

**CITY OF BLACK DIAMOND**  
**WASHINGTON**  
**ORDINANCE NO. 12-981**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, RELATING TO ESTABLISHMENT OF  
THE PLANNING COMMISSION; SHORTENING THE  
TERM OF MEMBERSHIP TO FOUR YEARS;  
ESTABLISHING QUALIFICATIONS OF MEMBERSHIP;  
PROVIDING FOR REMOVAL OF COMMISSION  
MEMBERS; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, the City has authority pursuant to RCW 35A.63.020 to establish a planning commission and provide for its membership and organization; and

WHEREAS, the City has previously established a Planning Commission which authorization has been codified at Chapter 2.24 of the Black Diamond Municipal Code; and

WHEREAS, the City Council desires to shorten the current six-year term of Planning Commission Members, establish qualifications for membership, and establish authority for removal of members; and

WHEREAS, the City Council finds that it is in the public interest to enact this ordinance;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amendment of BDMC 2.24.010 (Membership). Section 2.24.010 of the Black Diamond Municipal Code is hereby repealed in its entirety and re-enacted to read as follows: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 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. Membership on the planning commission shall be limited to individuals who reside in the community at least 180 days each calendar year or owners of businesses with a physical presence within the City.

C. The planning commission may adopt rules and procedures to address the conduct of its meetings, election of officers, and other administrative matters.

E. **Removal.** A planning commissioner may be removed by the Mayor, with the concurrence of the city council, for misfeasance or malfeasance 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 or be a business owner in the city shall constitute forfeiture of office. The decision of the City Council regarding membership on the planning commission shall be final.

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

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4TH DAY OF OCTOBER, 2012.

CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

  
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Brenda L. Martinez, City Clerk

Approved as to form:

\_\_\_\_\_  
Chris D. Bacha,  
Kenyon Disend PLLC  
City Attorney

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

## PROCEDURE FOR FILLING PLANNING COMMISSION VACANCIES

1. Vacancies are created either by expiration of a term, resignation of a Commission member or removal of a member by the Mayor.
2. It is the goal of the appointment process to maintain a full seven-member Commission. No more than one meeting should elapse without a vacancy being filled.
3. All vacancies will be advertised on the City's website for a minimum two week period. The Mayor will also announce vacancies at a City Council meeting. Time permitting, vacancies will also be announced at Planning Commission meetings.
4. Individuals interested in serving on the Commission will be required to submit a written application to the City Clerk by a specified date. The application shall include questions that address the criteria for Commission membership as outlined in Municipal Code.
5. A committee consisting of the Mayor, one City Councilmember, one Planning Commission member and one City staff member will review the applications and determine which individuals to invite for a formal interview.
6. The same committee will also conduct candidate interviews. The same questions will be asked of each candidate. Follow-up questions may also be asked. Each committee member will score each candidate on a common scale.
7. The committee will discuss qualifications and scoring to determine which candidate should be recommended for appointment.
8. All candidate materials and committee score sheets shall be retained by the City Clerk.
9. The Mayor will recommend the selected candidate for appointment. Confirmation by the City Council is required per Municipal Code.