



**CITY OF BLACK DIAMOND**  
**January 21, 2016 Regular Business Meeting Agenda Revised – 01/19/16**  
25510 Lawson St., Black Diamond, Washington

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

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:**

**Police Presentation** – Chief Kiblinger

**CONSENT AGENDA:**

**1) Claim Checks** - January 21, 2016 - No. 43080 through No. 43135 and EFTs in the amount of \$147,078.81

**2) Payroll** - December 31, 2015, No. 18737 through No. 18756 and ACH payment in the amount of \$267,673.75

**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 and address. 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:**

**3) Res No. 15-1060** – Adopting Facility Use Policy

Ms. Morris

**NEW BUSINESS:**

**4) Res No. 16-1066** – Authorizing Contract with NexisLexis for Credit Card Services for the Court

Ms. Miller

**5) Ord No. 16-1071** – Changing the Fee Charged for Traffic Safety School

Chief Kiblinger

**6) Res No. 16-1067** Authorizing Addendum to Valley Communication Agreement

Chief Kiblinger

**7) Res No. 16-1068** – Tri-City Interlocal Agreement for Joint Public Works Operations and Purchasing

Mr. Boettcher

**8) Ord No. 16-1072** – Amending Black Diamond Municipal Code Regarding Planning Commission Qualifications

Ms. Kincaid

**9) Res No. 16-1069** – Revising Council Rules of Procedure

Councilmember

**10) Res No. 16-1070** – Appointing Council President

Councilmember

**11) Res No. 16-1071** – Appointing Standing Committee Members and Chairs

Councilmember

**12) Res No. 16-1072** – Initiating Review of Council Rules of Procedure

Councilmember

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

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

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# City of Black Diamond, WA Payroll December 2015

Check Number	Name	Fiscal Description	Amount
<u>18737</u>	Employee Paycheck (paper)	2015 - December - Mid Month Draw 12/31/15	\$692.00
<u>18738</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$701.64
<u>18739</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$5,607.41
<u>18740</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$1,028.79
<u>18741</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$2,832.34
<u>18742</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$149.31
<u>18743</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$147.22
<u>18744</u>	Employee Paycheck (paper)	2015 - December - Month End 12/31/15	\$1,645.56
<u>18745</u>	AWC Employee Benefit Trust (city pay med ins)	2015 - December - Month End 12/31/15	\$36,748.79
<u>18746</u>	AWC Employee Benefit Trust (employ copay med ins)	2015 - December - Month End 12/31/15	\$2,876.63
<u>18747</u>	BD Police Officers Association (union dues)	2015 - December - Month End 12/31/15	\$600.00
<u>18748</u>	Chapter 13 Trustee (garnishment)	2015 - December - Month End 12/31/15	\$655.00
<u>18749</u>	City of Black Diamond Flex (125 health savings)	2015 - December - Month End 12/31/15	\$303.33
<u>18750</u>	Dept of Labor and Industries	2015 - December - Month End 12/31/15	\$2,571.98
<u>18751</u>	Dept of Retirement Systems	2015 - December - Month End 12/31/15	\$27,789.76
<u>18752</u>	Employment Security Dept (unemployment)	2015 - December - Month End 12/31/15	\$1,528.36
<u>18753</u>	Joseph Kaufman (retired Leoff 1 police)	2015 - December - Month End 12/31/15	\$115.40
<u>18754</u>	Pierce County Superior Court (garnishment)	2015 - December - Month End 12/31/15	\$1,987.38
<u>18755</u>	Trusted Plans Service CP LTD (Police Life)	2015 - December - Month End 12/31/15	\$672.51
<u>18756</u>	Washington State Treasurer (Deferred Comp)	2015 - December - Month End 12/31/15	\$3,325.00
<u>ACH Dec 2015</u>	City of Black Diamond Federal Taxes ACH	2015 - December - Month End 12/31/15	\$49,716.19
<u>ACH Dec 2015 addtl tax</u>	City of Black Diamond Federal Taxes ACH	2016 - December - Month End 12/31/15	\$31.00
<u>ACH December 2015</u>	Atiac ACH (additional insurance employees pay)	2015 - December - Month End 12/31/15	\$200.33
<u>December 15 2015 Payroll</u>	ACH Payroll (direct deposit)	2015 - December - Month End 12/31/15	\$31,280.00
<u>December 31 2015 Payroll</u>	ACH Payroll (direct deposit)	2015 - December - Month End 12/31/15	\$94,467.82
<b>Total</b>			<b>\$267,673.75</b>

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<b>Total</b>			<b>\$267,673.75</b>

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>  <b>Resolution No. 15-1060, adopting facility use rules and procedures for the use of the gym.</b>	<b>Agenda Date: January 21, 2016</b>	
	AB15-098A	
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	X
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$	Public Works – Seth Boettcher	
Fund Source: --	Court – Stephanie Metcalf	
Timeline:		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 15-1060</b>		
<b>SUMMARY STATEMENT:</b>  At the December 17, 2015 meeting Council made a motion to postpone action on this agenda to the second business meeting in January, 2016.  The City of Black Diamond owns and manages the Gym, located at 2511 Lawson Street in Black Diamond. In addition, the City has other public facilities, such as the Council Chambers, that the Council may wish to open for community use.  The City Attorney has advised that in order to allow public use of City-owned facilities, the City Council must adopt policies for use. This includes the establishment of rules for use, priority for scheduling of the facility, setting of rental fees and the requirement that users sign agreements that would hold the City harmless for their use of such facilities.  After the Council adopts the attached policies, the staff will develop application forms and the appropriate hold harmless agreements to be signed by users.  FISCAL NOTE (Finance Department):		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 15-1060, adopting Facility Use Rules and Procedures for the use of the Gym.</b>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
December 17, 2015	Motion to postpone to Second Meeting in January	5-0
January 21, 2016		

**RESOLUTION NO. 15-1060**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
ADOPTING FACILITY USE RULES AND PROCEDURES  
FOR THE USE OF THE GYM.**

**WHEREAS**, the City of Black Diamond owns and manages the Gym, located at 2511 Lawson Street in Black Diamond; and

**WHEREAS**, the City desires to adopt Facility Rental and Use Policies for the use of the Gym for non-City sponsored events; **NOW, THEREFORE**,

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

**Section 1.** The City Council hereby adopts the following Facility Rental and Use Rules and Procedures for the Gym.

I. **Introduction.** The purpose of these Use Rules and Procedures is to make the Gym and other Public Facilities available for community use, as long as such use does not interfere with City-sponsored events and programs.

II. **Definitions.**

**Applicant.** The authorized agent of the sponsor who completes the application for the use of the Gym or Public Facilities and acts as the primary contact for the facility rental. The applicant is responsible for the actions of all people attending the event described in the application. Applicants must be at least 18 years of age.

**Public Facility.** The Gym, located at 25511 Lawson Street; Black Diamond, WA.

**Rental Coordinator.** Designated by the Mayor.

**Sponsor.** The entity that is participating and/or providing financial support in conjunction with an event.

**User Priority.** The hierarchy the City adheres to when scheduling events at the Public Facility.

III. **Events.**

A. The nature of the event for which the use is sought by the applicant must be described in detail in the Facility Use Application Form.

B. The City reserves the right to accept or reject any request for the use of a Public Facility and to impose additional requirements after reviewing the request of an applicant, based on these Rules and/or any other legal authority.

IV. **Use of Public Facility.**

A. Prohibited behavior.

1. Any activity or function at a Public Facility that disrupts or prevents the effective carrying out of the operation of the Public Facility or the activities of the City is prohibited.

2. Prohibited behavior includes: (1) quarrelling or fighting; (2) illegal possession or dispensation of a narcotic or other substance prohibited or regulated by law; (3) possession of a firearm or other lethal weapon; (4) failure to leave a Public Facility at the agreed time; (5) failure to leave a "closed" facility; (6) threatening the security, health, or welfare of the community.

3. Sound amplification that significantly disrupts the operation or activities of the Public Facility or the City or that unreasonably disturbs the surrounding neighborhood is prohibited.

4. No smoking, chew tobacco or alcohol is allowed on the premises of any Public Facility at any time.

5. The following are prohibited: (1) fog and smoke machines; (2) rice, birdseed, confetti, glitter, dance wax; (3) fireworks are not permitted on the grounds or in any Public Facility.

B. **Use Requirements.**

1. Only freestanding decorations are permitted. Items may not be affixed to the ceiling, doors, columns, walls, light fixtures or windows. Damage resulting from tape or other adhesives will be deducted from the damage deposit and may result in the loss of all or a portion of the damage deposit.

2. The applicant/users may not mark, puncture or deface in any manner, equipment and furnishings, including floors, doors, windows mirrors, walls and/or ceilings. Damage resulting from such use will be deducted from the damage deposit and/or may result in an additional charge to the applicant for costs incurred by the City.

3. The City shall not be liable for any loss or theft of personal property. Use of the Public Facilities shall be undertaken by the applicant at the applicant's sole risk.

4. Maximum occupancy. The total number of occupants within a Public Facility must be limited to the safe occupancy of the room or area as determined

by the Fire Marshal and posted by the City. The applicant is responsible to limit attendance at an event so as not to exceed the posted capacity of a room or an area.

5. Emergency exits. An emergency exit may not be blocked at any time or any reason.

6. Public safety. The City's Police Department is responsible for enforcing all applicable laws including these Facility Use Rules and Procedures. Failure to abide by the lawful orders of a Police Officer may subject the violator to a criminal trespass warning or arrest.

7. It is expected, unless otherwise indicated and approved, that the Applicant who has signed the Facility Use Application and Agreement will be in attendance during the entire event. If that is not possible, his or her designee must be identified in the Application and she/he must be present at all times.

#### V. Availability of Public Facility.

A. Scheduling Priority. The scheduling of the Public Facility is done first by the user priority and then chronologically by date requested. The following is the user priority that shall be adhered to in reserving a Public Facility:

1. City-use.
2. City-sponsored use.
3. Non-City events.

B. Reserved time. Permission to use (or a reservation for use) of a Public Facility is made for a specific date(s) and time(s). Only the date(s), time(s) and the facility for which permission has been granted will be honored.

