

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>  <b>Ordinance increasing the size of the Council to seven members, repealing inconsistent ordinances, affirming Ordinance No. 182B, calling for Council applicants</b>	<b>Agenda Date: April 19, 2018</b> <b>AB18-054</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
Cost Impact (see also Fiscal Note): \$	Court – Stephanie Metcalf	
Fund Source: --	Councilmember Edelman	<b>X</b>
Timeline:	<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator	
<b>Attachments: Proposed Ordinance</b>		
<b>SUMMARY STATEMENT:</b>  At the last regular business meeting the City Council discussed going to a seven member Council. There was Council interest in doing this and the City Attorney was assigned with preparing an Ordinance for the next regular meeting for consideration.		
FISCAL NOTE (Finance Department): N/A		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 18-1104, increasing the size of the Council to seven members; repealing inconsistent ordinances; affirming Ordinance 182B; calling for Council applicants; providing for severability; and establishing an effective date.</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2018		

**ORDINANCE NO. 18-1104**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, INCREASING THE SIZE OF THE COUNCIL TO SEVEN MEMBERS; REPEALING INCONSISTENT ORDINANCES; AFFIRMING ORDINANCE 182B; CALLING FOR COUNCIL APPLICANTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Black Diamond City Council currently consists of five members;  
and

**WHEREAS**, pursuant to RCW 35A.12.010, the size of the City Council must increase to seven members when the population of the City reaches 5,000 or more; and

**WHEREAS**, the current population of the City is believed to exceed 4,000, and significant growth is expected to occur over the next couple of years as the previously approved master planned developments are further implemented; and

**WHEREAS**, RCW 35A.12.010 authorizes the City Council, by majority vote of its existing members, to increase the number of councilmembers from five to seven, even when the City's population has not yet reached 5,000; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to increase the size of the City Council now, rather than awaiting further growth to trigger the mandatory expansion; and

**WHEREAS**, the City Council desires to interview applicants to fill the two additional seats;

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

**Section 1. Increase in Size of City Council.** The size of the Black Diamond City Council is hereby increased from five to seven members.

**Section 2. Repeal of Inconsistent Ordinances.** All previous City ordinances, if any, providing for a five-member City Council are hereby repealed. Similarly, all City ordinances and code sections referring to or presuming the existence of a five-member City Council shall hereafter be read and interpreted as referring to, or presuming the existence of, a seven-member City Council.

**Section 3. Affirmance of Ordinance 182B.** City Ordinance 182B, which is codified at BDMC 1.08.010 and which classifies the City as a noncharter code city, is hereby affirmed.

**Section 4. Call for Applicants.** The Mayor and Clerk are requested to solicit applications for the two newly created Council positions. The solicitation should explain that the Council intends to appoint two new Councilmembers to serve until the next general election in the City. Following the next general election, one of the newly created positions will be for an initial term of two years, and the other newly created position will be for a term of four years. The solicitation should request that all applicants indicate whether they wish to apply for the two-year position or the four-year position (or both).

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 19TH DAY OF APRIL, 2018.**

CITY OF BLACK DIAMOND

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

Attest:

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

Approved as to form:

\_\_\_\_\_  
David Linehan, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date: