

ORDINANCE NO. 19-1126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, CLARIFYING THE LANGUAGE OF SECTION 2.14.030 OF THE BLACK DIAMOND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Washington state law applicable to noncharter code cities states, "Provision shall be made for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services"; and

WHEREAS, the Black Diamond Municipal Code was recently updated to incorporate a specific process for selection and retention of City Attorney services by contract; and

WHEREAS, the Council desires to refine the adopted code language of Section 2.14.030, avoid ambiguities, and clarify the authorized duration of City Attorney contracts;

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

Section 1. Amendment of BDMC 2.14.030. Section 2.14.030 of the Black Diamond Municipal Code is hereby amended as follows:

2.14.030 Contract approval and term.

The city attorney shall be retained on a professional service contract on terms deemed appropriate by the mayor with any necessary approval for budget purposes by the council. The contract shall specify that the city attorney serves at the pleasure of the mayor and under the mayor's primary direction. In no event may the city attorney contract purport to limit the city attorney to advising only certain persons or city officials. Rather, the city attorney shall advise all duly appointed and elected officials and staff of the city, subject to budgetary limitations as set by the council and administered by the mayor. The city attorney contract shall be for an initial term of ~~up to five~~ two years, and ~~any extensions the contract shall not be extended beyond the initial term shall require a total of five years without council confirmation.~~

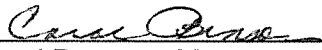
Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 5TH DAY OF SEPTEMBER, 2019.

CITY OF BLACK DIAMOND



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk

Approved as to form:

David Linehan, City Attorney

Filed with the City Clerk: 09/06/2019
Passed by the City Council: 09/05/2019
Ordinance No.19-1126
Date of Publication: 09/10/2019
Effective Date: 09/15/2019