1. Any rehearsal time, decorating time, special set-up and/or takedown time must be included in the application and approved on the Facility Use Application.

2. Permission to use a Public Facility includes the use of a specified entrance and exit and rest rooms. The use of other areas is prohibited.

3. The Public Facility must be vacated promptly at the end of the reserved time.

4. Holidays and Closures. Public Facilities will be closed on certain holidays (check with the Rental Coordinator for a schedule). If inclement weather occurs, the Public Facility may be closed. If the Public Facility is closed for whatever reason, you will not be able to hold your scheduled event that day.

C. Event advertisement. When promoting your event, you may use the name of the Public Facility and address to direct your attendees. You must state that neither the program nor its content are endorsed nor sponsored by the City. You may not use the City logo.

VI. Application for Use.

A. Requests to hold an event in a Public Facility must be accompanied by a Rental Agreement/Reservation Request form. All requests must be submitted to the Rental Coordinator.

B. Reservation Request forms are accepted by the Rental Coordinator, Monday through Friday, 9:00 a.m. through 5:00 p.m. Applicants may call first to determine availability, but reservations cannot be confirmed until a Rental Agreement has been completed by the Applicant, the full deposit is paid and the Agreement has been approved by the Rental Coordinator.

C. Rental fees must be paid to the Rental Coordinator at least seven (7) days prior to the date requested in the Rental Agreement for the event. Failure to pay the Rental fees prior to this seven (7) day period could result in the cancellation of the reservation. (See the Cancellation Policy below.)

D. Reservations are accepted according to the user priority procedure in Section V(A) above. Reservations may be accepted up to one year in advance of the event date. Reservations must be made at least ten (ten) days in advance for events scheduled during regular business hours. Reservations must be made at least fourteen (14) days in advance for events during non-business hours.

E. Public Facilities are reserved by the whole hour only. All events will be finished or complete by 10:00 p.m. on the day of the event.

F. Elements of Application form. The application to reserve a Public Facility for an event must be completed on forms provided by the City, and shall include the following information:

1. Applicant and Organization (if any) Name;
2. Purpose of Activity or Event;
3. Date and Time of Activity or Event;
4. If food will be sold, the confirmation that a food handler's permit has been obtained;
5. A list of special equipment or requirements for the event;
6. Estimate of total number of anticipated participants;
7. A description of any items or services offered for sale during the event.

G. On-Going Rentals. Requests for long-term or on-going rentals will be approved for no more than six (6) months at a time.

H. Fees. Rental fees and deposits must be made payable to the City of Black Diamond and submitted to the Rental Coordinator at the time of application. The rental fees and deposits are adopted by the City in the City's fee resolution. The Rental fees and deposits may be paid in cash, credit card or check.

I. Cancellation. Rental cancellations will result in a non-refundable cancellation fee of \$15.00, regardless of the amount of notice provided to the City. Cancellations made with less than 24 hours' notice will not be refunded.

J. Changes to Reservation. Any changes to the reservation or rental must be agreed to in writing by the Rental Coordinator, and are subject to availability. Additional rental time must be paid for at the time the request is received.

#### VII. City Personnel and Use of City Equipment.

A. Requests for the use of specific personnel (such as police officers) or City equipment will be identified in the Application, determined by the City and agreed to in the Facility Use Agreement. Charges for these services are made in accordance with the Fee Resolution adopted by the City.

B. The City reserves the right to change the level of City personnel needed for the event without notice.

C. Permits. It is the responsibility of the facility user to obtain and provide all necessary permits from the appropriate governmental agencies. The facility user shall abide by the limits of any license or permit, and shall act in accordance with all federal, state and local laws and ordinances, and all City policies and procedures.

#### VIII. User-Owned Equipment and Supplies.

A. Prohibited User-Owned Equipment. User-owned equipment and/or supplies, including but not limited to, scenery, hazardous materials, animals or materials of an unusual nature are not allowed in Public Facilities without prior written approval. (For decorations, see Section B.)

B. Approved electronics. All electrical items must be Underwriters Laboratory (U.L.) approved.

C. User Liability for User-Owned Equipment. Any item belonging to a non-City user must be removed from the Public Facility before the end of the scheduled time of use. Any item not promptly removed will be moved and/or stored by City personnel at the user's expense. The City shall not be responsible for any loss of or damage to a facility user's property, regardless of the cause of loss.

#### IX. Cleaning the Public Facility.

A. Applicants/user groups are responsible for cleaning the Public Facility, including hallways and rest rooms after use. Please refer to the Rental Clean-up Checklist for a detailed list of renter responsibilities. The Rental Coordinator is available to conduct a pre-event room inspection prior to the start of your rental to ensure cleanliness of the Facility. Applicants may request this service during check-in on the day of the event. Limited cleaning equipment may be made available to applicants. To ensure the return of the damage deposit, please ask the Rental Coordinator to complete a post-event inspection at the conclusion of the rental.

B. Damage deposits are refundable as long as the rented room and immediate area is clean after your event, and no damage occurs. Failure to meet these conditions will result in forfeiture of your deposit and may also include the applicant being responsible for additional charges and forfeiture of future reservation privileges. Please allow 3-4 weeks for a deposit refund. Any cleaning and/or repairs that require staff time and materials will be deducted from the damage deposit and charged to the rental group. If a rental exceeds the time reserved, the applicant will be charged for the additional time and/or it may be deducted from the damage deposit. Failure to follow the Clean-up Checklist may result in forfeiture of the damage deposit, additional charges and could also result in denial of future rental usage.

X. Insurance requirement.

A. Proof of Insurance required. Any applicant for use of Public Facilities must provide proof of insurance meeting the requirements of this Section prior to the Reserved Event date. This proof of insurance shall be provided at the time of application.

B. The applicant shall provide proof of liability insurance for the event with coverage in the amount of at least \$1,000,000.00 per occurrence with \$2,000,000.00 annual aggregate, unless the Rental Coordinator determines that additional coverage is required for the event.

C. The applicant's insurance shall be primary and shall be written on an "occurrence form," with a company that has a current A.M. Best rating of at least "A VII" or better, and licensed to do business in the State of Washington. The City of Black Diamond shall be named by endorsement as an additional insured on the insurance policy. The insurance policy shall also provide that it may not be cancelled or modified for any reason without fifteen (15) days prior written notice to the City of Black Diamond. The applicant shall provide the City with a certificate(s) of such insurance, including the required endorsements within ten (10) days of the execution of this Agreement.

D. The Applicant'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 in excess of the Applicant's insurance and shall not contribute with it. The City shall not waive the City's right to subrogation against the Applicant's insurance coverage.

XI. Hold Harmless. As a condition of the use of the Public Facility, the applicant must sign an agreement in which the applicant agrees to defend, indemnify and hold harmless the City of Black Diamond, its appointed and elective officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the City of Black Diamond, its appointed and elective officers and employees, arising directly or indirectly out of the applicant/organization's use of the Public Facility for the event. The applicant also assumes all legal responsibility for his/her own negligence, acts or omissions, or the negligence, acts and omissions of the participants

in the scheduled event. If any claims are made or suits filed against the City of Black Diamond, the City may, at its option, require the applicant to defend such action or proceeding at the applicant's own cost and expense, with counsel reasonably satisfactory to the City

XII. Compliance with Law. All terms, conditions and provisions of current law, including but not limited to, the Black Diamond Municipal Code, shall remain in full force and effect, and shall not be altered by this Policy or any Rental Agreement. The approval of a Rental Agreement does not presume to give authority to violate or cancel the provisions of any law (federal, state or local) regulating use of public property. The Mayor or appointee, may revoke or terminate the Rental Agreement if the applicant fails to comply with any or all of its provisions, or the regulations set forth in this Policy, or if the applicant, through willful or unreasonable neglect, fails to heed or comply with any notices given to him or her.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21<sup>st</sup> DAY OF JANUARY, 2016.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Carol Benson, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date:</b> January 21, 2016	<b>AB16-006</b>
<b>Resolution No. 16-1066, authorizing the Mayor to sign an agreement to contract with LexisNexis VitalChek Network Inc. for on line court payments</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barbara Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
Cost Impact: N/A	Court – Stephanie Metcalf	
Fund Source: -- N/A		
Timeline: January 2016		
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 16-1066, Contract from LexisNexis VitalChek Network Inc. for On Line Court Payment Processing</b>		
<p><b>Background:</b> The Municipal Court offers cash, check and credit card modes of payment via their front counter during Court business hours. Implementing an online payment service would allow customers to make credit card and checking account payments online 24/7.</p> <p><b>Analysis:</b> Offering the online 24/7 payment option will increase collections on court cases, while decreasing the traffic to the front counter. LexisNexis VitalChek Network Inc. is used by other Courts in Washington State with success and will interface well with the Court software system. We have reviewed their process and have determined it will meet the needs of the City. We have also contacted other courts using the system and received positive recommendations on their services. Customers may continue to pay at the Court or with a 1-800 number provided by LexisNexis VitalChek Network Inc. should they not have ready access to a computer.</p> <p>There is no cost to the City for the implementation and operation of the program. Users will pay the greater of \$2.50 dollar or 3% as a fee to pay online or with a credit card. The fee will be retained by LexisNexis VitalChek Network Inc. to cover operating costs. Other agencies that offer this service charge a higher fee to the customer. Users are informed of the fee prior to payment, and have the option to cancel the transaction should they choose not to pay the fee.</p> <p><b>Conclusion:</b> LexisNexis VitalChek Network Inc. will provide better service to the customers, increase collections for the City, and free up staff time to be utilized in other areas. The City can terminate the agreement with 30 days notice.</p> <p><b>Fiscal Note:</b> There is no cost to the City for NexisNexis VitalChek credit card process. If customers use their</p>		

credit card to pay a court fine, the customer will pay a fee to the credit card processing company for their fee.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: The Finance Committee reviewed the LexisNexis VitalChek Network Inc. Proposed Contract at their December 7, 2015 Finance Committee Meeting and recommended approval.

