation unless, as provided by RCW 42.36.090, a challenge to a member or members of the decision-making body would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law; in such cases, any challenged member(s) shall be permitted to fully participate in the proceedings and vote as though the challenge had not occurred if the member(s) publicly disclose the basis for disqualification prior to rendering a decision and each party has a full opportunity to present regarding the information relating to the issues. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

8.6.2 Refusal to Abstain. Should the Mayor or a Councilmember refuse to abstain from participation and voting on an issue after the City Attorney has determined that abstention is necessary, the challenged person may be disqualified from participating and voting on that issue upon a vote to disqualify that is passed by a majority of the other Councilmembers present who are eligible to vote on the underlying issue.

8.6.3 Failure to Abstain. Should the Mayor or a Councilmember fail to abstain from participation and voting on an issue where that officer knows or should have known that a conflict of interest is present or that the appearance of fairness would be compromised, such failure to abstain by the Mayor or Councilmember shall be presumed to constitute a lack of good faith for purposes of officer indemnity under RCW 4.96.041; provided that, nothing herein shall preclude the Council from determining that the Mayor or Councilmember acted in good faith upon a failure to abstain.

8.7 Failure to Vote. In the absence of an abstention on the basis of a conflict of interest, appearance of fairness, or other good cause, an abstention or failure to vote of a Councilmember present at the proceeding shall constitute an affirmative vote on the proposition or motion before the Council.

SECTION 9 – ORDINANCES AND RESOLUTIONS

9.1 Ordinances. All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared or presented to the Council unless requested by two members of the Council, the Chair of a Council Committee, the Mayor, or the City Administrator. Unless waived, all ordinances shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called. A motion and a second are required to bring an ordinance to a vote.

In accordance with RCW 35A.12.120 and .130, an ordinance must be adopted by the affirmative vote of at least a majority of the whole membership of the Council, subject to the Mayor's approval and Council reconsideration of a mayoral veto; provided that,

public emergency ordinances require an affirmative vote of at least a majority plus one of the whole membership of the Council. A public emergency ordinance is one designated to protect public health, public safety, public property, or public peace.

In accordance with RCW 35A.12.160, either the full text of the ordinance or a summary shall be published as soon as practicable in the City's designated official newspaper after adoption. An ordinance becomes effective five (5) days after publication unless otherwise specified in the ordinance or as required by law.

9.2 Resolutions. Resolutions may be prepared or presented to the Council at the request of two Councilmembers, the Chair of a Council Committee, the Mayor, or the City Administrator and shall be reviewed by the City Attorney prior to presentation to the City Council for review and approval. All resolutions shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called on their passage. A request for a full reading of a resolution need not be seconded.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Prior to voting on passage of a resolution, the Council may decide by majority vote to amend the resolution or direct staff to review the proposed resolution and make a report to the Council.

A resolution must be passed by an affirmative vote of at least a majority of the whole membership of the Council; if passed, the resolution becomes effective immediately.

SECTION 10 – PUBLIC COMMENTS

10.1 Requesting to Speak. During the Public Comment period, members of the audience may comment on any matter related to City business. Persons addressing the Council who are not specifically scheduled on the agenda will be requested to fill out the speaker sign-in sheet at the City Clerk's desk, then step up to the podium, give their name and address for the record. All remarks must be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions when warranted. *See Subsection 3.1.4 for requests to make special presentations to the Council.*

10.2 Time Limit. Comments are limited to three (3) minutes per person. The Presiding Officer may adjust the time restrictions when warranted by special circumstances and after approval of a majority of Councilmembers present.

10.3 Advertising or Promoting Political Cause is Prohibited. Except as authorized or required by RCW 42.17A.555, no person may address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may address the Council for the purpose of advertising any item, service, or product for profit or otherwise.

10.4 Other Prohibited Remarks. Any person who causes actual disruption by making personal attacks, using hate speech, making slanderous remarks or other disruptive conduct while addressing the Council shall be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of Councilmembers present.

SECTION 11 – LEGISLATIVE AND QUASI-JUDICIAL HEARINGS

11.1 Legislative Hearings. Legislative public hearings are held to obtain public input on legislative decisions on matters of policy and in some instances are required by state law.

11.1.1 Before opening a legislative public hearing, the Presiding Officer shall state the hearing procedures.

11.1.2 The Department Director or the Director's designee shall present the issue to the Council and respond to questions.

11.1.3 A person may speak for up to five (5) minutes. A person may speak for up to ten (10) minutes if representing a group of two or more. No one may speak for a second time without the approval of the Presiding Officer, and only after everyone who wishes to speak has had an opportunity. The Presiding Officer may make exceptions to the time restrictions when warranted by the circumstances; provided that, the Council upon a motion and majority vote of Councilmembers present, may also make exceptions to the time restrictions or may overrule an exception granted by the Presiding Officer.

11.1.4 The City Clerk shall serve as timekeeper during legislative hearings.

11.1.5 After the speaker has used his or her allotted time, Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

11.1.6 The hearing will then be closed to public participation and open for discussion among Councilmembers.

11.1.7 The Presiding Officer may request to change or modify the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of Councilmembers present.

11.1.8 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present.

11.2 Quasi-judicial Hearings. Quasi judicial hearings involve the legal rights of specific parties and afford procedural due process, which may include receiving testimony,

making a record of the evidence considered by the Council and issuing specific Council findings. The following procedures shall apply:

- 11.2.1 Before opening a quasi judicial hearing, the Presiding Officer shall state the hearing procedures.
- 11.2.2 The Department Director of the department most affected by the subject matter of the hearing, or said Director's designee, shall be afforded fifteen (15) minutes to present the City's position and findings. City staff shall be available to respond to Council questions.
- 11.2.3 The proponent or applicant spokesperson shall speak second and be allowed fifteen (15) minutes for presentation. The proponent may divide up the fifteen (15) minutes between more than one speaker and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.
- 11.2.4 The opponent spokesperson, if any, shall speak third and be allowed fifteen (15) minutes for presentation, may divide up the fifteen (15) minutes between more than one speaker, and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.
- 11.2.5 Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson. Any time reserved from the speaker's presentation may be added to the five minute limit.
- 11.2.6 After the proponent and opponent have used their speaking time, ten (10) minutes shall be allowed for the Council to ask further questions of the speakers, who shall be entitled to respond but who must limit their response to the question asked.
- 11.2.7 The City Clerk shall serve as timekeeper during these hearings. By motion and majority vote of Councilmembers present, the Council may extend the times provided in this *Subsection 11.2.2*.
- 11.2.8 When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present; provided that, the record is closed for the entire period of continuance and only Councilmembers who were present for the earlier portion of the hearing, or Councilmembers who have had the opportunity to consider the entirety of the record (verbatim transcript or audio and/or visual recording), may participate when the hearing resumes. Examples of reasons to allow a recess include, but are not limited to, absence of a necessary party due to illness or emergency; request for additional argument on an issue by a

majority vote of the Council; inability to complete the hearing due to circumstances beyond the parties' control, such as power failure or natural disaster.

11.2.9 Consistent with RCW 42.30.140(2), the Council may consider the matter in an executive session or otherwise.

11.2.10 Except as otherwise allowed by law, after the Council has publicly considered the arguments and evidence presented, the Council shall then vote on the issue that was the subject of the hearing.

SECTION 12 – TOWN HALL MEETINGS

12.1 Purpose. Town Hall meetings provide a forum for Council members and community members to discuss City initiatives, emerging issues and community concerns, opinions and preferences regarding specific topics affecting the Black Diamond community, and for the City to respond to community questions. It is not the purpose of Town Hall meetings to take final action on any matter before the City Council.

12.2 Town Hall Agenda. The scheduling, agenda preparation and public comment period for Town Hall meetings shall conform to these Rules of Procedure, except that public comment may be limited to specific topics identified in the Town Hall meeting agenda. The speakers should limit their time to 10 minutes, to allow time for all speakers to speak. A second round of comment will be allowed, and speakers will be limited to three minutes. The Presiding Officer shall retain authority to impose rules of procedure to ensure open discussion during the Town Hall meeting, that people with opposing or different viewpoints receive an equal opportunity to speak, that everyone receive an opportunity to speak before any one speaker receives a second opportunity to speak, and that order and decorum is maintained. When necessary to ensure that everyone receive an opportunity to speak, the Presiding Officer shall retain authority to limit all persons' remarks to an equal period of time.

12.3 Staffing. City staff and the City Attorney shall not be required to attend Town Hall meetings unless otherwise directed by the Mayor; with the exception that, the City Clerk, or designee, shall attend Town Hall meetings for the purpose of keeping a journal of the minutes of the meeting and to act as the City Council's parliamentarian in the absence of the City Attorney.

SECTION 13 – MAYOR PRO TEMPORE SELECTION PROCESS

Annually at the first meeting of the 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. In the event the Mayor Pro Tempore leaves, the Council shall, by a majority vote, designate one of the remaining Councilmembers as Mayor Pro Tempore.

SECTION 14 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION

14.1 Selecting a Councilmember Pro Tempore. In accordance with RCW 35A.12.065, in the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the period of absence or disability.

14.2 Filling Vacant Council Position. In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy in accordance with Chapter 42.12 RCW. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose.

SECTION 15 – COUNCIL MEETING STAFFING

15.1 The City Administrator or the City Administrator's designee must attend all meetings of the Council, unless excused.

15.2 The City Attorney shall attend all meetings of the Council unless excused by the Mayor, and upon request, may provide comment, either written or oral, on legal questions. An assistant city attorney shall attend meetings when the City Attorney has been excused or is unable to attend due to illness or emergency.

15.3 It shall be the responsibility of each Department Head to ensure that a department representative or other City staff attend as necessary to present the department's agenda items to the Council and answer Council member questions.

SECTION 16 – COUNCIL RELATIONS WITH STAFF

16.1 The Mayor, City staff and Councilmembers shall respect the different roles each officer plays in a successful City and will strive to treat each other with courtesy and respect when questions, comments or criticism are expressed in a public meeting.

16.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge the Mayor and City staff as administrators of the Council's policies.

16.3 All written informational material requested of City staff by any individual Councilmember that the requesting Councilmember then intends to reference or introduce at a Council meeting shall be submitted or made available to all Councilmembers prior to being referenced or introduced at the meeting, unless other reasons preclude such distribution, in which case the reasons shall be communicated by the requesting Councilmember to the Mayor or the Mayor's designee and such reason provided to all Councilmembers.

- 16.4 Councilmembers shall not attempt to coerce or influence City staff in the administration of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or purchases of City licenses or permits.
- 16.5 Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.
- 16.6 No Councilmember shall direct the Mayor or City staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study, without the consent of at least a majority of the whole membership of the Council.
- 16.7 Individual requests for information can be made directly to Department Directors unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.

SECTION 17 – APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED

17.1 Mayor's Power to Appoint. In accordance with RCW 35A.12.090, the Mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service; provided that, in accordance with BDMC 2.08.020, each officer may hire any employee assigned to his or her department.

17.2 Confirmation by Council. In accordance with RCW 35A.12.090, confirmation by the City Council of mayoral appointments of officers and employees is required when City ordinance provides for the confirmation of such appointments. In addition, the City Council may require confirmation of mayoral appointments by the Council whenever the qualifications for the office or position have not been established by City ordinance.

SECTION 18 – COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS

18.1 Council Standing Committees.

18.1.1 Establishment. The City Council, by a majority vote of at least the whole membership of the Council, is authorized to establish Council Standing Committees to provide recommendations on major policy items to the City Council.

18.1.2 Mayoral Appointment/Council Confirmation. The Mayor shall appoint the members of each Council Standing Committee. Membership of any given

committee may include no more than two (2) Councilmembers. 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 confirm or decline the Mayor's appointments to Council Standing Committees.

18.1.3 *Agenda Setting/Proceedings.* The agenda setting and proceedings of each Council Standing Committee shall be as follows:

- a. In instances where a committee member cannot be present at a committee meeting, it is the responsibility of that member to contact an alternate Councilmember to attend in his or her place.
- b. Committees may forward issues with or without changes to staff for recommendation to the City Council. Reports on the activities of the committees may be given under the Council Reports section of the Council agenda.
- c. Matters forwarded from a Council Standing Committee to the City Council as a whole will remain at that level unless requested to be returned to Committee by a majority of the Council.
- d. Matters may be removed from Council Standing Committees and brought before the Council as a whole by a motion of the Council receiving an affirmative vote of at least a majority of the whole membership of the Council.
- e. Should a Council Standing Committee be split on whether a matter should be approved, the matter may move forward to Council without a recommendation. It is the Mayor's responsibility to bring matters before Council.
- f. Frequency of Council Standing Committee meetings shall be determined by the Mayor and Committee Members.
- g. Any direction from the Council Standing Committee for work to be performed by staff must be approved by the Mayor.
- h. Audience participation at a Council Standing Committee meeting is not allowed.

18.1.4 *Standing Committees Authorized.* Standing Council committees may include, but shall not be limited to:

- a. Budget/Finance/Administration Committee: The Budget, Finance and Administration Committee, in conjunction with City Staff, may consider

matters related to the financial issue of the City, including the annual and capital budgets including revenues and expenditures, sales of bonds, general fiscal and financial conditions, voucher approval, rates and fees, audit and operations of the City, including but not limited to, facilities and properties computerization, periodic budget and financial reports, and policy matters related to personnel, in coordination with the finance and administration departments.

- b. Parks/Cemetery Committee: The Park and Cemetery Committee, in conjunction with City Staff, may consider matters related to planning and implementation of park and recreational facilities, capital improvement program, trails and cemetery.
- c. Planning/Community Services Committee: The Planning and Community Services Committee, in conjunction with City Staff, may consider matters of a non-quasi-judicial nature related to community growth and development, including but not limited to, planning of the physical, economic, aesthetic and social development of the City, comprehensive plan, zoning code, and housing, annexation policies, code enforcement. This committee may also consider matters not included in other committee's scopes of authority.
- d. Public Safety Committee: The Public Safety Committee, in conjunction with City Staff, may consider issues related to the public health, safety and welfare of the citizens of Black Diamond including but not limited to, law enforcement, fire safety, court, hazardous materials, animal control, special events and emergency services.
- e. Public Works Committee: The Public Works Committee, in conjunction with City Staff, may consider matters related to water, sewer, solid waste, recycling, utility franchises, storm water management, transportation, capital improvement program, transit, streets, street lighting, signalization and street local improvement.

f.

18.2 Task Force Committees and Intergovernmental Groups.

- 18.2.1 The Mayor or a majority of the whole membership of the City Council may establish Task Force Committees on an ad hoc basis to consider matters that require a special approach or emphasis. Task Force Committees may be established and matters referred to them at Council study sessions. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees. Such appointments and their terms shall be communicated to the Council by the Mayor as soon as practical.

- 18.2.2 Task Force Committees shall consider all matters referred to them. The Chair of each Task Force Committee shall report the findings of the Committee to the Council. Committees may refer items to the Council with no Committee recommendation. Once the Committee's findings have been delivered to the Council, the Committee's duties shall be considered complete and the Committee dissolved, unless specifically re-tasked by the Council.

18.3 Advisory Boards, Committees and Commissions. Citizen advisory boards, committees and commissions may be established by ordinance from time to time, and shall consist of citizens appointed pursuant to the establishing ordinance and serving in the capacity and for the purposes indicated in the ordinance; such boards, commissions and committees shall act in an advisory capacity to the City Council.

SECTION 19 – SPEAKING WHEN REPRESENTING THE CITY COUNCIL

19.1 An Official City Position Requires a Public Vote. The City does not have an official position on any issue, whether the issue is political or non-political in nature, unless in accordance with RCW 42.17A.555, the City Council has taken a public vote and at least a majority of the whole membership of the Council votes to adopt the position. Failure of a majority of the Council to vote in favor of a position pursuant to RCW 42.17A.555 shall not constitute adoption of a contrary position; in such cases the City shall continue to have no official position on the issue.

19.2 Personal Opinions Must Be Distinguished From City Positions on an Issue.

19.2.1 Speaking to persons about issues. Whenever the Mayor or a Councilmember is speaking to a person or group of persons and the Councilmember expresses an opinion on an issue, whether the issue is political or non-political, the Mayor or Councilmember must clearly state whether the opinion represents the official position of the City of Black Diamond and its City Council, or whether it is only the speaker's personal opinion.

19.2.2 Speaking on behalf of the City. If the Mayor or a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Mayor or Councilmember must state the official position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the official position of the Council may be expressed only if the speaker clarifies that these statements do not represent the City Council's position.

19.2.3 Expressing the views of other Councilmembers. Prior to representing the position of an elected City official on an issue to the media, another government agency, a community organization, or members of the public,

the Mayor and Councilmembers must have permission from that elected official; provided that, presenting how another elected official voted in an official public vote of the Council shall not require permission.

SECTION 20 – TRAVEL AUTHORIZATION

The City Council shall authorize and approve expenditures of city funds to pay for travel-related costs only in accordance with an adopted budget, and/or chapters 2.56 and 2.57 BDMC and/or the City's adopted administrative.

SECTION 21 - CONFIDENTIALITY

21.1 In General. Certain information is required to be kept confidential under state or federal law. The Mayor and Councilmembers must keep such information confidential when that information has been provided to them by City staff or otherwise becomes known to them during the performance of their duties in office. Confidential information includes, but is not limited to, certain personnel and employment information, certain information regarding pending labor and other contracts, and certain information regarding negotiations for the sale or purchase of property. It is the duty of the Mayor and each Councilmember to consult with the City Attorney should the official have a question about whether any particular information is confidential and may not be released.

21.2 Executive Sessions. The Mayor and Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Sessions and may not provide them to persons not present during Executive Sessions, unless, after consultation with the City Attorney, such provision will not violate the confidentiality of Executive Session, or will not violate some other legal exemption or legal privilege.

SECTION 22 - SEVERABILITY

In the event that any of the terms or provisions of these rules are declared invalid or unenforceable by any Court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

City Council Rules of Procedure

Date of Adoption:
Resolution No. 18-



RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

TABLE OF CONTENTS

SECTION 1 – AUTHORITY	1
SECTION 2 – COUNCIL MEETINGS.....	<u>223</u>
2.1 Meetings Shall be Open to Public.....	3
2.2 Agenda	3
2.3 Minutes	3
2.4 Schedule of Regular Meetings.....	3
2.5 Quorum Required	4
2.6 Holidays	4
2.7 Study Sessions	4
2.8 Executive Sessions Special Meetings.....	5 4
2.9 Cancellation of Meetings Emergency Meetings	5 4
2.10 Disruption of Meetings Executive and Closed Sessions	5
2.11 Town Hall Meetings	5
2.12 Disruption of Meetings	5
SECTION 3 – REGULAR COUNCIL MEETING ORDER OF BUSINESS.....	6
3.1 Preparation of Council Agenda	6
3.1 Call to Order	6
3.1 Flag Salute.....	6
3.3 Roll Call	6
3.4 Agenda Review and Approval.....	6
3.5 Appointment, Announcements, Proclamations and Presentations	5
3.5.1 Appointments.....	6
3.5.2 Announcements	6
3.5.3 Proclamations	6
3.5.4 Agenda Review and Approval.....	7
3.5.5 Prohibited Topics.....	7
3.6 Consent Agenda	6 7
3.7 Public Comments.....	7
3.8 Legislative Public Hearings.....	8

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Attorney Comments

3.9	Quasi-judicial Hearings.....	78
3.10	Agenda Modifications.....	8
3.44	10 Unfinished Business.....	8
3.42	11 New Business, Ordinances and Resolutions.....	8
3.11.1	New Business.....	8
3.11.2	Ordinances.....	8
3.11.3	Resolutions.....	8
3.43	12 Department Reports.....	8
3.44	13 Mayor's Report.....	8
3.45	14 Councilmember Reports.....	998
3.46	15 City Attorney Report.....	998
3.47	16 Public Comments.....	8
3.48	17 Executive Session.....	9
3.49	18 Adjournment.....	9
3.29	19 Recess.....	9
3.21	Town Hall Meetings.....	9
SECTION 4 – PRESIDING OFFICER.....		9
4.1	Who Shall Act as Presiding Officer.....	9
4.2	Duties of Presiding Officer.....	8
4.3	Reordering Items on Agenda.....	8
4.4	Limitations on Political Speech.....	10
4.5	Duties and Authority of Mayor Not Limited.....	11
SECTION 5 – COUNCILMEMBERS.....		10
5.1	Councilmember Attendance at Meetings.....	10
5.1.1	Excused Absence.....	10
5.1.2	Excessive Absence Shall Create Vacancy.....	10
5.1.3	Telephonic or Other Electronic Attendance.....	114110
5.2	Remarks.....	114110
5.3	Questioning.....	11
5.4	Limitations on Political Speech.....	11
SECTION 6 – DEBATES.....		11
6.1	Speaking to the Motion.....	11
6.2	Interruption.....	11
6.3	Courtesy.....	124244
6.4	Violations.....	124244
6.5	Challenge to Ruling.....	12
6.6	Amendment of Rules.....	12
SECTION 7 – PARLIAMENTARY PROCEDURES AND MOTIONS.....		12
7.1	Robert's Rules Supplementary.....	12
7.2	Motions.....	12

Formatted: Justified

Formatted: Justified

Formatted: Justified

SECTION 8 – VOTING.....	14
8.1 Voice Vote	14
8.2 Roll Call Vote	15 15 14
8.3 Abstentions	15 15 14
8.4 Votes by Mayor	16 16 15
8.5 Votes by Councilmember Serving as Presiding Officer	16 16 15
8.6 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness	16 16 15
SECTION 9 – ORDINANCES AND RESOLUTIONS	17 17 16
SECTION 10 – PUBLIC COMMENTS.....	18 18 17
10.1 Requesting to Speak.....	18 18 17
10.2 Time Limit	18 18 17
10.3 Advertising or Promoting Political Cause is Prohibited	18 18 17
10.4 Other Prohibited Remarks	18
SECTION 11 – LEGISLATIVE AND QUASI-JUDICIAL HEARINGS	18
11.1 Legislative Hearings	18
11.2 Quasi-judicial Hearings	19
SECTION 12 – TOWN HALL MEETINGS	20
SECTION 13 – MAYOR PRO TEMPORE SELECTION PROCESS	21
SECTION 14 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION.....	21
14.1 Selecting a Councilmember Pro Tempore	21
14.2 Filling Vacant Council Position.....	21
SECTION 15 – COUNCIL MEETING STAFFING	22 22 21
SECTION 16 – COUNCIL RELATIONS WITH STAFF.....	22 22 21
SECTION 17 – APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED.....	23 23 22
17.1 Mayor’s Power to Appoint.....	23 23 22
17.2 Confirmation by Council.....	23 23 22
SECTION 18 – COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS	23
18.1 Council Standing Committees.....	23
18.2 Task Force Committees and Intergovernmental Groups	25
18.3 Advisory Boards, Committees and Commissions	26 26 25

Formatted: Justified

Formatted: Justified

Formatted: Justified

SECTION 19 – SPEAKING WHEN REPRESENTING THE CITY COUNCIL.....	26 26 25
19.1 An Official City Position Requires a Public Vote	26 26 25
19.2 Personal Opinions Must Be Distinguished From City Positions on an Issue	26 26 25
SECTION 20 – TRAVEL AUTHORIZATION	27 27 26
SECTION 21 – CONFIDENTIALITY.....	27 27 26
21.1 In General	27 27 26
21.2 Executive Sessions.....	27 27 26
SECTION 22 -- SEVERABILITY AVINGS	
27	

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON

SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 35A.12.100 and 35.A.11.020 the Black Diamond City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall take effect upon adoption by resolution of the Council and remain in effect until such time as they are amended or new rules are adopted in the manner provided for by these rules.

References:

~~RCW 35A.12.100 (Duties and authority of the mayor — Vote — Tie-breaking vote):
“The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter.⁴ He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as he or she may designate for approval or disapproval. He or she shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he or she may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money. He or she shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He or she shall prepare and submit to the council a proposed budget, as required by chapter 35A.33 RCW. The mayor shall have the power to veto ordinances passed by the council and submitted to him or her as provided in RCW 35A.12.130 but such veto may be overridden by the vote of a majority of all councilmembers plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.”~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

⁴ ~~For reference, the City of Black Diamond does not operate under a city charter.~~

~~**SECTION 2 - RCW 35A.11.020 (Powers vested in legislative bodies of noncharter and charter code cities):** "The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firefighters and police officers which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firefighters and chapter 41.12 RCW for police officers now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firefighters or police officers which provides different pensions or retirement benefits than are provided by general law for such classes.~~

~~Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.~~

~~The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns.~~

~~In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440 [repealed], 48.14.020, and 48.14.080."~~

SECTION 8 —COUNCIL MEETINGS

Formatted: Body Text, Indent: First line: 0.5"

8-41.1 Meetings Shall be Open to Public. All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in Chapter 42.30 RCW (the Open Public Meetings Act). Under RCW 42.30.040, no person at the meeting shall be required to register or provide other information, to complete a questionnaire, or otherwise comply with any other conditions as a precondition to be allowed to attend. However, persons wishing to address the Council or otherwise present information to the Council during a Council meeting may be requested to register and identify themselves and their home address. Persons who disrupt a meeting of the Council may lose the right to be present for the remainder of the meeting. See Section ~~2-11-2-9~~ 2.12

Formatted: Strikethrough

Formatted: Font color: Auto

8-21.2 Agenda. The City Clerk shall be responsible for preparing and publishing agendas for all City Council meetings that specify the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor or the Mayor's designee prior to publication. The agenda for a Special Council Meeting may not be amended. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. After this time, inclusion of an item on the published agenda will be at the discretion of the Clerk, upon consultation with the Mayor. Once the agenda has been finalized, published, and provided to the Council, the Council may decline to consider additional items items added to the agenda may be declined to be considered by the Council at the meeting for which the agenda was prepared, or postpone consideration of such items until a future Council meeting date, which date shall be specified by the Council.

8-31.3 Minutes. The City Clerk shall ~~cause to be prepared~~ prepare action ~~minutes of all~~ of all the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law. No changes shall be made to minutes except by motion approved by a majority of the Council at a properly noticed meeting.

Formatted: Strikethrough

Formatted: Strikethrough

8-41.4 Schedule of Regular Meetings. In accordance with BDMC 2.04.010, the regular meetings of the City Council shall be held on the first and third Thursdays of every month at 7:00 p.m. in the City ~~Hall~~ Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The regular meeting location may be changed by a majority vote of the City Council. ~~Special Council Meetings~~ A work session of the City Council will be held on the second Thursday of the month at 6:00 p. m. Town Hall meetings shall be held ~~bi-monthly semi-annually (Jan, Mar, May, July, Sept, Nov-March and October)~~ on the second Thursday of the month at 7:00 p.m. following the ~~regular~~ Special Council Meeting ~~Work Session~~ in the City ~~Hall~~ Council Chambers located at 25510 Lawson Street, Black Diamond, Washington. The Town Hall Meeting will be adjourned by 9:00 p.m. unless otherwise amended by a majority vote of the Council. Council meetings, work

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Commented [A1]: Shouldn't this be "work session"?

