

**ORDINANCE NO. 14-1021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON, AMENDING BDMC 2.28.020.**

**WHEREAS**, the Washington State Environmental Policy Act, and rules promulgated thereunder provide for a local jurisdiction's designation of an official to serve as the SEPA responsible official (WAC 197-11-788); and

**WHEREAS**, the City in 2010 determined that the City official appointed by the Mayor serve as the City's responsible official consistent with Chapter 43.21C RCW (Ordinance No. 949, October 7, 2010); and

**WHEREAS**, The Black Diamond Municipal Code (BDMC) was amended accordingly at BDMC 19.04.040.A to designate "the Community Development Director or such other person as the mayor may designate in writing" as the SEPA responsible official; and

**WHEREAS**, BDMC 19.04.040.A did not repeal a conflicting reference in BDMC 2.28.020(6) (last amended in 1984) to the City Public Works Superintendent as the SEPA responsible official; and

**WHEREAS**, it is the intent of this Ordinance to clarify and address the apparent inconsistency and conflict in the BDMC; and

**WHEREAS**, the Mayor has authority to appoint a SEPA responsible official and made this appointment on January 14, 2014, consistent with BDMC 19.04.040.A and it is necessary to amend BDMC 2.28.020.6 to address the municipal code conflicts that currently exist and to have transparency and clarity to the public; and

**WHEREAS**, the deletion of BDMC 2.28.020.B is necessary to avoid the broad interpretations of terms that identify the duties and responsibilities of the City Public Works Superintendent;

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

**Section 1. BDMC 2.28.020 Amended.** Section 2.28.020 BDMC (Ordinance No. 300) is amended to read as follows:

A.

The public works superintendent, under the direction of the mayor, is head of the municipal public works department and is responsible for performing the following duties:

1. The public works superintendent shall enforce the city building and related codes and city zoning, planning and subdivision ordinances.
2. The public works superintendent shall have charge of construction, maintenance, repair and cleaning of the streets, sidewalks, gutters, sewers and drains and other such related activities.
3. The public works superintendent shall exercise general supervision over the municipal water and sewer systems.
4. The public works superintendent shall exercise general supervision over the maintenance of all city owned properties, including, but not limited to, municipal parks.
5. The public works superintendent shall perform such other and further duties as may be delegated or authorized to him from time to time by either the city council or the mayor.
- ~~6. The public works superintendent shall serve as the city's SEPA responsible official.~~

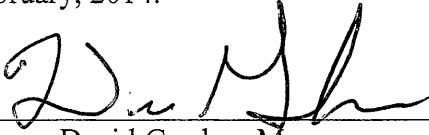
**Section 2. Severability.** Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

**Section 3. Ratification and Confirmation.** Any act consistent with but prior to the effective date of this Ordinance is ratified and confirmed.


**Section 4. Effective date.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by state law.

Introduced on the 6th day of February, 2014.

Passed by the City Council on the 6 day of February, 2014.

  
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David Gordon, Mayor

ATTEST:

  
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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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P. Stephen DiJulio, Interim City Attorney

Published: 2/10/2014  
Posted: 2/7/2014  
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