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 16-1066, authorizing the Mayor to execute an agreement to contract with LexisNexis VitalChek Network Inc. for the On Line Credit Card Payment service for the Municipal Court.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1066**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON TO CONTRACT WITH LEXIS NEXIS VITALCHEK NETWORK INC. FOR COURT CUSTOMERS TO MAKE COURT PAYMENTS ON LINE, THEREBY OFFERING CUSTOMERS 24/7 ACCESS TO PAY FINES AND FEES, THEREBY INCREASING THE COURT'S COLLECTION OF COSTS AND DECREASING TRAFFIC AT THE COURT'S FRONT COUNTER.**

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**WHEREAS**, the City seeks enter a contract with LexisNexis VitalChek Network Inc. for Court customers to make on line payments; and

**WHEREAS**, such contract is at no cost to the City; and

**WHEREAS**, LexisNexis VitalChek Network Inc. is a vendor currently providing credit card processing services for other Washington Courts; and

**WHEREAS**, the requirements in RCW 39.04.270 and RCW 39.04.280 do not apply;

Therefore,

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

**Section 1.** The City Council hereby authorizes the Mayor to sign the contract attached hereto as Exhibit A with LexisNexis VitalChek Network Inc. for Court customers use of on line credit card payments.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF JANUARY, 2016.

CITY OF BLACK DIAMOND:

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Carol Benson, Mayor

Attest:

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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

---

Carol A. Morris, City Attorney

# Exhibit A



LexisNexis<sup>®</sup> VitalChek Network Inc.  
Payment Solutions Service Agreement

This agreement ("Agreement") is entered into as of \_\_\_\_\_ (the "Effective Date"), by and between LexisNexis VitalChek Network Inc. ("VitalChek") with its principal place of business located at 6 Cadillac Drive Suite 400, Brentwood, TN 37027, and The City of Black Diamond, WA ("Customer") with its principal place of business located at Black Diamond Municipal Court, 25510 Lawson Street, Black Diamond, WA 98010.

**WHEREAS**, VitalChek is engaged in the business of providing services which expedites the processing of various types of governmental or utility services and facilitates payment by consumers; and,

**WHEREAS**, Customer wishes to provide consumers who desire to pay for services rendered by Customer, the option of paying for such services using certain credit or debit cards (as more particularly described hereinafter, the "Service");

**NOW THEREFORE**, in exchange for the mutual consideration set forth herein, VitalChek and Customer do hereby agree as follows:

1. VitalChek shall, at its expense, provide at mutually agreed upon facilities of Customer the hardware and/or software required for the Service, to the extent described on Schedule 1 attached hereto (the "Equipment").
2. VitalChek shall, at its expense and in its sole discretion, train appropriate personnel designated by Customer in the use and operation of the Equipment associated with the Service, at no additional cost to Customer.
3. VitalChek will make payment to Customer in an amount equal to Customer's charges for all properly authorized requests in connection with services rendered by Customer and which are correctly processed through the Service. Such payments shall be made in a manner acceptable to both Customer and VitalChek.
4. VitalChek will charge the consumer certain service fees for the use of the Service ("Fees"), and will accept payment of such fees through the use of a valid payment method then accepted by VitalChek, which may include, without limitation, Visa, MasterCard, Discover Card or American Express credit card, as well as most major debit cards in VitalChek's reasonable discretion. The current Fees are detailed on Schedule 2 attached hereto.
5. This Agreement shall be effective as of the Effective Date and shall continue in effect for a period of one (1) year. Thereafter, this Agreement shall automatically renew for successive one year periods. Either party may terminate this Agreement for any reason by providing written notice to the other party to such effect at least thirty (30) days prior to the effective date of termination. Upon termination of this Agreement, the parties will abide by industry security standards as to the security of cardholder data.
6. Each party warrants that it will abide by: (i) the applicable rules, regulations, operating procedures, guidelines and requirements as may be promulgated or amended from time to time by VitalChek, VitalChek's payment processor(s), VISA USA, Inc., MasterCard International, Inc., Discover, any other applicable card association, and, to the extent such party stores or retains any card information, the Payment Card Industry Data Security Standard, the Visa Cardholder Information Security Program, and the MasterCard Site Data Protection program (collectively, the "Rules"), and (ii) all applicable federal, state, and local laws, ordinances, codes and regulations in the performance of its obligations under this Agreement (collectively, the "Laws"). The Customer shall have no responsibilities under part (i) of this Section unless and until the "applicable rules, regulations, operating procedures, guidelines and requirements" identified in this Section are provided to the Customer and VitalChek explains to the Customer what is needed in order to comply. VitalChek acknowledges that the Customer is a local governmental agency and has no familiarity with the "applicable rules, regulations, operating procedures, guidelines and requirements as may be promulgated or amended from time to time" by credit card companies, and cannot, without assistance from VitalChek, understand which of these many rules of all of



these varied companies apply to the Customer. The indemnification section 9 shall not apply to any cause of action arising from part (i) of this Section.

7. In conformity with industry security requirements, and in order to maintain the highest level of cardholder data security, VitalChek has instituted, among other policies, Paper and Electronic Media Policies, which are designed to meet or exceed industry security standards (the "VitalChek Policies"). An undated copy of the VitalChek Policies has been provided to Customer with this Agreement, and Customer agrees to comply with such policies as amended from time to time as well as with appropriate industry accepted security practices for handling non-public personal information. VitalChek agrees that the Customer is not required to comply with any amended policies adopted by VitalChek from time to time unless Vital Chek provides such policies to the Customer. Customer acknowledges and agrees that (i) Cardholder data may only be used for assisting in completing a card transaction or as required by applicable law; (ii) In the event of a breach or intrusion of or otherwise unauthorized access to cardholder data stored within Customer's systems, Customer will immediately notify VitalChek, and provide VitalChek and/or its processor or the relevant card company access to Customer's facilities and all pertinent records to conduct a review of Customer's compliance with the security requirements, as well as fully cooperate with any reviews of facilities and records provided for in this paragraph.
8. Customer will work with VitalChek in order to maintain appropriate business continuity procedures and systems to insure security of cardholder data in the event of a disruption, disaster or failure of any data systems.
9. Customer hereby agrees to protect, indemnify, defend, and hold harmless VitalChek from and against any and all costs, claims, demands, damages, losses, and liabilities (including attorneys' fees and costs) to the extent arising from the negligence of Customer or its employees. VitalChek agrees to protect, indemnify, defend and hold harmless Customer from and against any and all costs, claims, demands, damages, losses, and liabilities (including attorneys' fees and costs) to the extent caused by VitalChek, its employees and subcontractors.
10. A party herein will not be liable to the other party or its customers for any delay or failure in its performance of any of the acts required by this Agreement if and to the extent that such delay or failure arises beyond the reasonable control of such party, including, without limitation, acts of God or public enemies, labor disputes, equipment malfunctions, computer downtime, material or component shortages, supplier failures, embargoes, earthquakes, rationing, acts of local, state or national governments or public agencies, utility or communication failures or delays, fire, flood, epidemics, riots and strikes.
11. It is agreed that under this Agreement VitalChek does not transfer, and Customer does not obtain, any patent rights, copyright interest or other right, claim or interest in the computer programs, systems, forms, formats, schedules, manuals or other proprietary items utilized by the Service or provided by VitalChek.
12. Notices provided in association with this Agreement shall be provided in writing to the address of the parties first set forth above, and in the case of notices to VitalChek, with a copy to: Legal Department, 1000 Alderman Drive, MD-71A, Alpharetta, Georgia 30005.
13. EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER VITALCHEK NOR ANY SUPPLIER MAKES ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE ANY TERMINAL, ANY EQUIPMENT FURNISHED IN CONNECTION THEREWITH, OR ANY OF THE SERVICES FURNISHED HEREUNDER.
14. VitalChek's or the Customer's aggregate liability for any and all losses or injuries arising out of any act or omission of either party in connection with anything to be done or furnished under this Agreement, regardless of the cause of the loss or injury, and regardless of the nature of the legal or equitable right claimed to have been violated, shall never exceed the Fees collected by VitalChek under this Agreement during the 12-month period preceding the date of such loss or injury.
15. The terms of this Agreement, as well as all exhibits attached hereto, represent the full and complete agreement between the parties. They may not be altered or amended except by written instrument, duly executed by the parties.

16. This Agreement shall be construed and enforced in accordance with the laws of the State where Customer is located. Venue of any litigation brought to enforce this Agreement shall be filed in King County Superior Court, King County, Washington. The substantially prevailing party in any litigation shall be entitled to recover its attorneys' fees and costs from the non-prevailing party.

**IN WITNESS WHEREOF**, the parties do hereby execute this Agreement, intending to be bound by its terms and conditions.

**CUSTOMER: The City of Black Diamond, WA**

**LEXISNEXIS VITALCHEK NETWORK INC.**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

By: \_\_\_\_\_

By: Jeff Piefke

Title: \_\_\_\_\_

Title: Vice President, General Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed by  
LNRS  
Legal

Chris Buyting  
2016.01.08  
13:14:45  
-05'00'

**Schedule 1  
Hardware and Software**

<b>1 POS Terminal w/Pin Pad</b>
<b>VPS Product Suite for Remote</b>
<b>Payments (web hosted software)</b>
<b>800# call center access</b>

**Schedule 2  
Fees**

<b>Debit and Credit Cards are</b>
<b>\$2.50 or 3% whichever is greater</b>

# VITALCHEK NETWORK, INC.

## Paper and Electronic Media Policies

### **1.1 Policy Applicability**

All employees handling hardcopy or electronic media must follow this policy. Departures from this policy will be permitted only if approved in advance and in writing by VitalChek.