Formatted: Strikethrough

sessions and/or Town Hall meetings may be cancelled and/or rescheduled by a majority vote of the Council in an open public meeting. The Mayor, Mayor Pro Tem or a majority of the City Council may, on an emergency basis, cancel a meeting due to unforeseen events.

Commented [A2]: Under the statute, a council meeting may proceed without the Mayor as long as there is a quorum. If the Mayor (or Mayor Pro Tem) wants to cancel a meeting, but a quorum of Council wants to proceed anyway, is this rule intended to give the Mayor (or Mayor Pro Tem) veto authority to prevent the meeting from occurring? And is the reference to the Mayor Pro Tem only applicable if the Mayor is absent/unavailable? Or is the intention that the Mayor Pro Tem always has the ability to cancel a meeting?

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Strikethrough

8.51.5 Quorum Required. ~~A quorum shall be required to transact Council business.~~ The presence of a majority of the whole membership of the Council who are also eligible to vote at a Council meeting shall constitute a quorum. Should less than a quorum be present at the time of roll call, any Councilmember present may, upon belief that late arrival of one or more Councilmembers will enable a quorum to be created, make a motion that the Council meeting be recessed for up to one hour; should a quorum still be lacking at the end of the recess period, the meeting shall be adjourned. As authorized under RCW 42.30.090, the City Clerk may adjourn the meeting if all Councilmembers are absent.

8.61.6 Holidays. Should a scheduled Council meeting fall on a legal holiday, the meeting shall be rescheduled to the next business day that is not a legal holiday or to another day certain by majority vote of Councilmembers present.

8.71.7 Study Sessions. Study sessions, or meetings to review upcoming and pertinent business of the City, may be scheduled as special meetings of the Council subject to the same notification procedures set forth below for special meetings. No public testimony will be allowed during study sessions.

Special 2.8 Special Meetings. In accordance with chapter 42.30.080 RCW, a special meeting of the City Council may be called by the Mayor or at the request of ~~any three (3) at the majority of the Councilmembers~~ City Council by written notice delivered to each Councilmember. ~~If the City Clerk receives a request for a special meeting request by from three Councilmembers constitute a quorum~~ a majority of the City Council, then the City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone, e-mail, or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered at the special meeting. The Council may not make final disposition of any matter not mentioned in the notice.

Formatted: Indent: Left: 0.5"

Formatted: Strikethrough

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with City emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

Formatted: No underline

Formatted: No underline

2.9 Emergency Meetings. In accordance with RCW 42.30.070 and .080, if, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by the City Council to meet the emergency, the Presiding Officer of the Council may provide for a meeting site other than the regular meeting site and the public meeting notice requirements shall be suspended during the emergency.

8-81.8 2.10 Executive and Closed Sessions. An executive session is a Council meeting that is closed except to the Council, the Mayor, the City Administrator, the City Attorney and staff members or others authorized to attend by the Mayor or a majority of Councilmembers present. In accordance with RCW 42.30.030 and .110, other persons and members of the public are prohibited from attending executive sessions.

Executive sessions may be held during regular Council meetings, Special Council meetings, or Council Study Sessions. In addition, the Council may retire to hold an executive session during any one of these meetings. When this occurs, the portions of the meeting that are not part of the executive session shall continue to be open to the public. Prior to convening an executive session, the Presiding Officer shall make an announcement that an executive session is being held and inform the public when the executive session shall end; provided that, the ending time of an executive session may be extended by announcement of the Presiding Officer. Executive sessions may only be called to consider such matters as authorized by RCW 42.30.110.

No votes, straw polls, or decisions on final action shall be made in Executive or Closed Sessions. Discussions occurring during executive sessions are confidential, and violation of confidentiality by any participant in an executive session may subject the violator to censure by the Council, up to and including exclusion from future executive sessions if so determined by a public vote of a majority of the entire Council.

1.9 2.11 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond Community an opportunity to discuss emerging issues and matters of local or general concern.

8.9 Cancellation of Meetings. The Mayor, or in the absence of the Mayor the Mayor Pro Tem, or any three members of Council may cancel a meeting and upon proper notice given by the City Clerk. Moved to Section 2.4.

8-401.10 2.12 Disruption of Meetings. As authorized by RCW 42.30.050, should any Council meeting be interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible, such person or persons causing the interruption may be ordered removed from the meeting and prohibited from returning to attend the remainder of the meeting. If necessary to restore order, the Council may order the meeting room cleared and continue in session or may

Commented [A3]: Just a suggestion to include in the Council Rules regarding violation of exec session confidentiality. This could alternatively be placed in Rule 21.2.

Formatted: Strikethrough

Formatted: Not Strikethrough

Commented [A4]: Who gets to make this call? Can the Mayor or Presiding Officer act alone? See Rule 4.2.1. Or does it require a vote of the Council to eject someone for disruptiveness?

adjourn the meeting and reconvene at another location selected by majority vote of the Councilmembers present. In such a session, final disposition may be taken only on matters that appear on the agenda. The Council shall allow any members of the public or representatives of the media who were not participating in the disturbance to attend any session that follows the disturbance, except an executive session, provided that the Council is not prohibited from establishing a procedure for readmitting individuals who were not responsible for disturbing the orderly conduct of the meeting.

SECTION 2 – REGULAR COUNCIL MEETING ORDER OF BUSINESS

~~9.1 Preparation of Council Agenda. All items to be included on the agenda for consideration at a Council meeting should be submitted to the City Clerk in full no later than 10:00 a.m. nine days prior to the scheduled Council meeting. Once the agenda has been finalized and provided to the Council, items added to the agenda may be declined to be considered by the Council at the meeting for which the agenda was prepared, until a future Council meeting date, which date shall be specified by the Council. Moved to Section 2.2.~~

Formatted: Strikethrough

The form of agenda of a Regular City Council meeting shall be as follows:

Formatted: Indent: Left: 0.5"

3.1 Call to Order. The Presiding Officer shall call the meeting to order.

3.2 Flag Salute. The Presiding Officer shall lead the flag salute. However, the Presiding Officer may designate a Councilmember or other person to lead the flag salute.

3.3 Roll Call. The City Clerk will call the roll and determine whether quorum is satisfied. See ~~Subsection Section 1.51-52-5.~~

Formatted: Strikethrough

Formatted: Not Strikethrough

Formatted: Font: Italic

Formatted: Font: Italic

3.4 Agenda Review and Approval. ~~The Presiding Officer shall announce any changes to the Council's published agenda and present the agenda for approval. The Council may add, delete or amend agenda items by two-thirds majority vote of the members present. The order of the agenda may only be changed by a vote of the two-thirds vote of the majority of the Council Members present to suspend the rules and change the order of the agenda. Without the necessity of any vote thereon, the Presiding Officer may present matters before to the Council for discussion, consideration, and/or voting.~~

3.5 Appointments, Announcements, Proclamations and Presentations.

~~9.5-42.1.1~~ Appointments. In accordance with the Black Diamond Municipal Code and these Rules of Procedure, individuals appointed by the Mayor to hold positions within City government or on various committees, boards and commissions may require confirmation by the Council. Where confirmation is required, the vote of the Council may be preceded by discussion in

executive session. See ~~SECTION 14~~~~SECTION 14~~~~SECTION 17~~ and ~~SECTION 15~~~~SECTION 15~~~~SECTION 18~~.

9.5.22.1.2 *Announcements.* An announcement is a brief statement that informs the public of an event or happening of general interest. However, it cannot be a statement regarding a subject prohibited below *Subsection 3.5.4*

9.5.32.1.3 *Proclamations.* A proclamation is an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has had a major city-wide impact. The Mayor will read the proclamation and may invite guests to speak on the topic for no more than five (5) minutes.

9.5.42.1.4 *Presentations.* Any person(s) or organization(s) wishing to make a presentation to the Council must first submit a completed "Request to be on Council Agenda Form" with the City Clerk. The request should be made at least two weeks prior to the intended Council date. The Mayor or the Mayor's designee will determine if the proposed presentation is approved and will notify the applicant of the selected meeting date. If the presentation is not approved, the Mayor or the Mayor's designee will notify the applicant of the decision and the reason(s) for the decision. Presentations will not last more than five (5) minutes in length ~~or~~ unless given at the request of the Mayor or Mayor's designee. Upon motion and approval of a majority of Councilmembers present, the Council may authorize presentations and may determine their length.

3.5.5 *Prohibited Topics.* Except as authorized or required by RCW 42.17A.555, no person may use this time to address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may use this time to address the Council for the purpose of advertising

9.62.2 *Consent Agenda.* Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings and appeals.
- c. Approval of claims, vouchers and payroll, bid awards and contracts.
- d. Approval of property as surplus.

- e. Authorization of grant applications.
- f. Approval of interlocal agreements or other contracts.
- g. Other items designated by the City Council.

9.72.3 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period, except where prohibited by RCW 42.17A.555. See Section ~~10-9~~ 10.

Formatted: Strikethrough

9.82.4 Legislative Public Hearings. Individuals may comment on legislative decisions regarding matters of policy. See Section ~~SECTION 11-10~~ 11.

