

ORDINANCE NO. 20-1142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING SECTION 2.04.010 OF THE BLACK DIAMOND MUNICIPAL CODE TO AUTHORIZE VIRTUAL COUNCIL MEETINGS DURING EMERGENCIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Black Diamond Municipal Code (“BDMC”) Section 2.04.010 currently specifies that City Council meetings shall be held at the City Council Chambers located at 25510 Lawson Street; and

WHEREAS, the City Council finds that during times of emergency, such as a natural disaster or infectious disease pandemic, it may be dangerous to public health and safety for the City Council and members of the public to gather in one physical location for purposes of holding a City Council meeting; and

WHEREAS, the City Council finds that modern technology allows members of the Council, the Mayor, and City staff to hold an open and transparent “virtual” public meeting for purposes of conducting City Council business using remote videoconferencing software and telephone conference capabilities; and

WHEREAS, the City has acquired necessary software licenses to enable the City Council and other City personnel to attend and participate in “virtual” City Council meetings, and to ensure open and effective attendance by members of the public at such meetings by use of such technology; and

WHEREAS, during the 2020 COVID-19 pandemic, the City has been able to test the effectiveness of “virtual” City Council meeting technology and is satisfied that the technology gives the public an effective means of observing City Council meetings, in that the technology allows all members of the public to “attend” through a publicly noticed online video link or telephone number, and enables all City Council members to hear each other and be seen and heard by the public simultaneously; and

WHEREAS, the City Council finds that public attendance at City Council meetings using remote video and telephone conferencing technology is equally transparent and no more burdensome than requiring the public to physically drive, walk, or take public transportation to an in-person meeting at the Council Chambers, and indeed may be a much easier and less burdensome means of attending Council meetings for members of the public who are mobility-impaired;

WHEREAS, the Council finds that it is an important matter of public health and safety to allow “virtual” City Council meetings to be held whenever there is a state of emergency or similar proclamation indicating that large public gatherings in a single location may present serious health or safety risks;

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

Section 1. BDMC Section 2.04.010 Amended. Section 2.04.010 of the Black Diamond Municipal Code is hereby amended to add the following underlined language:

2.04.010 Meetings. The regular meetings of the city council of the city shall be held at the city council chambers located at 25510 Lawson Street, Black Diamond, King County, Washington, on the first and third Thursdays of each month at the hour of seven p.m. A work session of the city council shall be held at the city council chambers located at 25510 Lawson Street, Black Diamond, King County, Washington, on the second Thursday of each month at the hour of six p.m. Town Hall meetings shall be held at the city council chambers located at 25510 Lawson Street, Black Diamond, King County, Washington on the second Thursday in the months of March and October at the hour of seven p.m. In the event of an infectious disease pandemic, natural disaster, or other emergency during which public gatherings in single physical location are deemed to pose a danger to public health and safety, the mayor or a majority of the city council may declare that any regular or special meetings shall be held virtually by remote video and/or telephone conferencing technology until the danger of holding in-person meetings has ended. Public notice of such virtual city council meetings shall be given in the same manner as in-person city council meetings and in compliance with Chapter 42.30 RCW. Remote video or telephone conferencing technology used by the City for virtual meetings must enable all City Council members to hear each other and be heard by the public simultaneously just as they would during an in-person meeting. Regular meetings, work sessions, and Town Hall meetings may be canceled or rescheduled by a majority vote of the city council in an open public meeting. The mayor or a majority of the city council may cancel a regular meeting, work session, or Town Hall in case of emergency or other unforeseen events by notifying the city clerk.

Section 2. Confirmation of Prior Actions. The City Council finds and declares that the “virtual” meetings held by the City Council from today’s date to the beginning of the COVID-19 pandemic emergency comply with the requirements of amended BDMC Section 2.04.010, as set forth above. Accordingly, the City Council hereby confirms and ratifies all actions taken at said “virtual” meetings.

Section 3. 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 4. 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.

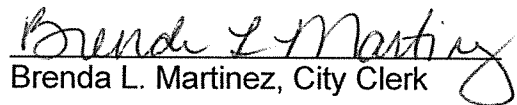
ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 18TH DAY OF JUNE, 2020.

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: 06/18/2020
Passed by the City Council: 06/18/2020
Ordinance No.20-1142
Date of Publication:06/24/2020
Effective Date: 06/29/2020