### **1.2 Storage**

#### **1.2.1 Hardcopy Media**

Hard copy material containing sensitive or confidential information (i.e.: paper receipts, paper reports, faxes, etc.) is subject to the following storage guidelines:

- At no time are printed reports containing sensitive information to be removed from any VitalChek or Agency secure office environment
- At no time is printed material containing sensitive information to be removed from any VitalChek data center or computer room without prior authorization from the General Manager.
- Printed reports containing consumer sensitive data are to be physically retained, stored or archived only within secure VitalChek or Agency office environments, and only for the minimum time deemed necessary for their use.
- All hardcopy material containing confidential or sensitive information should be clearly labeled as such.
- All sensitive hardcopy media must be stored securely in a safe or locking file cabinet
- Sensitive hardcopy material is never to be stored in employee desks or open workspaces

#### **1.2.2 Electronic Media**

Electronic media containing sensitive or confidential information (i.e.: CD, DVD, floppy disk, hard disk, tape, etc.) is subject to the following storage guidelines:

- Confidential and sensitive information should never be copied onto removable media without authorization from VitalChek's Information Technology Department.
- At no time is electronic media containing sensitive information to be removed from any VitalChek or Agency secure office environment, with the exception of computer system backups
- At no time is electronic media containing sensitive information to be removed from any VitalChek data center or computer room without prior authorization from the Information Technology Department
- Electronic media containing consumer sensitive data are to be physically retained, stored or archived only within secure VitalChek or Agency office environments, and only for the minimum time deemed necessary for their use.
- All electronic media containing confidential or sensitive information should be clearly labeled as such
- All removable, sensitive electronic media must be stored securely in a safe or approved locking file cabinet.
- All hardware (i.e. servers, workstations, modems, etc.) on which sensitive electronic media is stored shall be placed in a secure area and not be removed from a secure agency environment.

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 16-1071, changing the fee charged by the City for traffic safety school so that it is not in excess of the penalty for the unscheduled traffic infraction</b>	<b>Agenda Date: January 21, 2016</b>	
	<b>AB16-007</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): 0 increase	Public Works – Seth Boettcher	
Fund Source: --	Court – Stephanie Metcalf	
Timeline:		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Ordinance No. 16-1071</b>		
<b>SUMMARY STATEMENT:</b>  The City currently charges a fee of \$200.00 for traffic safety school. RCW 46.83.080 does not allow the City to charge a fee in excess of the penalty of the infraction. Most infractions start at \$136.00 and go up, depending on the violation.  FISCAL NOTE (Finance Department): Fees collected for traffic school were in excess of the amount budgeted in 2015, so this reduction should still allow traffic school fees to meet the 2016 budget amount.		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 16-1071, relating to traffic safety school, changing the fee charged by the City for the school so that it is not in excess of the penalty for an unscheduled traffic infraction, as limited by RCW 46.83.0180, amending Black Diamond Municipal Code Section 10.44.030.</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

ORDINANCE NO. 16-1071

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO TRAFFIC SAFETY SCHOOL, CHANGING THE FEE CHARGED BY THE CITY FOR THE SCHOOL SO THAT IT IS NOT IN EXCESS OF THE PENALTY FOR AN UNSCHEDULED TRAFFIC INFRACTION, AS LIMITED BY RCW 46.83.080, AMENDING BLACK DIAMOND MUNICIPAL CODE SECTION 10.44.030**

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**WHEREAS**, the City currently charges a fee of \$200 for traffic safety school in Resolution No. 15-0143; and

**WHEREAS**, RCW 46.83.080 does not allow the City to charge a fee for the cost of attending the traffic safety school in excess of the penalty for an unscheduled traffic infraction, as established by the Supreme Court, pursuant to RCW 46.63.110; now, therefore,

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

**Section 1.** Section 10.44.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

~~**10.44.030 Fee.** The Black Diamond police department shall charge a fee to all traffic school participants in an effort at assisting in the reimbursement of some or all costs associated with the administration of the traffic safety school. The fee shall be set at an amount established or amended by the city council by resolution. Fee payments by all traffic safety school participants shall be remitted to City Hall in accordance with the procedures established in conjunction with the Black Diamond police department and City Hall.~~

The Black Diamond police department shall not charge a fee for attendance at traffic safety school that is in excess of the penalty for an unscheduled traffic infraction established by the supreme court pursuant to RCW 46.63.110. For the purposes of this section, the penalty includes the base penalty and all assessments and other costs that are required by statute or rule to be added to the base penalty.

**Section 2.** The City Council directs this change to be shown on the next annual amendment to the City's fee resolution, No. 15-1043, but this Ordinance shall be effective until such amendment and the \$200 fee in that resolution shall not be changed.

**Section 3.** This Ordinance shall be in full force and effect five days after its publication in summary form as provided by law.

Passed by the City Council on this 21<sup>st</sup> day of January, 2016.

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Mayor Carol Benson

Attest:

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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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Carol Morris, City Attorney

Published:

Posted:

Effective Date:

# CITY COUNCIL AGENDA BILL

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

## ITEM INFORMATION

<b>SUBJECT:</b>  Resolution No. 16-1067, authorizing the yearly addendum to our Agreement with Valley Communications for Dispatch Services.	<b>Agenda Date: January 21<sup>st</sup>, 2016</b>		<b>AB016-008</b>
	Department/Committee/Individual		
	Mayor Carol Benson		
	City Administrator –		
	City Attorney – Carol Morris		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Police – Kiblinger		X
Cost Impact: 0 increase for 2016.	Court – Stephanie Metcalf		
Fund Source: General Fund			
Timeline:			

**Attachments: Resolution No. 16-1067; addendum**

**SUMMARY STATEMENT:**

This is our yearly addendum to our contract with Valley Communications for Dispatch Services. There are no increases for 2016. Price per call remains at \$40.65.

(FISCAL NOTE) No fiscal Impact..

**COMMITTEE REVIEW AND RECOMMENDATION:**

**RECOMMENDED ACTION: MOTION to adopt Resolution No. 16-1067, authorizing the Mayor to execute the addendum to our Agreement with Valley Communications for dispatch services.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1067**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE AGREEMENT FOR POLICE SERVICE FOR VALLEY COMMUNICATIONS FOR 2016**

**WHEREAS**, the City is authorized by Chapter 39.34 RCW to enter into agreements with other governmental jurisdictions; and

**WHEREAS**, currently the City of Black Diamond Police Department contracts with Valley Communications for Dispatch Services;

**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 an Addendum to the Emergency Dispatch Agreement for Police Service with Valley Communications for 2016 in the form as attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF JANUARY, 2016.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Carol Benson, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk



**EXHIBIT "A"**  
**to the**  
**AGREEMENT**  
**by and between**  
**VALLEY COMMUNICATIONS CENTER**  
**and**  
**BLACK DIAMOND POLICE DEPARTMENT**

This EXHIBIT is supplemental to the AGREEMENT between VALLEY COMMUNICATIONS CENTER and BLACK DIAMOND POLICE DEPARTMENT

This appendix shall remain in effect from **January 1, 2016** thru **December 31, 2016**.

- A.1 The rate shall be **Forty Dollars and sixty Five Cents (\$40.65)** for each dispatchable call.
- A.2 ACCESS user fees will be charged on a quarterly basis determined by user agency transaction count. Transactions for any given calendar year are used to determine fees for two years past the year when the transaction count was taken.

Signed this **14th** day of **December, 2016**.

\_\_\_\_\_  
LORA UELAND  
EXECUTIVE DIRECTOR

\_\_\_\_\_  
MAYOR



# CITY COUNCIL AGENDA BILL

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

## ITEM INFORMATION

<b>SUBJECT:</b>  <b>Resolution No. 16-1068, extension of Joint Public Works ILA with Maple Valley and Covington</b>	<b>Agenda Date: January 21, 2016 AB16-009</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	X
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	X
Cost Impact (see also Fiscal Note): \$	Court – Stephanie Metcalf	
Fund Source: --various		
Timeline: 2016 thru 2020		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 16-1068; ILA amendment; old agenda bill</b>		

**BACKGROUND:** RCW 39.34 authorizes public agencies to enter into interlocal agreement (ILA) on the basis of mutual advantage and thereby to provide services and facilities to meet the needs of local communities. From time to time the Maple Valley, Covington and Black Diamond Public Works Departments have found similar operational needs where savings to taxpayers can be realized through shared services or contracting. The three agencies also want to continue to have the ability to join in cooperative purchasing for economy of scale. This interlocal cooperation arrangement has been utilized primarily for joint training and crack sealing. Additional areas that are likely to be used are joint project bidding.

Maple Valley, Covington and Black Diamond entered into an ILA in 2001 for joint public works operations and purchasing, which expired on December 15, 2015. Even though the ILA expired, the parties entered into another ILA called the “First Amendment to the Interlocal Agreement between the Cities of Maple Valley, Covington and Black Diamond.” In addition, this First Amendment didn’t amend the 2011 ILA. It was another ILA, with many provisions that were similar to, or the same as those in the original ILA.

**SUMMARY STATEMENT:** Maple Valley and Covington have drafted the Second Amendment to the Interlocal Agreement Between the Cities of Maple Valley, Covington and Black Diamond, with the proposed amendment to be that it will expire on December 31, 2020.

The City Attorney was provided a copy of this Second Amendment to review and approve as to form. She advised that there is a problem of contract interpretation, given that these agreements do not include any language to explain how the First Amendment would be enforced, if any of its provisions conflicted with the original ILA. Also, if the City ever sought to enforce these agreements, it would be difficult to determine which one actually was in effect. (Even though the original ILA expired, this Second Amendment that the Council would authorize the Mayor to sign, amends the original ILA. It doesn’t amend the First Amendment to the ILA.)

Public Works staff contacted Black Diamond and Covington to present a draft Second Amendment that would clarify the effect of these agreements and settle any contract interpretation issues. Apparently, the

cities were not interested in making any changes to the Second Amendment, as it appears in the Council packet.