9.92.5 Quasi-judicial Hearings. More formal proceedings are held to determine the legal rights of specific parties, which include the receipt of proponent and opponent testimony. See ~~SECTION 11~~ ~~SECTION 8~~ ~~SECTION 11-10~~ 11.

9.10 Agenda Modifications. The Presiding Officer shall announce any changes to the Council's published agenda. Moved to 3.4.

Formatted: Strikethrough

9.142.6 3.10 Unfinished Business. Unfinished business consists of subjects discussed by the Council at a previous regular or special meeting and which have been placed on the agenda for additional discussion or resolution.

9.122.7 3.11 New Business, Ordinances and Resolutions.

9.12.42.7.1 3.11.1 New Business. New business shall mean topics or issues that have not previously been before the City Council for discussion or other action, other than ordinances and resolutions.

9.12.22.7.2 3.11.2 Ordinances. Ordinances prescribe general, uniform, and permanent rules of conduct and constitute the local law of the City of Black Diamond. See ~~Subsection 9.1~~ ~~Section 7~~ 9.1.

Formatted: Strikethrough

Formatted: Strikethrough

9.12.32.7.3 3.11.3 Resolutions. Resolutions concern matters of special, temporary, or ministerial character and express the opinion or mind of the City Council. See ~~Subsection 9.2~~ ~~Section 8~~ 9.2

9.132.8 3.12 Department Reports. Department Directors may report on action and activities of their respective departments.

9.142.9 3.13 Mayor's Report. The Mayor may report on significant activities since the last regular meeting, inquire on matters of general City business, or initiate investigation or action on a matter of concern.

Attorney Comments

9.452.10 3.14 Councilmember Reports. Councilmembers may report on Council committee discussions or other significant activities since the last regular meeting, or on matters of general City business, or may initiate investigation or action on a matter of concern.

9.462.11 3.15 City Attorney Report. The City Attorney may report on legally significant events or activities.

9.472.12 3.16 Public Comments. Members of the audience may request to comment on any issue discussed during the Council meeting. Comments will be allowed subject to the time limits and other restrictions in SECTION 7~~SECTION 7~~SECTION 10~~9.10~~.

9.482.13 3.17 Executive Session. In accordance with RCW 42.30.030 and .110, executive sessions are closed to the general public. See Subsection 2.8~~Section 8.2.8~~.

9.492.14 3.18 Adjournment. With no further business to come before the Council, the Presiding Officer may request a vote to adjourn the meeting.

9.202.15 3.19 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer or majority of the City Council to recess for any reason, including executive sessions.

~~10.0 Town Hall Meetings. Town Hall meetings are informal events that provide the City Council and members of the Black Diamond community an opportunity to discuss emerging issues and matters of local or general concern. See SECTION 12, Moved to 2.11~~

SECTION 11~~SECTION 3~~ – PRESIDING OFFICER

44.43.1 Who Shall Act as Presiding Officer.

44.43.1.1 The Mayor shall act as Presiding Officer at all meetings of the Council unless absent; in the absence of the Mayor, the Mayor Pro Tem will act as Presiding Officer. If both the Mayor and Mayor Pro Tem are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Mayor Pro Tem. See SECTION 10~~SECTION 10~~SECTION 13.

44.23.2 Duties of Presiding Officer. The duties of the Presiding Officer shall be to:

44.23.2.1 Preserve order and decorum at all meetings of the Council and cause the removal of any person from any meeting for disorderly conduct.

Formatted: Font: Italic

Formatted: Font: Italic

Field Code Changed

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Not Strikethrough

Formatted: Justified

11.2.23.2.2 Observe and enforce all rules adopted by the Council.

11.2.33.2.3 Recognize Councilmembers in the order in which they request the floor, and recognize every Councilmember who wishes an opportunity to speak; provided that, the mover of a motion shall be permitted to debate it first; provided further that, the Presiding Officer may allow discussion of an issue prior to the stating of a motion when such discussion would facilitate wording of a motion.

11.33.3 Reordering Items on Agenda. Without the necessity of any vote thereon, Presiding Officer may present matters before the Council for discussion, consideration and voting in a different order than they appear in the agenda when matters on the agenda are able to be placed under more than one classification or category. These words are similar to 3.4.

11.43.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. See *also* SECTION 16~~SECTION 16~~SECTION 19.

4.5 Duties and Authority of Mayor Not Limited. These rules do not limit the duties and authority of the Mayor as specified in RCW 35A.12.100.

SECTION 12SECTION 4 – COUNCILMEMBERS

12.14.1 Councilmember Attendance at Meetings.

12.1.14.1.1 Excused Absence. Councilmembers shall inform the Mayor or City Clerk in advance if the Councilmember will be unable to attend, or will be late to attend, any Council meeting. The Presiding Officer shall then announce during roll call that the Councilmember will be absent or late. Any absence following prior notice to the Mayor or City Clerk shall be noted in the minutes as an excused absence. Absence at a scheduled Council meeting due to sudden illness or emergency shall be noted in the minutes as an excused absence. due to illness or emergency Absences shall also be excused for due to the death of a family member, family or personal illness, inclement weather, accident, scheduled vacations, and other unusual or unforeseen circumstances.

Formatted: Strikethrough

12.1.24.1.2 Excessive Absence Shall Create Vacancy. In accordance with RCW 35A.12.060, a Councilmember's position shall be deemed vacant if that Councilmember has three (3) consecutive unexcused absences from Regular Council meetings.

12.1.34.1.3 Telephonic or Other Electronic Attendance. Any Councilmember may attend any Council meeting by telephone, video conference, or other electronic means as long as all other persons present at the meeting can hear or otherwise understand all comments made and questions asked by the Councilmember and the Councilmember can hear or otherwise understand all comments made and questions asked by all other persons speaking at the meeting. The City Clerk shall reflect in the meeting minutes Councilmember attendance by telephone, video conference, or other electronic means.

12.24.2 Remarks. Councilmembers desiring to speak shall address the Presiding Officer and, when recognized, shall confine their remarks to matters currently under discussion, provided that a Councilmember may move to have a different matter considered by the Council, subject to these Rules of Procedure. Council Members may read prepared comments provided that printed copies of the prepared comments are furnished to other Council Members and the City Clerk. Council Members shall not read from part of a manuscript or book unless permitted by the majority vote of the Council Members present.

12.34.3 Questioning. Any Councilmember, including the Presiding Officer, shall have the right to question any individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner that would constitute a cross-examination of or an attempt to ridicule or degrade the individual being questioned.

12.44.4 Limitations on Political Speech. Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue in accordance with RCW 42.17A.555, no Black Diamond elected official shall use a Council meeting as an occasion to express an opinion in support of or in opposition to a candidate for public office or a ballot measure. See also SECTION 16SECTION 16SECTION 19.

Commented [A5]: This looks redundant to Rule 4.4.

SECTION 6– DEBATES

13.14.5 Speaking to the Motion. Councilmembers may speak on the motion at the time the motion is before the Council.

13.24.6 Interruption. No Councilmember, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other

than the Presiding Officer's duty to preserve order during meetings as provided in Subsection ~~3.2.13.2.14.2.4~~ of these rules.

Formatted: Font: Italic

Formatted: Font: Italic

~~13.34.7~~ Courtesy. In the discussion, comments, or debate of any matter or issue, all speakers, including the Presiding Officer and Council members, shall be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or make insinuations about any other Councilmember, or any member of the staff or the public, but shall at all times confine their remarks only to those facts which are germane and relevant to the question or matter under discussion.

~~13.44.8~~ Violations. If a Councilmember violates these rules on debates, the Presiding Officer shall call such member to order, and the offending member shall be silent except to explain or continue in order. If the Presiding Officer violates these rules on debate or fails to call other members to order, any other Councilmember may, under a point of order, call the Presiding Officer or such other offending member to order, and the person being called to order shall be silent except to explain or continue in order.

4.9 Challenge to Ruling. Any Councilmember shall have the right to challenge any action or ruling of the Presiding Officer or other member, as the case may be, in which case the decision of the majority of the Councilmembers present shall govern.

6.6 Amendment of Rules. These rules may be amended or new rules adopted, by a two thirds or greater majority vote of the full Council at a regular or special City Council meeting. Waiver or suspension of the rules requires a two-thirds or greater majority vote by Councilmembers.

SECTION 7– PARLIAMENTARY PROCEDURES AND MOTIONS

~~14.14.10~~ Robert's Rules Supplementary. Except as provided in these Rules of Procedure, all City Council meetings shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition). The City Attorney shall act as Parliamentarian when present; otherwise, the City Clerk shall act as Parliamentarian. If the Parliamentarian determines that a procedural issue is not adequately addressed by these Rules of Procedure or by Robert's Rules, the Council may handle the issue in any way that the majority of members who are present agrees is appropriate and which, in the opinion of the Parliamentarian, is not prohibited by law. Notwithstanding the foregoing, the proceedings of the Council may be conducted in an efficient and consensus-based manner.

44.24.11 Motions.

44.2.14.11.1 If a motion does not receive a second, it dies.

44.2.24.11.2 *Matters that do not constitute a motion include:* nominations; withdrawal of motion by the person making the motion; request for a roll call vote; point of order or privilege. Because these matters are not motions, a second is not needed.

44.2.34.11.3 A Councilmember may abstain from voting on a motion because of a conflict of interest or to preserve the appearance of fairness, but cannot then participate in discussion or argument about the motion. See Subsection 5.35.38.3.

44.2.44.11.4 A motion that receives a tie vote is deemed to have failed; provided that, except where prohibited by RCW 35A.12.100 or other law, the Mayor shall be allowed to vote to break a tie vote.

44.2.54.11.5 When making motions, Councilmembers shall be clear and concise and not include arguments for the motion within the motion.

44.2.64.11.6 After a motion has been made and seconded, Councilmembers may discuss their opinions on the issue prior to the vote.

44.2.74.11.7 A motion may be withdrawn by the maker of the motion at any time without the consent of the Council.

44.2.84.11.8 A "motion to table" is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires an affirmative vote of at least a majority of the whole membership of the Council.

44.2.94.11.9 A "motion to postpone to a certain time" is debatable and amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or may be postponed to a date certain at a future Regular or Special City Council meeting.

44.2.104.11.10 A "motion to postpone indefinitely" is debatable but not amendable, and may only be reconsidered at the same meeting if it receives an affirmative vote of at least a majority of Councilmembers present.

~~44.2.144.11.11~~ A “motion to call for the question” shall immediately close debate on the main motion and is not debatable. This motion must receive a second and fails without an affirmative vote of at least all of the Councilmembers present minus one. Debate is reopened if the motion fails.

~~44.2.124.11.12~~ A “motion to amend” is a motion to modify the wording of a pending motion before that pending motion is voted upon by the Council, by inserting, adding, striking out, striking out and inserting, or substituting language. A motion to amend must be seconded. However, some motions cannot be amended. See Subsection ~~4.11.134.11.137.2.13~~.

~~44.2.134.11.13~~ *Motions that cannot be amended include:* motion to adjourn; motion to lay on the table; motion to take from the table; motion for roll call vote; motion to reconsider; point of order; motion to amend. (A motion to amend an amendment is allowed.)

~~44.2.144.11.14~~ Amendments shall be voted on first, then the main motion as amended (if the amendment received an affirmative vote).

~~44.2.154.11.15~~ Debate of the motion only occurs after the motion has been moved and seconded.

~~44.2.164.11.16~~ The Mayor, City Attorney or City Clerk shall repeat the motion prior to voting by the Council.

~~44.2.174.11.17~~ The City Clerk shall take a roll call vote, if requested by the Mayor, City Attorney, a Councilmember, or as required by law.

~~44.2.184.11.18~~ When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be made until the next Regular City Council meeting.

~~44.2.194.11.19~~ These rules may be amended, or new rules adopted, by a majority vote of the full Council at a Regular or Special City Council meeting.

~~44.34.12~~ Waiver of Rules. The Council may, by motion that carries with an affirmative vote of ~~at least a two-thirds or greater~~ majority ~~of the whole membership~~ of the Council, waive, suspend, or modify these Rules of Procedure.

~~SECTION 15~~SECTION 5 – VOTING

~~45.45.1~~ Voice Vote. In general, voice votes shall be used. Voice votes are a generalized verbal indication by the Council as a whole of “yea or nay” on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where the Councilmember abstains from participation,

discussion and voting because of a stated conflict of interest, to preserve the appearance of fairness, or for other good cause. *See Subsection ~~5.35.38.3~~*. The Presiding Officer shall announce the outcome of each voice vote immediately thereafter and the result of each vote shall be recorded in the minutes.

Formatted: Font: Italic

Formatted: Font: Italic

~~45.25.2~~ Roll Call Vote. A roll call vote may be requested by the Mayor or by any Councilmember. When a roll call vote has been requested, the Clerk shall call upon each Councilmember and request an individual "yes or no". The Presiding Officer shall announce the result of the vote immediately thereafter and the result of the vote shall be recorded in the minutes.

~~45.35.3~~ Abstentions.

~~45.3.45.3.1~~ *Abstention allowed for conflict of interest or appearance of fairness.* It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. However, a Councilmember may abstain from discussion and voting on a question because of a stated conflict of interest or to preserve the appearance of fairness. Should the City Attorney indicate that the Mayor or a Councilmember is required to abstain from further participation on an issue, the affected person must abstain except where abstention would result in a lack of a quorum (or lack of a majority vote where required by law). *See Subsection ~~5.6.15.6.18.6.1~~*. Failure to abstain may cause delay in proceedings to allow court intervention. *See Subsection ~~5.6.35.6.38.6.3~~*.

Formatted: Font: Italic

Formatted: Font: Italic

~~45.3.25.3.2~~ *Notice of intent to abstain required.* Notice of intent to abstain shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Mayor or Councilmember perceives a need to abstain.

~~45.3.35.3.3~~ *Need to abstain shall be confirmed by City Attorney.* Prior to the time that the Mayor or a Councilmember gives notice of intent to abstain, the affected person shall confer with the City Attorney to determine if abstention is truly required. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter is scheduled to come before the City Council. If that cannot be done, the affected person should advise the City Council that he or she has an "abstention question" that he or she wants to review with the City Attorney. A brief recess should then be taken for that purpose.

~~45.3.45.3.4~~ *Abstaining member shall advise the Council and end participation.* After conferring with the City Attorney, the Mayor or Councilmember wishing to abstain from a vote because of a conflict of interest or to preserve the appearance of fairness shall so advise the Council, and shall then remove and absent himself or herself from the Council's deliberations and considerations of the motion, and shall have no further participation in the matter.

45.45.4 Votes by Mayor. Except where prohibited by law, the Mayor may only vote to break a tie vote of the Council and only with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

45.55.5 Votes by Councilmember Serving as Presiding Officer. In accordance with RCW 35A.12.110, a Councilmember serving as Presiding Officer in the absence of the Mayor shall have the same rights to vote on matters before the Council as the person would otherwise have as a Councilmember.

45.65.6 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness.

45.6.45.6.1 *If abstention removes quorum or majority.* Should the City Attorney determine that the participation of the Mayor or a Councilmember in discussion and voting on an issue would be a conflict of interest or appear to violate the appearance of fairness doctrine, or any specific part of chapter 42.36 RCW, that person shall abstain from further participation unless, as provided by RCW 42.36.090, a challenge to a member or members of the decision-making body would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law; in such cases, any challenged member(s) shall be permitted to fully participate in the proceedings and vote as though the challenge had not occurred if the member(s) publicly disclose the basis for disqualification prior to rendering a decision and each party has a full opportunity to present regarding the information relating to the issues. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

45.6.25.6.2 *Refusal to Abstain.* Should the Mayor or a Councilmember refuse to abstain from participation and voting on an issue after the City Attorney has determined that abstention is necessary, the challenged person may be disqualified from participating and voting on that issue upon a vote to disqualify that is passed by a majority of the other Councilmembers present who are eligible to vote on the underlying issue.

45.6.35.6.3 *Failure to Abstain.* Should the Mayor or a Councilmember fail to abstain from participation and voting on an issue where that officer knows or should have known that a conflict of interest is present or that the appearance of fairness would be compromised, such failure to abstain by the Mayor or Councilmember shall be presumed to constitute a lack of good faith for purposes of officer indemnity under RCW 4.96.041; provided that, nothing herein shall preclude the Council from determining that the Mayor or Councilmember acted in good faith upon a failure to abstain.

~~45-75.7~~ Failure to Vote. In the absence of an abstention on the basis of a conflict of interest, appearance of fairness, or other good cause, an abstention or failure to vote of a Councilmember present at the proceeding shall constitute an affirmative vote on the proposition or motion before the Council.

~~SECTION 16~~SECTION 6 – ORDINANCES AND RESOLUTIONS

~~46-46.1~~ Ordinances. All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared or presented to the Council unless requested by two members of the Council, the Chair of a Council Committee, the Mayor, or the City Administrator. Unless waived, all ordinances shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called. A motion and a second are required to bring an ordinance to a vote.

In accordance with RCW 35A.12.120 and .130, an ordinance must be adopted by the affirmative vote of at least a majority of the whole membership of the Council, subject to the Mayor's approval and Council reconsideration of a mayoral veto; provided that, public emergency ordinances require an affirmative vote of at least a majority plus one of the whole membership of the Council. A public emergency ordinance is one designated to protect public health, public safety, public property, or public peace.

In accordance with RCW 35A.12.160, either the full text of the ordinance or a summary shall be published as soon as practicable in the City's designated official newspaper after adoption. An ordinance becomes effective five (5) days after publication unless otherwise specified in the ordinance or as required by law.

~~46-26.2~~ Resolutions. Resolutions may be prepared or presented to the Council at the request of two Councilmembers, the Chair of a Council Committee, the Mayor, or the City Administrator and shall be reviewed by the City Attorney prior to presentation to the City Council for review and approval. All resolutions shall be in writing, and the titles thereof shall be read aloud by the Presiding Officer prior to a vote being called on their passage. A request for a full reading of a resolution need not be seconded.

Discussion and debate by the City Council on resolutions will be held prior to the vote on a resolution. Prior to voting on passage of a resolution, the Council may decide by majority vote to amend the resolution or direct staff to review the proposed resolution and make a report to the Council.

