

RESOLUTION NO. 07-446

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE THE FIRST ADDENDUM TO INTERLOCAL AGREEMENT FOR FIRE PROTECTION AND RELATED EMERGENCY SERVICES BETWEEN KING COUNTY FIRE PROTECTION DISTRICT NO. 44 AND THE CITY OF BLACK DIAMOND

WHEREAS, the City and District 44 entered into an Interlocal Agreement for Fire Protection and Related Emergency Services on April 6, 2006; and

WHEREAS, the Interlocal Agreement ("ILA") does not currently include "Fire Marshall" services. However, section 13.1 of the ILA provides that if the parties decide to include Fire Marshall services, then they shall execute an addendum to the ILA to provide for the appropriate terms and conditions; and

WHEREAS, District 44 has the capability and the personnel to assist the City by providing certain Fire Marshall services; and

WHEREAS, the City and District 44 recognize the importance and need for an ongoing inspection program to ensure continued compliance with fire and life safety codes and to ensure that building, facilities and properties in the City do not pose a threat to life or property due to unsafe and hazardous conditions; and

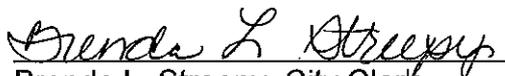
WHEREAS, the City and District 44 desire to amend the ILA to provide for certain Fire Marshall Services on the terms and conditions set forth in Addendum No; now, therefore

BE IT RESOLVED that the Mayor is hereby authorized to execute the first addendum to the Interlocal Agreement for Fire Protection and Related Emergency Services between King County Fire Protection District No. 44 and the city of Black Diamond, substantially in the form attached as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 7th day of June, 2007.

  
Howard Botts, Mayor

Attest:

  
Brenda L. Streepy, City Clerk

When Recorded, Return To:  
Loren D. Combs  
McGavick Graves, P.S.  
1102 Broadway, Suite 500  
Tacoma, WA 98402

**FIRST ADDENDUM TO  
INTERLOCAL AGREEMENT FOR FIRE PROTECTION  
AND RELATED EMERGENCY SERVICES BETWEEN  
KING COUNTY FIRE PROTECTION DISTRICT NO. 44  
AND THE CITY OF BLACK DIAMOND**

1. Date and Parties. This agreement ("First Addendum"), for reference purposes only, is dated the 15<sup>th</sup> day of JUNE, 2007 ("Effective Date"), and is entered into by and between KING COUNTY FIRE PROTECTION DISTRICT NO. 44, herein referred to as "District 44," and the CITY OF BLACK DIAMOND, herein referred to as the "City."

2. General Recitals.

2.1 District 44 and the City entered into an Interlocal Agreement for Fire Protection and Related Emergency Services dated April 6, 2006 (the "ILA").

2.2 The ILA does not currently include "Fire Marshal" services. However, section 13.1 of the ILA provides that if the parties decide to include Fire Marshal services, then they shall execute an addendum to the ILA to provide for the appropriate terms and conditions.

2.3 District 44 has the capability and the personnel to assist the City by providing certain Fire Marshal services.

2.4 The City and District 44 recognize the importance and need for an ongoing inspection program to ensure continued compliance with fire and life safety codes and to ensure that buildings, facilities and properties in the City do not pose a threat to life or property due to unsafe and hazardous conditions. The City and District 44 further understand that changes to buildings, facilities and properties are unending and such changes must be regulated and

inspected to ensure life safety and other code compliance issues are identified and corrected if found to ensure the safety of life and property.

2.5 In consideration of the foregoing, the City and District 44 desire to amend the ILA to provide for certain Fire Marshall services on the terms and conditions set forth below.

3. Fire Prevention Services.

3.1 Commencing \_\_\_\_\_, District 44 agrees to provide the following Fire Marshal services within the boundaries of the City, utilizing State Codes and local ordinances as adopted by the City: Development plan review and approval; testing of sprinkler and other fire suppression systems and detection systems in new construction; testing of gas pipes in new construction; inspection and testing of fire flows in new construction; occupancy inspections; wood stove inspections; fireworks permit and other related permits; code interpretation and enforcement in conjunction with construction; inspection of commercial buildings, and testing of fire alarm systems for certification in new construction; and ongoing existing building, facilities and properties inspections. Such services shall also include periodic meetings with and consulting for appropriate City staff and officials.

3.2 The City shall designate the Fire Marshal for King County Fire District 44 as the Fire Marshal for the City of Black Diamond.

3.3 Code enforcement shall be the responsibility of the City through the City's code enforcement department and staff. District 44 shall report code enforcement violations and problems directly to the City.

3.4 The Fire Marshal will work closely with, consult and meet with City building, planning and code enforcement officials to ensure a coordinated effort.

3.5 All permits shall be issued by and under the authority of the City. District 44 shall work closely with the City as required in the issuance of permits related to fire prevention services.

4. Fire Investigation Services.

4.1 Fire Marshall services provided herein shall not include fire investigation services. Fire investigation services will be provided in the City through the City contracting with another agency or providing fire investigation services through some other manner.

4.2 District 44 will provide, upon request from the City, a copy of any investigation report it creates and will cooperate with the City and its investigators during the course of any and all fire investigations within the City.



5. Compensation.

5.1 As consideration for the provision of fire prevention services as described in Section 3 above, the City agrees to pay District 44 the sum of \$45.00 per hour for services provided from \_\_\_\_\_ through December 31, 2007. Commencing calendar year 2008, the rate of compensation shall be adjusted annually as provided in Section 14.3 of the ILA.

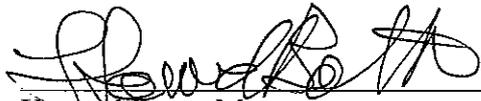
5.2 If the nature and scope of fire prevention services increase significantly due to an increase in the size of the City and/or escalation in new construction, requiring District 44 to provide additional resources to perform the work, the City and District 44 shall negotiate an adjustment to the hourly rate to take into account the financial impact to District 44, if any.

5.3 Any other associated costs for fire prevention services for a building, operation or premises, other than those services described in Section 3, such as technical assistance requested by an owner or owner's agent, shall be paid by the owner or agent or as agreed by the City, without additional charge to the City or District as referenced in the International Fire Code.

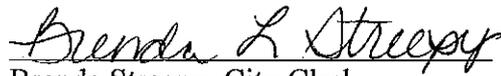
6. First Addendum Terms Control Agreement

This First Addendum is an amendment to and part of the ILA. Except as expressly modified herein, all other terms and conditions of the ILA shall remain unchanged.

CITY OF BLACK DIAMOND

  
Howard Botts, Mayor

ATTEST:

  
Brenda Streepy, City Clerk

Approved as to form:

\_\_\_\_\_  
Loren. D. Combs  
City Attorney

I:\DOCS\BA\13857\Addendum.Doc

First Addendum to ILA  
Page 3 of 3

KING COUNTY FIRE PROTECTION  
DISTRICT NO. 44

\_\_\_\_\_  
James Farrell, Chair  
Board of Commissioners

\_\_\_\_\_  
Gregory M. Smith, Fire Chief

  
\_\_\_\_\_  
City

\_\_\_\_\_  
Fire District