FISCAL NOTE (Finance Department): This Interlocal Agreement does not increase the proposed level of service in Black Diamond or increase public works expenses. This agreement does provide the city with the opportunity to cut costs in providing needed services or project delivery.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution 16-1068, authorizing the Mayor to sign the Second Amendment to the Interlocal Agreement Between the Cities of Maple Valley, Covington and Black Diamond for Joint Public Works Operations and Cooperative Purchasing, which extends the Agreement until December 31, 2020.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING AN AMENDMENT EXTENDING AN  
INTERLOCAL AGREEMENT WITH THE CITY OF  
COVINGTON AND MAPLE VALLEY THAT ESTABLISHES  
PROCESS AND PROCEDURES FOR JOINT PUBLIC  
WORKS OPERATIONS AND COOPERATIVE  
PURCHASING**

WHEREAS, in June of 2011, the parties entered into an Interlocal Agreement between the Cities of Maple Valley, Covington and Black Diamond for Joint Public Works Operations and Cooperative Purchasing, which had an expiration date of December 31, 2015; and

WHEREAS, in February and March of 2012, the parties entered into the First Amendment to the Interlocal Agreement between the cities of Maple Valley, Covington and Black Diamond; and

WHEREAS, this First Amendment did not purport to amend the Interlocal Agreement executed in 2011, in any of its provisions, but instead appears to have totally supplanted the original Interlocal Agreement; and

WHEREAS, regardless of its title, the First Amendment (March 2012 Interlocal) will expire on December 31, 2015; and

WHEREAS, the parties wish to extend the First Amendment (March 2012 Interlocal) for another five years; and

WHEREAS, Covington and Maple Valley have already approved the Interlocal Agreement extension in the form attached;

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

**Section 1.** To authorize the Mayor to execute the attached Interlocal Agreement with the City of Covington and the City of Maple Valley.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF JANUARY, 2016.**

CITY OF BLACK DIAMOND:

---

Carol Benson, Mayor

Attest:

---

Brenda L. Martinez, City Clerk

**SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT  
BETWEEN THE CITIES OF MAPLE VALLEY, COVINGTON  
AND BLACK DIAMOND FOR JOINT PUBLIC WORKS OPERATIONS AND  
COOPERATIVE PURCHASING**

This amendment ("Amendment") further amends the **Interlocal Agreement between the cities of Maple Valley, Covington and Black Diamond for joint Public Works operations and cooperative purchasing** ("Agreement"), executed on June 15, 2011 and as amended on February 10, 2012, pursuant to Section 6 of said Agreement, as follows:

1. Term of Agreement. Section 6 of the Agreement shall be amended to extend the term of the Agreement until December 31, 2020.

All other provisions of the Agreement shall remain in full force and effect.

Dated this \_\_\_\_ day of January, 2016.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year written above.

CITY OF COVINGTON:

By: \_\_\_\_\_

Print Name: Regan Bolli

Its: City Manager

DATE: \_\_\_\_\_

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Sara Springer, City Attorney

CITY OF MAPLE VALLEY:

By: \_\_\_\_\_

Print Name: David W. Johnston

Its: City Manager

DATE: \_\_\_\_\_

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Patricia Taraday, City Attorney

CITY OF BLACK DIAMOND:

By: \_\_\_\_\_

Print Name: Carol Benson

Its: Mayor

DATE: \_\_\_\_\_

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Carol A. Morris, City Attorney

*old agenda bill for reference*

**CITY COUNCIL  
AGENDA BILL**

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

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Interlocal Agreement with Maple Valley and Covington for Joint Public Works Operations, Projects, and purchasing.</b>	Agenda Date: <b>December 15, 2011</b>		For your
	reference		
	Department/Committee/Individual	Created	Reviewed
	Mayor Rebecca Olness		
	City Administrator –		
	City Attorney –Chris Bacha		X
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher	X	
	Economic Devel. – Andy Williamson		X
Cost Impact: Variable	Police – Jamey Kiblinger		
Fund Source: within PW budgets	Court – Stephanie Metcalf		
Timeline: 2012 - 2015	Comm. Dev. – Steve Pilcher		

**Attachments: Resolution No. 11- , Interlocal Agreement**

**HISTORY**

At the 2010 Tri-City Council Meeting between Covington, Maple Valley and Black Diamond, the Public Works Director from each City made a presentation on opportunities within maintenance and operations for resource sharing. The City’s generally have similar standards for most public works operations which allows for a ease of application of joint services. There were three areas that were focused on 1) Service provided from one City to another; 2) Joint contracted services; and 3) Joint internal activities and projects. Each City council encouraged the Public Works Directors to proceed with developing an agreement that would provide an avenue for these activities to occur. Since that time the Public Works Directors, Finance Director and the City Attorney have been working through details of an Interlocal Agreement (ILA) between the Cities. The first version of the ILA was between Covington and Maple Valley.

**HOW WILL THE ILA FUNCTION?**

Any City will be able to request a service from another city or request to join with another city for a joint operation by sending a request for service. The providing party shall respond with an estimate of the indirect costs, whether a deposit will be required and the duration and or schedule for the work and any specifications or standards that will be applicable. The City performing the work will be the lead agency and meet all of the responsibilities that go with the specific issues and scheduling.

If joint contracting is desired it is the burden of the requesting party to make sure the Providing Party has contracted for the equipment, material, project or service in a manner that meets state law and allows for the requesting party to take advantage of the same contract.

**COMMUNICATION/ COORDINATION**

The agreement provides for regular meetings with the administrators of the agreements (the Public Works Directors) to discuss coordination, new opportunities for joint services and issues

that have come up.

COMMITTEE REVIEW AND RECOMMENDATION:  
Tri City Council recommendation fall 2010

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 11- xxx Authorizing Mayor to execute an Interlocal Agreement with the City of Covington and Maple Valley for Joint Public Works Projects, Operations and Purchasing.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>  <b>Ordinance No. 16-1072, amending Black Diamond Municipal Code regarding Planning Commission Qualifications</b>	<b>Agenda Date: January 21, 2016</b>	
	<b>AB16-010</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	X
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	X
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$	Public Works – Seth Boettcher	
Fund Source: --	Court – Stephanie Metcalf	
Timeline:		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Proposed Ordinance No. 16-1072</b>		
<p><b>Background:</b> In BDMC Section 2.24.010, the City Council established the qualifications of the planning commission members. Unfortunately, there are two conflicting subsections. In Subsection B, planning commission members can reside in the community at least 180 days of each year or be owners of a business with a physical presence in the city. In Subsection D, the “failure” of a planning commission member to either reside in or be a business owner in the city constitutes “forfeiture of office.”</p> <p>A question has arisen with regard to BDMC Section 2.24.010(B) and (D), given the current composition of the Planning Commission and the individual qualifications of its members.</p> <p><b>SUMMARY STATEMENT</b></p> <p>This obvious conflict can be resolved by the Council through the adoption of an ordinance which amends BDMC Section 2.24.010.</p> <p>The City staff recommends that the Council adopt the attached ordinance. It retains the intent of BDMC Section 2.24.010(B) by allowing planning commission members to be selected from the community, but provides better definition of the community. Community is defined to include persons living within the city limits as well as those living in the city’s urban growth area (UGA) boundary and potential annexation areas (PAAs). The terms UGA and PAA are used interchangeably and essentially involve the same territory. The reason for including the UGA/PAA in the definition of community is to meet the intent of the ordinance to maintain an equitable balance of geographic representation of the community. People living in the city’s UGA/PAA will at some point in time be annexed into the city and therefore they have an interest in land use decisions enacted by the city.</p>		

FISCAL NOTE (Finance Department): No Fiscal Impact.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: That the Council make a motion to approve:

**ORDINANCE NO. 16-1072 OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO QUALIFICATIONS OF THE PLANNING COMMISSION, ESTABLISHING THAT MEMBERS MUST RESIDE IN THE COMMUNITY AT LEAST 180 DAYS OF EACH CALENDAR YEAR OR BE OWNERS OF A BUSINESS WITH A PHYSICAL PRESENCE WITHIN THE CITY, AMENDING BLACK DIAMOND MUNICIPAL CODE SECTION 2.24.010.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

ORDINANCE NO. 16-1072

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO QUALIFICATIONS OF THE PLANNING COMMISSION, ESTABLISHING THAT MEMBERS MUST RESIDE IN THE COMMUNITY AT LEAST 180 DAYS OF EACH CALENDAR YEAR OR BE OWNERS OF A BUSINESS WITH A PHYSICAL PRESENCE WITHIN THE CITY, AND MAKING OTHER HOUSEKEEPING AMENDMENTS, AMENDING BLACK DIAMOND MUNICIPAL CODE SECTION 2.24.010.**

---

**WHEREAS**, the City of Black Diamond has created a planning commission pursuant to RCW 35A.63.020; and

**WHEREAS**, there is no residency requirement in state law for planning commission members; and

**WHEREAS**, the Council established the qualifications of the planning commission in Black Diamond Municipal Code (BDMC) Section 2.24.010(B), which requires, among other things, that planning commission members “reside in the community at least one hundred eighty days each calendar year or owners of businesses with a physical presence within the city”; and

**WHEREAS**, BDMC Section 2.24.010(D) on the subject of removal of a planning commission member conflicts with Section 2.24.010(B), as it provides that “failure of a planning commission member to either reside or be a business owner in the City shall constitute a forfeiture of office;”

**WHEREAS**, BDMC Section 2.24.010(A) lists term expiration dates for each the seven planning commission positions, which is outdated and should be eliminated because the continuation of listing specific term expiration dates would require a yearly code amendment;

**WHEREAS**, the City Council considered this Ordinance during its regular meeting of January 21, 2016; now, therefore,

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

**Section 1.** Section 2.24.010 of the Black Diamond Municipal Code is hereby amended to read as follows:

**2.24.010 Membership.** Pursuant to RCW chapter 35A.63, there is created for the city a planning agency to be known as the city planning commission, consisting of seven members who shall be appointed by the mayor and confirmed by the city council.