A resolution must be passed by an affirmative vote of at least a majority of the whole membership of the Council; if passed, the resolution becomes effective immediately.

Commented [A6]: This is not required by state law except in the case of resolutions for the payment of money. Other types of resolutions can be adopted by a majority of those present, as long as there is a quorum. Is this the Council's intent? If so, then no resolutions can be passed if only three of the five are present unless the vote is unanimous.

SECTION 17~~SECTION 7~~ – PUBLIC COMMENTS

~~17.17.1~~ 17.17.1 **Requesting to Speak.** During the Public Comment period, members of the audience may comment on any matter related to City business. Persons addressing the Council who are not specifically scheduled on the agenda will be requested to fill out the speaker sign-in sheet at the City Clerk's desk, then step up to the podium, give their name and address for the record. All remarks must be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions when warranted. *See Subsection ~~093.5~~ for requests to make special presentations to the Council.*

~~17.27.2~~ 17.27.2 **Time Limit.** Comments are limited to three (3) minutes per person. The Presiding Officer may adjust the time restrictions when warranted by special circumstances and after approval of a majority of Councilmembers present.

~~17.37.3~~ 17.37.3 **Advertising or Promoting Political Cause is Prohibited.** Except as authorized or required by RCW 42.17A.555, no person may address the Council for the purpose of assisting a campaign for election of a person to any office or for the promotion of, or opposition to, any ballot proposition. Further, no person may address the Council for the purpose of advertising any item, service, or product for profit or otherwise.

~~17.47.4~~ 17.47.4 **Other Prohibited Remarks.** Any person who causes actual disruption by making personal attacks, using hate speech, making slanderous remarks or other disruptive conduct while addressing the Council shall be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of Councilmembers present.

SECTION 18~~SECTION 8~~ – LEGISLATIVE AND QUASI-JUDICIAL HEARINGS

~~18.18.1~~ 18.18.1 **Legislative Hearings.** Legislative public hearings are held to obtain public input on legislative decisions on matters of policy and in some instances are required by state law.

~~18.1.18.1.1~~ 18.1.18.1.1 Before opening a legislative public hearing, the Presiding Officer shall state the hearing procedures.

~~18.1.28.1.2~~ 18.1.28.1.2 The Department Director or the Director's designee shall present the issue to the Council and respond to questions.

~~18.1.38.1.3~~ 18.1.38.1.3 A person may speak for up to five (5) minutes. A person may speak for up to ten (10) minutes if representing a group of two or more. No one may speak for a second time without the approval of the Presiding Officer, and only after everyone who wishes to speak has had an opportunity. The Presiding Officer may make exceptions to the time restrictions when

warranted by the circumstances; provided that, the Council upon a motion and majority vote of Councilmembers present, may also make exceptions to the time restrictions or may overrule an exception granted by the Presiding Officer.

~~48.1.48.1.4~~ The City Clerk shall serve as timekeeper during legislative hearings.

~~48.1.58.1.5~~ After the speaker has used his or her allotted time, Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

~~48.1.68.1.6~~ The hearing will then be closed to public participation and open for discussion among Councilmembers.

~~48.1.78.1.7~~ The Presiding Officer may request to change or modify the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of Councilmembers present.

~~48.1.88.1.8~~ When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present.

~~48.28.2~~ Quasi-judicial Hearings. Quasi-judicial hearings involve the legal rights of specific parties and afford procedural due process, which may include receiving testimony, making a record of the evidence considered by the Council and issuing specific Council findings. The following procedures shall apply:

~~48.2.48.2.1~~ Before opening a quasi-judicial hearing, the Presiding Officer shall state the hearing procedures.

~~48.2.28.2.2~~ The Department Director of the department most affected by the subject matter of the hearing, or said Director's designee, shall be afforded fifteen (15) minutes to present the City's position and findings. City staff shall be available to respond to Council questions.

~~48.2.38.2.3~~ The proponent or applicant spokesperson shall speak second and be allowed fifteen (15) minutes for presentation. The proponent may divide up the fifteen (15) minutes between more than one speaker and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.

~~48.2.48.2.4~~ The opponent spokesperson, if any, shall speak third and be allowed fifteen (15) minutes for presentation, may divide up the fifteen (15) minutes between more than one speaker, and may reserve time to be added to the maximum time for rebuttal. Council may ask questions.

~~18.2.58.2.5~~ Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson. Any time reserved from the speaker's presentation may be added to the five minute limit.

~~18.2.68.2.6~~ After the proponent and opponent have used their speaking time, ten (10) minutes shall be allowed for the Council to ask further questions of the speakers, who shall be entitled to respond but who must limit their response to the question asked.

~~18.2.78.2.7~~ The City Clerk shall serve as timekeeper during these hearings. By motion and majority vote of Councilmembers present, the Council may extend the times provided in this Subsection ~~8.28.211.2.2~~.

~~18.2.88.2.8~~ When necessary in the interests of fairness or when required by circumstances, the hearing may be recessed and continued to a date certain upon approval by a majority vote of Councilmembers present; provided that, the record is closed for the entire period of continuance and only Councilmembers who were present for the earlier portion of the hearing, or Councilmembers who have had the opportunity to consider the entirety of the record (verbatim transcript or audio and/or visual recording), may participate when the hearing resumes. Examples of reasons to allow a recess include, but are not limited to, absence of a necessary party due to illness or emergency; request for additional argument on an issue by a majority vote of the Council; inability to complete the hearing due to circumstances beyond the parties' control, such as power failure or natural disaster.

~~18.2.98.2.9~~ Consistent with RCW 42.30.140(2), the Council may consider the matter in an executive session or otherwise.

~~18.2.108.2.10~~ Except as otherwise allowed by law, after the Council has publicly considered the arguments and evidence presented, the Council shall then vote on the issue that was the subject of the hearing.

SECTION 19~~SECTION 9~~ – TOWN HALL MEETINGS

~~19.19.1~~ **Purpose.** Town Hall meetings provide a forum for Council members and community members to discuss City initiatives, emerging issues and community concerns, opinions and preferences regarding specific topics affecting the Black Diamond community, and for the City to respond to community questions. It is not the purpose of Town Hall meetings to take final action on any matter before the City Council.

~~19.29.2~~ **Town Hall Agenda.** The scheduling, agenda preparation and public comment period for Town Hall meetings shall conform to these Rules of

Procedure, except that public comment may be limited to specific topics identified in the Town Hall meeting agenda. The speakers should limit their time to 10 minutes, to allow time for all speakers to speak. A second round of comment will be allowed, and speakers will be limited to three minutes. The Presiding Officer shall retain authority to impose rules of procedure to ensure open discussion during the Town Hall meeting, that people with opposing or different viewpoints receive an equal opportunity to speak, that everyone receive an opportunity to speak before any one speaker receives a second opportunity to speak, and that order and decorum is maintained. When necessary to ensure that everyone receive an opportunity to speak, the Presiding Officer shall retain authority to limit all persons' remarks to an equal period of time.

19.39.3 Staffing. City staff and the City Attorney shall not be required to attend Town Hall meetings unless otherwise directed by the Mayor; with the exception that, the City Clerk, or designee, shall attend Town Hall meetings for the purpose of keeping a journal of the minutes of the meeting and to act as the City Council's parliamentarian in the absence of the City Attorney.

SECTION 20SECTION 10 – MAYOR PRO TEMPORE SELECTION PROCESS

Annually at the first meeting of ~~a new~~the 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. In the event the Mayor Pro Tempore leaves, the Council shall, by a majority vote, designate one of the remaining Councilmembers as Mayor Pro Tempore.

SECTION 21SECTION 11 – SELECTING A COUNCIL MEMBER PRO TEMPORE OR FILLING A VACANT COUNCIL POSITION

21.11.1 Selecting a Councilmember Pro Tempore. In accordance with RCW 35A.12.065, in the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the period of absence or disability.

21.21.2 Filling Vacant Council Position. In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy in accordance with Chapter 42.12 RCW. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose.

Commented [A7]: Compare to Rule 9.2 above (resolutions require majority of whole Council, not just a quorum). Is this the Council's intent?

SECTION 22SECTION 12 – COUNCIL MEETING STAFFING

22.12.1 The City Administrator or the City Administrator's designee must attend all meetings of the Council, unless excused.

~~22-212.2~~ The City Attorney shall attend all meetings of the Council unless excused by the Mayor, and upon request, may provide comment, either written or oral, on legal questions. An assistant city attorney shall attend meetings when the City Attorney has been excused or is unable to attend due to illness or emergency.

~~22-312.3~~ It shall be the responsibility of each Department Head to ensure that a department representative or other City staff attend as necessary to present the department's agenda items to the Council and answer Council member questions.

SECTION 23 SECTION 13 – COUNCIL RELATIONS WITH STAFF

~~23-413.1~~ The Mayor, City staff and Councilmembers shall respect the different roles each officer plays in a successful City and will strive to treat each other with courtesy and respect when questions, comments or criticism are expressed in a public meeting.

~~23-213.2~~ City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge the Mayor and City staff as administrators of the Council's policies.

