

**RESOLUTION NO. 13-852**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE PROTHMAN COMPANY, FOR PROVIDING THE SERVICES OF AN INTERIM CITY ADMINISTRATOR FOR THE CITY**

**WHEREAS**, during the 2013 Budget adoption Council approved the appropriation of funds for a City Administrator for the year 2013; and

**WHEREAS**, Council decided the position will be a contract position; and

**WHEREAS**, the Mayor has retained the services of the Prothman Company to identify a qualified candidate to provide interim City Administrator services to the City of Black Diamond to perform duties as assigned by the Mayor and as more specifically described in BDMC 2.10.020; and

**WHEREAS**, the Prothman Company, by and through its principal Greg Prothman, has recommended that the City of Black Diamond enter into an agreement with the Prothman Company through which the Prothman Company will assign an employee to provide City Administrator Services to the City; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to approve a contract with the Prothman Company to provide City Administrator Services to the City upon the conditions herein set forth below;

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

**Section 1.** The Mayor is hereby authorized to execute, on behalf of the City the attached agreement labeled as Exhibit A with the Prothman Company providing the City with City Administrator services, upon condition of Council confirmation of the appointment of the City Administrator through this services agreement.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 29TH DAY OF JANUARY, 2013.**

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk



January 24, 2013

Ms. Rebecca Olness  
Mayor  
City of Black Diamond  
24301 Roberts Drive  
PO Box 599  
Black Diamond, WA 98010

Dear Mayor Olness:

Thank you for your confidence in the Prothman Company. Below is our standard agreement for providing services. Please sign and return a copy to our offices. Please call me if you have any questions.

**Term.** The term of this Agreement is ongoing, provided the City of Black Diamond may terminate this agreement at any time.

**Prothman City Administrator.** The Prothman City Administrator serves as a Prothman Company employee assigned to the City of Black Diamond and shall perform such duties as assigned by the City. The City shall have the right to direct the Prothman Company to replace the City Administrator at any time.

**Employer Duties of the Prothman Company.** The Prothman Company shall provide a Prothman Company employee qualified to act as the City's City Administrator during the term of the contract. The Prothman Company shall (1) pay all wages and other remuneration to its employee who is provided under this Agreement, (2) prepare and file all payroll tax returns and reports, (3) pay all amounts due and owing pursuant to the payroll tax returns and reports, (4) prepare, file, and furnish to the employee applicable employee tax forms, and (5) prepare and file, with a copy to the City, applicable employer tax forms.

**Duties of the City.** When applicable, the City shall provide a work place for the City Administrator and maintain the work place in accordance with applicable health and working standards, notify the Prothman Company immediately of all employee injuries and provide reimbursement to the City Administrator for costs incurred as a result of performing City business such as mileage, travel expenses and other similar costs at the normal City rates and in accordance with the City's cost reimbursement policies applicable to City employees.

**Fees & Expenses.** The fee for City Administrator services is \$10,000 per month. Partial months billed on a prorated basis at \$560 per day. A 3% charge will be added reflecting City of Issaquah and Washington State B&O tax. The City is also responsible for any client-required licenses, fees or taxes. Invoices will be submitted to the City every two weeks and are due within twenty (20) days of receipt.

**Finder's Fee.** If the City chooses to hire the City Administrator as a regular City employee, the City agrees to pay the Prothman Company the percentage of the starting annual salary based upon the length of the assignment with the City as represented below:

0 to 12 months - 15%  
After 13 months - 10%