A. The positions of planning commissioners shall be designated numbers one through seven. The term of each member of the planning commission shall be four years. The terms of office shall be staggered based on the date of appointment. Terms expire on December 31, but members of the planning commission shall continue to serve until their successor is appointed and qualified ~~The existing term of office of each member of the planning commission shall expire according to the following schedule:~~

~~Position 1: Term expires December 31, 2014~~

~~Position 2: Term expires December 31, 2015~~

~~Position 3: Term expires December 31, 2016~~

~~Position 4: Term expires December 31, 2017~~

~~Position 5: Term expires December 31, 2012~~

~~Position 6: Term expires December 31, 2013~~

~~Position 7: Term expires December 31, 2013~~

~~Following the term expiration dates noted above, each term shall be four years in duration.~~

B. **Qualifications.** Members of the planning commission shall be selected from individuals who have an interest in planning, land use, environmental affairs or residential and commercial development as evidenced by training, experience or actions. Consideration will also be given toward maintaining an equitable balance of geographic representation of the community. Members of the planning commission shall be limited to individuals who reside in the community at least one hundred eighty days each calendar year or owners of businesses with a physical presence within the city. For purposes of this Section, the "community" is defined as persons residing within the municipal boundaries of Black Diamond or the City's designated urban growth boundaries or potential annexation areas. A "physical presence" means that the individual or business owner does business in the City of Black Diamond and has obtained a Black Diamond business license.

C. The planning commission ~~may~~ shall adopt rules and procedures to address the conduct of its meetings, elections of officers and other administrative matters. Conflicts of interest shall be addressed as set forth in RCW 35A.63.020.

D. Removal. A planning commissioner may be removed by the mayor, with the concurrence of the city council, for misfeasance in office or other just cause, or for unexcused absences from more than three consecutive meetings. Failure of a planning commission member to either reside in the community or be a business owner with a physical presence in the city shall constitute forfeiture of office. The decision of the city council regarding membership on the planning commission shall be final.

E. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members shall serve ~~service~~ without compensation.

**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

Passed by the City Council on this 21<sup>st</sup> day of January, 2016.

\_\_\_\_\_  
Mayor Carol Benson

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carol Morris, City Attorney

Published:  
Posted:  
Effective Date:

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date: January 21, 2016</b>	<b>AB16-011</b>
<b>Resolution No. 16-1069, revising Council Rules of Procedure</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
Cost Impact (see also Fiscal Note): \$	Court – Stephanie Metcalf	
Fund Source: --	Councilmember	X
Timeline:		
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 16-1069, Redline and Clean Versions</b>		
SUMMARY STATEMENT:		
Councilmembers Pepper and Morgan have placed this item on the agenda and will be addressing it.		
FISCAL NOTE (Finance Department):		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: <b>MOTION to adopt Resolution No. 16-1069, revising the City Council Rules of Procedure</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1069**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF BLACK DIAMOND, KING  
COUNTY, WASHINGTON REVISING THE CITY  
COUNCIL RULES OF PROCEDURE**

**WHEREAS**, the City Council of the City of Black Diamond adopted Resolution No. 15-1009 adopting new Council Rules of Procedure; and

**WHEREAS**, the City Council wishes to make revisions to 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 new version of the City Council Rules of Procedure as set forth in the attached Exhibit A.**

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THE 21ST DAY OF JANUARY, 2016.**

**CITY OF BLACK DIAMOND**

---

**Carol Benson, Mayor**

**Attest:**

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**Brenda L. Martinez, City Clerk**



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

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

## SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 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 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 — Veto — 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.<sup>[1]</sup> 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.”

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<sup>1</sup> For reference, the City of Black Diamond does not operate under a city charter.

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 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 2.10*.
- 2.2 Agenda. The City Clerk shall be responsible for preparing 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 Pro-Tempore and Council President.; ~~or the Mayor's designee.~~
- 2.3 Minutes. The City Clerk shall cause to be prepared action minutes of all of 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 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 will be held on the second Thursday of the month at 6:00 p. m. and on other days as required to accommodate the work of the Council Standing Committees (see Section 18). Town Hall meetings shall be held bi-monthly (Jan, Mar, May, July, Sept, Nov) on the second Thursday of the month at 7:00 p.m. following the Special Council Meeting.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.
- 2.5 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.

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.

Special Meetings. In accordance with chapter 42.30 RCW, a special meeting of the City Council may be called by the Mayor or at the request of any three (3) Councilmembers by written notice delivered to each Councilmember.

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.

2.8 Executive 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 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.

2.9 Cancellation of Meetings. ~~The Mayor, or in the absence of the Mayor the Mayor Pro Tem, or a~~ Any three members of Council may cancel a meeting ~~and~~ upon proper notice ~~given by the~~ given to the City Clerk.

2.10 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**

- 3.1 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; provided that items that have received a "do-pass" recommendation from a Council Standing Committee may be placed on the next available Regular Council Meeting Agenda. 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.

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

- 3.2 Call to Order. The Presiding Officer shall call the meeting to order.
- 3.3 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.
- 3.4 Roll Call. The City Clerk will call the roll and determine whether quorum is satisfied. *See Subsection 2.5.*
- 3.5 Appointments, Announcements, Proclamations and Presentations.
- 3.5.1 *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 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 3.5.4*

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 should 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 at the request of the Mayor or Mayor's designee. Upon approval by the Mayor Pro Tempore and the Council President and at least one other Council member prior to the meeting, or u~~Upon motion and approval of a majority of Councilmembers present at the meeting, the Council may authorize presentations and may determine their length.

*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 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period. See Section 10.

~~3.63.7~~ Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. All Consent Agenda items shall be made available to the Councilmembers in their Council Packet. 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.~~

g.e. Other items designated by the City Council.

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

3.83.9 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*.

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

3.103.11 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.

3.113.12 New Business, Ordinances and Resolutions.

3.11.13.12.1 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.

3.11.23.12.2 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.

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

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

3.133.14 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.

3.143.15 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.

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

3.163.17 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*.

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

3.183.19 Adjournment. With no further business to come before the Council, the Presiding Officer may adjourn the meeting upon motion and majority vote of the Council.

3.193.20 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer or any three Councilmembers to recess for any reason, including executive sessions.

3.203.21 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*.

## 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. Any three Councilmembers may reorder items on the 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.~~

4.34.4 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.

## 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 due to illness or emergency.

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.

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.

## 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 Clerk~~ 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 when authorized by RCW 35A.12.100.
- 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 a majority of 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 at least a majority of the whole membership 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.~~

8-58.4 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.

8-68.5 Effect of Challenges Based on Conflict of Interest or Appearance of Fairness.

8.6-18.5.1 *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.

~~8.6.28.5.2~~ 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.

8.5.3

*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.

8.5.4

~~8.6.3~~

8.5.5 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 be recorded as a vote on the prevailing side.  
~~constitute an affirmative vote on the proposition or motion before the Council.~~

## SECTION 9 – ORDINANCES AND RESOLUTIONS

9.1 Ordinances. All ordinances must be introduced by a Councilmember and placed on the first available City Council Agenda for first reading and assignment by the Mayor Pro Tempore to the Council Standing Committee with jurisdiction over the subject matter of the ordinance. 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. Every ordinance should be reviewed by the City Attorney during Council Standing Committee review or before consideration by the City Council on final adoption.

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.

Resolutions. All resolutions must be introduced by a Councilmember and placed on the first available City Council Agenda for first reading and assignment by the Mayor Pro Tempore to the Council Standing Committee with jurisdiction over the subject matter of the resolution. 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. 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. Upon motion by a Councilmember without objection, or upon a vote of a majority of Councilmembers, ~~t~~The Presiding Officer will allow may make exceptions to the time restrictions ~~when warranted~~. See Subsection 3.5 for requests to make special presentations to the Council.
- 10.2 Time Limit. Comments are limited to three (3) minutes per person. The Council 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 Council Presiding Officer, and only after everyone who wishes to speak has had an opportunity. The Presiding Officer-Council 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~~11.1.7 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.
- 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 AND COUNCIL PRESIDENT SELECTION PROCESS

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

Annually at the first meeting of a new Council, or soon thereafter, the members thereof, by majority vote, shall designate one of their members as Council President. The Council President shall perform such duties as may be assigned by Council Rules.

## 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 and Council Standing Committees upon request by unless excused a Council Standing Committee chair or any three Councilmembers, and upon request by a Councilmember, 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 attend or other City staff attend as necessary to present the department's agenda items to the Council and Council Standing Committee meetings 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~~16.5 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~~16.6 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. Upon submittal by a Councilmember, Mayor, or City Administrator, all ordinances and resolutions shall be referred by the Mayor Pro Tempore to the Council Standing Committee that has

jurisdiction over the subject matter of the legislation. No ordinance or resolution shall be placed on the Council Agenda for final action unless it has received a "do-pass" or "no recommendation" recommendation by a Council Standing Committee; provided that this provision shall first apply to the Regular Council Meeting scheduled for February 18, 2016; and provided that any ordinance or resolution may be relieved from committee and placed on the Council Agenda for action by any three Councilmembers. ~~to provide recommendations on major policy items to the City Council.~~

~~18.1.1 *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.~~

18.1.2 *Appointment of Council Standing Committee Chair and Members.* Annually at its first meeting in January, or as soon thereafter as practicable, the Council upon a majority vote of at least the whole membership of the Council shall approve the membership and Chairs of the Council Standing Committees. Committee Chairs and members may be removed or added by a majority vote of the full Council at a Regular or Special City Council meeting."