~~23-313.3~~ All written informational material requested of City staff by any individual Councilmember that the requesting Councilmember then intends to reference or introduce at a Council meeting shall be submitted or made available to all Councilmembers prior to being referenced or introduced at the meeting, unless other reasons preclude such distribution, in which case the reasons shall be communicated by the requesting Councilmember to the Mayor or the Mayor's designee and such reason provided to all Councilmembers.

~~23-413.4~~ Councilmembers shall not attempt to coerce or influence City staff in the administration of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or purchases of City licenses or permits.

~~23-513.5~~ Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.

~~23-613.6~~ No Councilmember shall direct the Mayor or City staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study, without the consent of at least a majority of the whole membership of the Council.

~~23-713.7~~ Individual requests for information can be made directly to Department Directors unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.

~~SECTION 24~~ **SECTION 14 – APPOINTMENT BY MAYOR & CONFIRMATION BY CITY COUNCIL – WHEN REQUIRED**

~~24.1~~ **14.1** Mayor's Power to Appoint. In accordance with RCW 35A.12.090, the Mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service; provided that, in accordance with BDMC 2.08.020, each officer may hire any employee assigned to his or her department.

~~24.2~~ **14.2** Confirmation by Council. In accordance with RCW 35A.12.090, confirmation by the City Council of mayoral appointments of officers and employees is required when City ordinance provides for the confirmation of such appointments. In addition, the City Council may require confirmation of mayoral appointments by the Council whenever the qualifications for the office or position have not been established by City ordinance.

~~SECTION 25~~ **SECTION 15 – COUNCIL COMMITTEES AND CITIZEN ADVISORY BOARDS**

~~25.1~~ **15.1** Council Standing Committees.

~~25.1.1~~ **15.1.1** Establishment. The City Council, by a majority vote of at least the whole membership of the Council, is authorized to establish Council Standing Committees to provide recommendations on major policy items to the City Council.

~~25.1.2~~ **15.1.2** Mayoral Appointment/Council Confirmation. The Mayor shall appoint the members of each Council Standing Committee. ~~with the Committee Chair appointed from the membership of the Council.~~ Membership of any given committee may include no more than two (2) Councilmembers. ~~, including the Committee Chair.~~ 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 confirm or decline the Mayor's appointments to Council Standing Committees.

~~25.1.3~~ **15.1.3** Agenda Setting/Proceedings. The agenda setting and proceedings of each Council Standing Committee shall be as follows:

- ~~a. The Committee Chair will work with the Mayor and City staff to finalize the agenda to help guide the direction of the meeting.~~
- ~~b. If the Committee Chair is unable to attend a scheduled meeting, the remaining Councilmember member shall chair the meeting.~~

- a. In instances where a committee member cannot be present at a committee meeting, it is the responsibility of that member to contact an alternate Councilmember to attend in his or her place.
- d.b. Committees may forward issues with or without changes to staff for recommendation to the City Council. Reports on the activities of the committees may be given under the Council Reports section of the Council agenda ~~by the Committee Chair.~~
- e.c. Matters forwarded from a Council Standing Committee to the City Council as a whole will remain at that level unless requested to be returned to Committee by a majority of the Council.
- f.d. Matters may be removed from Council Standing Committees and brought before the Council as a whole by a motion of the Council receiving an affirmative vote of at least a majority of the whole membership of the Council.
- g.e. Should a Council Standing Committee be split on whether a matter should be approved, the matter may move forward to Council without a recommendation. It is the Mayor's responsibility to bring matters before Council.
- h.f. Frequency of Council Standing Committee meetings shall be determined by the Mayor and Committee ~~Chair~~Members.
- i.g. Any direction from the Council Standing Committee for work to be performed by staff must be approved by the Mayor.
- j.h. Audience participation at a Council Standing Committee meeting is ~~at the discretion of the Committee Chair~~not allowed.

25.1.415.1.4 *Standing Committees Authorized.* Standing Council committees may include, but shall not be limited to:

- a. *Budget/Finance/Administration Committee:* The Budget, Finance and Administration Committee, in conjunction with City Staff, may consider matters related to the financial issue of the City, including the annual and capital budgets including revenues and expenditures, sales of bonds, general fiscal and financial conditions, voucher approval, rates and fees, audit and operations of the City, including but not limited to, facilities and properties computerization, periodic budget and financial reports, and policy matters related to personnel, in coordination with the finance and administration departments.

- b. *Parks/Cemetery Committee:* The Park and Cemetery Committee, in conjunction with City Staff, may consider matters related to planning and implementation of park and recreational facilities, capital improvement program, trails and cemetery.
- c. *Planning/Community Services Committee:* The Planning and Community Services Committee, in conjunction with City Staff, may consider matters of a non-quasi-judicial nature related to community growth and development, including but not limited to, planning of the physical, economic, aesthetic and social development of the City, comprehensive plan, zoning code, and housing, annexation policies, code enforcement. This committee may also consider matters not included in other committee's scopes of authority.
- d. *Public Safety Committee:* The Public Safety Committee, in conjunction with City Staff, may consider issues related to the public health, safety and welfare of the citizens of Black Diamond including but not limited to, law enforcement, fire safety, court, hazardous materials, animal control, special events and emergency services.
- e. *Public Works Committee:* The Public Works Committee, in conjunction with City Staff, may consider matters related to water, sewer, solid waste, recycling, utility franchises, storm water management, transportation, capital improvement program, transit, streets, street lighting, signalization and street local improvement.

25-215.2 Task Force Committees and Intergovernmental Groups.

25-2-115.2.1 The Mayor or a majority of the whole membership of the City Council may establish Task Force Committees on an *ad hoc* basis to consider matters that require a special approach or emphasis. Task Force Committees may be established and matters referred to them at Council study sessions. The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees. Such appointments and their terms shall be communicated to the Council by the Mayor as soon as practical.

25-2-215.2.2 Task Force Committees shall consider all matters referred to them. The Chair of each Task Force Committee shall report the findings of the Committee to the Council. Committees may refer items to the Council with no Committee recommendation. Once the Committee's findings have been delivered to the Council, the Committee's duties shall be considered complete and the Committee dissolved, unless specifically re-tasked by the Council.

25-315.3 Advisory Boards, Committees and Commissions. Citizen advisory boards, committees and commissions may be established by ordinance from time to time,

and shall consist of citizens appointed pursuant to the establishing ordinance and serving in the capacity and for the purposes indicated in the ordinance; such boards, commissions and committees shall act in an advisory capacity to the City Council.

SECTION 16 – SPEAKING WHEN REPRESENTING THE CITY COUNCIL

26.416.1 An Official City Position Requires a Public Vote. The City does not have an official position on any issue, whether the issue is political or non-political in nature, unless in accordance with RCW 42.17A.555, the City Council has taken a public vote and at least a majority of the whole membership of the Council votes to adopt the position. Failure of a majority of the Council to vote in favor of a position pursuant to RCW 42.17A.555 shall not constitute adoption of a contrary position; in such cases the City shall continue to have no official position on the issue.

26.216.2 Personal Opinions Must Be Distinguished From City Positions on an Issue.

26.216.2.1 Speaking to persons about issues. Whenever the Mayor or a Councilmember is speaking to a person or group of persons and the Councilmember expresses an opinion on an issue, whether the issue is political or non-political, the Mayor or Councilmember must clearly state whether the opinion represents the official position of the City of Black Diamond and its City Council, or whether it is only the speaker's personal opinion.

26.216.2.2 Speaking on behalf of the City. If the Mayor or a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Mayor or Councilmember must state the official position of the City Council, if known, on such issue. Personal opinions and comments which differ from those of the official position of the Council may be expressed only if the speaker clarifies that these statements do not represent the City Council's position.

26.216.2.3 Expressing the views of other Councilmembers. Prior to representing the position of an elected City official on an issue to the media, another government agency, a community organization, or members of the public, the Mayor and Councilmembers must have permission from that elected official; provided that, presenting how another elected official voted in an official public vote of the Council shall not require permission.

SECTION 17 – TRAVEL AUTHORIZATION

The City Council shall authorize and approve expenditures of city funds to pay for travel-related costs only in accordance with an adopted budget, and/or chapters 2.56 and 2.57 BDMC and/or the City's adopted administrative.

~~SECTION 28~~ **SECTION 18 CONFIDENTIALITY**

Formatted: Justified

21.1 In General. Certain information is required to be kept confidential under state or federal law. The Mayor and Councilmembers must keep such information confidential when that information has been provided to them by City staff or otherwise becomes known to them during the performance of their duties in office. Confidential information includes, but is not limited to, certain personnel and employment information, certain information regarding pending labor and other contracts, and certain information regarding negotiations for the sale or purchase of property. It is the duty of the Mayor and each Councilmember to consult with the City Attorney should the official have a question about whether any particular information is confidential and may not be released.

21.2 Executive Sessions. The Mayor and Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Sessions and may not provide them to persons not present during Executive Sessions, unless, after consultation with the City Attorney, such provision will not violate the confidentiality of Executive Session, or will not violate some other legal exemption or legal privilege.

SECTION 23 SEVERABILITY ~~AVINGS (or should it be entitled "Severability")~~

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

Formatted: Indent: Left: 0.5", No bullets or numbering

In the event that any of the terms or provisions of these rules are declared invalid or unenforceable by any Court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

City Council Rules of Procedure

Date of Adoption:

Resolution No. 18-