

ORDINANCE NO. 21-1160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE ACCEPTANCE OF DONATIONS FOR THE DESIGN AND CONSTRUCTION OF A SKATE PARK; ESTABLISHING A SKATE PARK DONATIONS FUND AND A SKATE PARK CAPITAL PROJECT ACCOUNT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the residents of the City of Black Diamond have long enjoyed the City's skate park as a valuable community asset and a safe place for recreation and enjoyment, particularly for local youth; and

WHEREAS, proper repair and maintenance of the skate park in a safe condition is no longer possible due to its advanced age and the lack of availability of replacement parts and service, and

WHEREAS, the Mayor and City Council have identified the replacement of the City's skate park as a high priority for the health, well-being, and enjoyment of the residents of Black Diamond; and

WHEREAS, in her discussions with citizens and stakeholders, the Mayor has identified potential sources of public funding for a new skate park, as well as public interest and support for partially funding a new skate park with donated funds, rather than entirely with taxes and other general City revenue; and

WHEREAS, RCW 35.21.100 expressly authorizes Washington cities to accept money and property donated for specified purposes or for any lawful municipal purpose; and

WHEREAS, the City Council wishes to authorize the acceptance of funds donated for the design and construction of a new skate park and to establish a separate Skate Park Donations Fund to receive such donations.

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

Section 1. Donations Authorized. The City Council authorizes the City Finance Director to accept any and all monies donated for the purpose of defraying the City's costs of planning, designing, and constructing a new Black Diamond Skate Park.

Section 2. Skate Park Donations Fund Created. A separate fund, designated as the “Skate Park Donations Fund,” is hereby established to receive all funds donated by private individuals or entities for the planning, design, and construction of a new Black Diamond Skate Park. The Finance Director shall record and deposit all donations received for such purposes into the Skate Park Donations Fund.

Section 3. Donation Records. Each donor to the Skate Park Donations Fund shall execute, and the Finance Director shall retain on file, a written record of each donation in the form attached hereto as Exhibit A.

Section 4. Council to Approve Fund Expenditures. Upon its approval of any project related to the planning, design, or construction of a new Black Diamond Skate Park, or at any time thereafter, the City Council may specify what portion, if any, of the project will be funded with monies from the Skate Park Donations Fund. No further action by the City Council will be necessary in order to spend monies deposited in the Skate Park Donations Fund in support of projects approved by the Council. In no event may monies from the Skate Park Donations Fund be spent on projects that have not been duly approved by the Council.

Section 5. Skate Park Capital Project Account Created. A separate Capital Project Account, designated as the “Skate Park Capital Projects Account,” is hereby established. This specific account is established to hold all Skate Park revenues received from agency grants, plus any funds transferred from the Skate Park Donations Fund, the King County Parks Levy, REET, and from any other Park Grants. These revenues will be used to pay for purposes of planning, designing, or constructing of the new Black Diamond Skate Park upon the approval of any planning, design, or construction project that the City Council has determined will be paid for, in whole or in part, with money from the Skate Park Donations Fund.

Section 6. Use of Excess Skate Park Funds. It is the intention of the City Council that all monies donated to the Skate Park Donations Fund be used solely for projects necessary to plan, design, and construct a new Black Diamond Skate Park. However, in the event that funds remain in the Skate Park Donations Fund after completion of the new Black Diamond Skate Park, then all or any portion of the remaining monies in the Skate Park Donations Fund may, by a vote of a majority of the City Council, be converted to use for any lawful municipal purpose upon an express finding by the Council that amounts remaining in the Skate Park Donations Fund exceed the reasonably expected costs of all approved or anticipated planning, design, and construction projects for the skate park.

Section 7. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is declared unconstitutional or otherwise invalid for any reason, or if any portion of this Ordinance is 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 8. 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.

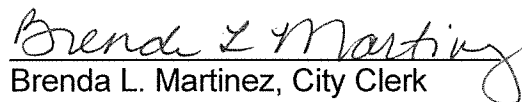
ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 20th DAY OF MAY, 2021.

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: 05/20/2021
Passed by the City Council: 05/20/2021
Ordinance No.21-1160
Date of Publication: 05/26/2021
Effective Date: 05/31/2021

DONATIONS FOR BLACK DIAMOND SKATE PARK

This form documents and memorializes donations received by the City of Black Diamond for purposes of planning, designing, and constructing a new Black Diamond Skate Park pursuant to projects approved by the City Council.

Name of Donor: _____

Street address of Donor or Agent: _____

Email: _____

Phone: _____

Amount of donation: \$ _____

Method of payment: _____ Check _____ Credit Card _____ Cash

Thank you for your donation. Please initial and sign below.

_____ I understand that my donated funds will be deposited by the City in a dedicated "Skate Park Donations Fund" created for purposes of funding the planning, design, and construction of a new City skate park. However, I acknowledge and agree that if monies remain in the Skate Park Donations Fund after completion of the new skate park, then all or any portion of my contribution to the Fund may be converted to use for any lawful municipal purpose by a vote of a majority of the City Council, upon on an express finding by the Council that amounts remaining in the Skate Park Donations Fund exceed the reasonably expected costs of all approved or anticipated planning, design, and construction projects for the skate park.

_____ I acknowledge that this donation form is a public record and may be subject to disclosure pursuant to a lawful request under the state Public Records Act, Ch. 42.30 RCW.

Signature of Donor: _____

Date: _____