~~18.1.2~~ 18.1.3 *Agenda Setting/Proceedings.* The agenda setting and proceedings of each Council Standing Committee shall be as follows:

a. The Committee Chair shall set the Committee schedule and agenda. will work with the Mayor and City staff to finalize the agenda to help guide the direction of the meeting. All meetings shall be noticed in the same manner as Council meetings and be conducted in accordance with the Open Public Meetings Act RCW 42.30. Whenever possible, Committee meetings shall be conducted on week-day evenings. The Mayor Pro Tempore and the President of the Council shall work with Committee Chairs to coordinate committee schedules so as to avoid conflicts, allow participation by appropriate staff, and enable the efficient conduct of Regular Council Meetings.

b. The Committee Chair shall designate a member of the committee to act as Vice-Chair. If the Committee Chair is unable to attend a scheduled meeting, the Vice-Chair remaining Councilmember member shall chair the meeting.

b.

e.

c. Under the direction of the Chair, Council Standing Committees shall review all ordinances and resolutions. The Committee may amend and forward to the Council with a "do pass" recommendation all legislation that has been referred to it by the Mayor Pro Tempore. The Committee may also forward legislation to the Council with "no recommendation". Matters Legislation may be held in Committee by the Chair; provided that the Committee may be relieved of

legislation by a majority vote of the whole membership of the Council.

~~18.1.3— 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.~~

~~18.1.4—~~

~~d. At the discretion of the Chair, recommendations on resolutions and ordinances may be "signed out" of the Committee with the signatures of at least a majority of the Committee members, and forwarded to the full Council.~~

~~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.~~

~~a. 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.~~

~~e. \_\_\_\_\_~~

~~18.1.5—~~

~~a. 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.~~

Should a Council Standing Committee be split on whether a matter should receive a "do pass" recommendation, the Chair of the Standing Committee may refer the matter to the Council without recommendation. ~~be approved, the matter may move forward to Council without a recommendation. It is the Mayor's responsibility to bring matters before Council.~~

~~b.f. \_\_\_\_\_~~

~~c. Frequency of Council Standing Committee meetings shall be determined by the Mayor and Committee Chair~~

~~d. Any direction from the Council Standing Committee for work to be performed by staff must be approved by the Mayor.~~

~~e. \_\_\_\_\_~~

~~f.g. Audience participation at a Council Standing Committee meeting is at the discretion of the Committee Chair or by the majority vote of the committee.~~

~~18.1.6~~ 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~~

shall consider matters related to the financial issues of the City, including the annual and long term and capital budgets and plans including but not limited to 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. This Committee may also consider matters not included in other Committee's scopes of authority.~~

~~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.~~

~~e. \_\_\_\_\_~~

~~d.b. \_\_\_\_\_~~

~~e. Growth Management, Land Use and Planning/Community Services Committee: The Growth Management, Land Use and Community Services Committee Planning and Community Services Committee, in conjunction with City Staff, may shall 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, and code enforcement. The Committee shall consider matters related to transportation planning and concurrency. Unless prohibited by the BDMC or other law, the Committee shall consider matters related to project permit review, Development Agreements and the MDRT. ~~This committee may also consider matters not included in other committee's scopes of authority.~~~~

~~c. Government Operations and Administration Committee: Public-Safety Committee: The Government Operations and Administration Committee The Public Safety Committee, in conjunction with City Staff, may shall consider issues related to the operations and administration of City Departments and shall consider issues related to 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. The Committee shall consider matters related to water, sewer, solid waste, recycling, utility franchises, storm water management, transportation, capital improvement program, transit, streets, street lighting, signalization, street local improvement, planning and implementation of park and recreational facilities, trails and cemetery. This Committee may also consider matters not included in other committee's scopes of authority.~~

~~f. *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.~~

## 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.~~ The Council shall designate its representatives to intergovernmental councils, boards and committees by a majority vote of the whole Council.

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 resolution or ordinance from time to time, and shall consist of citizens appointed pursuant to the establishing resolution or 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; provided that this provision does not apply to verbal information or written materials that are not authorized by the Open Public Meetings Act RCW 42.30 to be discussed in executive session.





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

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

## SECTION 1 – AUTHORITY

In accordance with RCW 35A.12.120, 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 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 — Veto — 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.<sup>1</sup> 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.”

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<sup>1</sup> For reference, the City of Black Diamond does not operate under a city charter.

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 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 2.10*.
- 2.2 Agenda. The City Clerk shall be responsible for preparing 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 Pro-Tempore and Council President.
- 2.3 Minutes. The City Clerk shall cause to be prepared action minutes of all of 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 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 will be held on the second Thursday of the month at 6:00 p. m. and on other days as required to accommodate the work of the Council Standing Committees (see *Section 18*). Town Hall meetings shall be held bi-monthly (Jan, Mar, May, July, Sept, Nov) on the second Thursday of the month at 7:00 p.m. following the Special Council Meeting.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.
- 2.5 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.

- 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.

Special Meetings. In accordance with chapter 42.30 RCW, a special meeting of the City Council may be called by the Mayor or at the request of any three (3) Councilmembers by written notice delivered to each Councilmember.

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.

- 2.8 Executive 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 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.

- 2.9 Cancellation of Meetings. Any three members of Council may cancel a meeting upon proper notice given to the City Clerk.
- 2.10 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**

- 3.1 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; provided that items that have received a "do-pass" recommendation from a Council Standing Committee may be placed on the next available Regular Council Meeting Agenda. 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.

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

- 3.2 Call to Order. The Presiding Officer shall call the meeting to order.
- 3.3 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.
- 3.4 Roll Call. The City Clerk will call the roll and determine whether quorum is satisfied. *See Subsection 2.5.*
- 3.5 Appointments, Announcements, Proclamations and Presentations.
- 3.5.1 *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 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 3.5.4*

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 should first submit a completed "Request to be on Council Agenda Form" with the City Clerk. Upon approval by the Mayor Pro Tempore and the Council President or upon motion and approval of a majority of Councilmembers present at the meeting, the Council may authorize presentations and may determine their length.

*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 Public Comments. Members of the audience may comment on any matter related to City business during the Public Comment period. *See Section 10.*

3.7 Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. All Consent Agenda items shall be made available to the Councilmembers in their Council Packet. 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. Other items designated by the City Council.

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 Agenda Modifications. The Presiding Officer shall announce any changes to the Council's published agenda.
- 3.11 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.
- 3.12 New Business, Ordinances and Resolutions.
  - 3.12.1 *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.
  - 3.12.2 *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.
  - 3.12.3 *Resolutions*. Resolutions concern matters of special, temporary, or ministerial character and express the opinion or mind of the City Council. See Subsection 9.2.
- 3.13 Department Reports. Department Directors may report on action and activities of their respective departments.
- 3.14 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.
- 3.15 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.
- 3.16 City Attorney Report. The City Attorney may report on legally significant events or activities.

- 3.17 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*.
- 3.18 Executive Session. In accordance with RCW 42.30.030 and .110, executive sessions are closed to the general public. *See Subsection 2.8*.
- 3.19 Adjournment. With no further business to come before the Council, the Presiding Officer may adjourn the meeting upon motion and majority vote of the Council.
- 3.20 Recess. The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer or any three Councilmembers to recess for any reason, including executive sessions.
- 3.21 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*.

## **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. Any three Councilmembers may reorder items on the Agenda.

- 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.

## **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 due to illness or emergency.

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.

5.3 Questioning. Any Councilmember, 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 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.

## 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 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, the Mayor shall be allowed to vote to break a tie vote when authorized by RCW 35A.12.100.
- 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 a majority of all of the Councilmembers present. 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 at least a majority of the whole membership 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 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.

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

8.5.1 *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.

8.5.2 *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.

8.5.3

8.5.4 *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.

8.5.5 *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 be recorded as a vote on the prevailing side.

## **SECTION 9 – ORDINANCES AND RESOLUTIONS**

9.1 Ordinances. All ordinances must be introduced by a Councilmember and placed on the first available City Council Agenda for first reading and assignment by the Mayor Pro Tempore to the Council Standing Committee with jurisdiction over the subject matter of the ordinance. 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. Every ordinance should be reviewed by the City Attorney during Council Standing Committee review or before consideration by the City Council on final adoption,

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.

Resolutions. All resolutions must be introduced by a Councilmember and placed on the first available City Council Agenda for first reading and assignment by the Mayor Pro Tempore to the Council Standing Committee with jurisdiction over the subject matter of the resolution. 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. 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 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. Upon motion by a Councilmember without objection, or upon a vote of a majority of Councilmembers, the Presiding Officer will allow exceptions to the time restrictions. *See Subsection 3.5 for requests to make special presentations to the Council.*
- 10.2 Time Limit. Comments are limited to three (3) minutes per person. The Council 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 Council and only after everyone who wishes to speak has had an opportunity. The Council may make exceptions to the time restrictions upon a motion and majority vote of Councilmembers present,
  - 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, .
  - 11.1.6 The hearing will then be closed to public participation and open for discussion among Councilmembers.
  - 11.1.7 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.
- 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 AND COUNCIL PRESIDENT SELECTION PROCESS**

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

Annually at the first meeting of a new Council, or soon thereafter, the members thereof, by majority vote, shall designate one of their members as Council President. The Council President shall perform such duties as may be assigned by Council Rules.

## **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 meetings of the Council and Council Standing Committees upon request by a Council Standing Committee chair or any three Councilmembers, and upon request by a Councilmember, may provide comment, either written or oral, on legal questions.
- 15.3 It shall be the responsibility of each Department Head to ensure that a department representative attend Council and Council Standing Committee meetings 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 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 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.
- 16.6 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
  - 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. Upon submittal by a Councilmember, Mayor, or City Administrator, all ordinances and resolutions shall be referred by the Mayor Pro Tempore to the Council Standing Committee that has jurisdiction over the subject matter of the legislation. No ordinance or resolution shall be placed on the Council Agenda for final action unless it has received a "do-pass" or "no recommendation" recommendation by a

Council Standing Committee; provided that this provision shall first apply to the Regular Council Meeting scheduled for February 18, 2016; and provided that any ordinance or resolution may be relieved from committee and placed on the Council Agenda for action by any three Councilmembers.

- 18.1.2 *Appointment of Council Standing Committee Chair and Members.* Annually at its first meeting in January, or as soon thereafter as practicable, the Council upon a majority vote of at least the whole membership of the Council shall approve the membership and Chairs of the Council Standing Committees. Committee Chairs and members may be removed or added by a majority vote of the full Council at a Regular or Special City Council meeting.”
- 18.1.3 *Agenda Setting/Proceedings.* The agenda setting and proceedings of each Council Standing Committee shall be as follows:
- a. The Committee Chair shall set the Committee schedule and agenda. All meetings shall be noticed in the same manner as Council meetings and be conducted in accordance with the Open Public Meetings Act RCW 42.30. Whenever possible, Committee meetings shall be conducted on week-day evenings. The Mayor Pro Tempore and the President of the Council shall work with Committee Chairs to coordinate committee schedules so as to avoid conflicts, allow participation by appropriate staff, and enable the efficient conduct of Regular Council Meetings.
  - b. The Committee Chair shall designate a member of the committee to act as Vice-Chair. If the Committee Chair is unable to attend a scheduled meeting, the Vice-Chair shall chair the meeting.
  - c. Under the direction of the Chair, Council Standing Committees shall review all ordinances and resolutions. The Committee may amend and forward to the Council with a "do pass" recommendation all legislation that has been referred to it by the Mayor Pro Tempore. The Committee may also forward legislation to the Council with "no recommendation". Legislation may be held in Committee by the Chair; provided that the Committee may be relieved of legislation by a majority vote of the whole membership of the Council.
  - d. At the discretion of the Chair, recommendations on resolutions and ordinances may be "signed out" of the Committee with the signatures of at least a majority of the Committee members, and forwarded to the full Council.
  - e. 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. Should a Council Standing Committee be split on whether a matter should receive a "do pass" recommendation, the Chair of the Standing Committee may refer the matter to the Council without recommendation.

- g. Audience participation at a Council Standing Committee meeting is at the discretion of the Committee Chair or by the majority vote of the committee.

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, , shall consider matters related to the financial issues of the City, including the annual and long term capital budgets and plans including but not limited to 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. This Committee may also consider matters not included in other Committee's scopes of authority.

- b. *Growth Management, Land Use and Community Services Committee:* The Growth Management, Land Use and Community Services Committee , shall consider matters 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, and code enforcement. The Committee shall consider matters related to transportation planning and concurrency. Unless prohibited by the BDMC or other law, the Committee shall consider matters related to project permit review, Development Agreements and the MDRT.

- c. *Government Operations and Administration Committee:* The Government Operations and Administration Committee shall consider issues related to the operations and administration of City Departments and shall consider issues related to 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. The Committee shall consider matters related to water, sewer, solid waste, recycling, utility franchises, storm water management, transportation, capital improvement program, transit, streets, street lighting, signalization, street local improvement, planning and implementation of park and recreational facilities, trails and cemetery. This Committee may also consider matters not included in other committee's scopes of authority.

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 Council shall designate its representatives to intergovernmental councils, boards and committees by a majority vote of the whole Council.

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 resolution or ordinance from time to time, and shall consist of citizens appointed pursuant to the establishing resolution or 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; provided that this provision does not apply to verbal information or written materials that are not authorized by the Open Public Meetings Act RCW 42.30 to be discussed in executive session.



# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date: January 21, 2016</b>	<b>AB16-012</b>
<b>Resolution No. 16-1070, appointing a Council President</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
	Court – Stephanie Metcalf	
	Councilmember	X
Cost Impact (see also Fiscal Note): \$		
Fund Source: --		
Timeline:		
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 16-1070</b>		
<p>SUMMARY STATEMENT:</p> <p>Councilmembers Pepper and Morgan have placed this item on the agenda and will be addressing it.</p>		
<p>FISCAL NOTE (Finance Department):</p>		
<p>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</p>		
<p>RECOMMENDED ACTION: <b>MOTION to Resolution No. 16-1070, appointing a Council President.</b></p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1070**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF BLACK DIAMOND, KING  
COUNTY, WASHINGTON APPOINTING A  
COUNCIL PRESIDENT**

**WHEREAS**, the City Council of the City of Black Diamond adopted Resolution No. 16-1069 adopting new Council Rules of Procedure; and

**WHEREAS**, the revised Rules provide for the appointment of a Council President to perform such duties as may be assigned by Council Rules.

**WHEREAS**, the revised Rules provide for the designation of the Council President by majority vote of the full Council at a Council meeting;

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

**Section 1. The City Council hereby appoints the following Councilmember to serve as Council President:** \_\_\_\_\_

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THE 21ST DAY OF JANUARY, 2016.**

**CITY OF BLACK DIAMOND**

\_\_\_\_\_  
**Carol Benson, Mayor**

**Attest:**

\_\_\_\_\_  
**Brenda L. Martinez, City Clerk**

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date: January 21, 2016</b>	<b>AB16-013</b>
<b>Resolution No. 16-1071, appointing Standing Committee Members and Chairs</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
	Court – Stephanie Metcalf	
Cost Impact (see also Fiscal Note): \$	Councilmember	X
Fund Source: --	<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator	
Timeline:	<b>Attachments: Resolution No. 16-1071</b>	
<p><b>SUMMARY STATEMENT:</b></p> <p>Councilmembers Pepper and Morgan have placed this item on the agenda and will be addressing it.</p>		
<p><b>FISCAL NOTE (Finance Department):</b></p>		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 16-1071, appointing Standing Committee Members and Chairs</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

## **RESOLUTION NO. 16-1071**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON APPOINTING STANDING COMMITTEE MEMBERS AND CHAIRS**

**WHEREAS**, the City Council of the City of Black Diamond adopted Resolution No. 16-1069 adopting new Council Rules of Procedure; and

**WHEREAS**, the revised Rules provide for appointment of Standing Committee Members and Chairs by a majority vote of at least the whole membership of the Council.

**WHEREAS**, the revised Rules provide for expanded and important new authority for Council Standing Committees; and

**WHEREAS**, the revised Rules require Standing Committees to be conducted in accordance with the Open Public Meetings Act RCW 42.30 and be noticed in the same manner as Special Council meetings; and

**WHEREAS**, the Council needs to appoint committee membership and chairs as soon as possible in order to allow for the proper functioning of the Council;

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

**Section 1. The City Council hereby appoints the following committee members and chairs:**

Budget, Finance, Administration Committee  
Chair Brian Weber, Erika Morgan, Janie Edelman

Growth Management, Land Use and Community Services Committee  
Chair Pat Pepper, Brian Weber, Tamie Deady

Government Operations and Administrative Committee  
Chair Erika Morgan, Pat Pepper, Tamie Deady

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THE 21ST DAY  
OF JANUARY, 2016.**

**CITY OF BLACK DIAMOND**

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**Carol Benson, Mayor**

**Attest:**

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**Brenda L. Martinez, City Clerk**

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date: January 21, 2016</b>	<b>AB16-014</b>
<b>Resolution No. 16-1072, initiating a review of Council Rules of Procedure</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barb Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
	Court – Stephanie Metcalf	
Cost Impact (see also Fiscal Note): \$	Councilmember	X
Fund Source: --		
Timeline:		
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 16-1072</b>		
<p>SUMMARY STATEMENT:</p> <p>Councilmembers Pepper and Morgan have placed this item on the agenda and will be addressing it.</p>		
<p>FISCAL NOTE (Finance Department):</p>		
<p>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</p>		
<p>RECOMMENDED ACTION: <b>MOTION to adopt Resolution No. 16-1072, initiating a review of Council Rules of Procedure</b></p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
January 21, 2016		

**RESOLUTION NO. 16-1072**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF BLACK DIAMOND, KING  
COUNTY, WASHINGTON INITIATING A  
REVIEW OF COUNCIL RULES OF PROCEDURE**

**WHEREAS**, the City Council of the City of Black Diamond adopted Resolution No. 16-1069 adopting new Council Rules of Procedure; and

**WHEREAS**, Resolution No. 16-1069 was adopted to address urgent issues that needed to be resolved for the proper functioning of the Council; and

**WHEREAS**, Resolution No. 16-1069 addressed many, but not all of the issues that have been identified by Councilmembers and members of the public; and

**WHEREAS**, the City Council Rules are important for the proper functioning of the City Council; and

**WHEREAS**, the Council Rules should be guided by positive principles of good governance and the proper separation of powers between the legislative and administrative functions of government; and

**WHEREAS**, the Council Rules should empower the Council and its members to legislate effectively with accountability to the public; and

**WHEREAS**, the Council Rules should promote transparency and public participation; and

**WHEREAS**, the public has an interest in the proper functioning of its City Council; and

**WHEREAS**, the Council wishes to provide an opportunity for public participation in the review of City Council Rules;

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

**Section 1. The Mayor Pro Tempore and the Council President are instructed to conduct a public meeting to discuss and take testimony about the City Council's Rules.**

**Section 2. The Mayor Pro-Tempore and the Council President are instructed to review public testimony, survey Councilmembers, consult with the Mayor, and propose amendments to the City Council's Rules of Procedure. The Rules of Procedure should be guided by the following objectives:**

- 1. Transparency and Public Participation should be maximized. Access to records with reasonable and predictable opportunities for public review should be ensured.**
- 2. New policies to improve Public Notice, Access to Records, and Minutes should be considered.**
- 3. Council Standing Committees and Task Force Committees should be better aligned with Council priorities and streamlined to enable efficient participation by the public and staff.**
- 4. Council Standing Committees should be empowered to review all legislation and be more clearly accountable to the legislative process.**
- 5. Council authority to control and manage its legislative duties and functions should be simplified and clarified.**
- 6. Councilmembers should have effective support for the conduct of their individual and collective legislative authority.**
- 7. Rules of conduct should maintain high ethical standards and should recognize the authority of elected officials to serve the public to the best of their ability.”**

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THE 21ST DAY  
OF JANUARY, 2016.**

**CITY OF BLACK DIAMOND**

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**Carol Benson, Mayor**

**Attest:**

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**Brenda L. Martinez, City Clerk**