



TUMWATER METROPOLITAN PARK DISTRICT MEETING AGENDA

**Online via Zoom and In Person at
Tumwater City Hall, Council Chambers,
555 Israel Rd. SW, Tumwater, WA 98501**

**Tuesday, October 18, 2022
6:00 PM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes - October 19, 2021
- [4.](#) Selection of Officers of the Board (John Doan)
- [5.](#) Interlocal Data Sharing Agreement with the Washington State Auditor's Office (Troy Niemeyer)
6. Public Hearing
 - [a.](#) Resolution No. R TMPD 2022-001, Ad Valorem for Regular Property Taxes for the Fiscal Year 2023 (Shelly Carter)
 - [b.](#) Resolution No. R TMPD 2022-002, Adopting the Biennial Budget 2023-2024 (Bill Sampson & Troy Niemeyer)
7. Adjourn

Hybrid Meeting Information

The public are welcome to attend in person, by telephone or online via Zoom.

Watch Online

<http://www.zoom.us/join> and enter the Webinar ID 850 4344 9446 and Passcode 237019.

Listen by Telephone

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 850 4344 9446 and Passcode 237019.

Public and Written Comment for Public Hearing

Attend in person to give public comment at the public hearing or register by 5:45 p.m. the day of the meeting to provide public comment on the public hearing using the web-based meeting platform:

https://us02web.zoom.us/webinar/register/WN_W5nB1yJhS82BoiuQcYKHrQ

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

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CONVENE: 6:00 p.m.

PRESENT: President Joan Cathey and Boardmembers Michael Althausen, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, Debbie Sullivan, and Eileen Swarthout.

Staff: City Administrator John Doan, Acting City Attorney Jeff Myers, Parks and Recreation Director Chuck Denney, Assistant Finance Director Shelly Carter, and Communications Manager Ann Cook.

Others: Mayor Pete Kmet.

**SELECTION OF
OFFICERS OF THE
BOARD:**

President Cathey welcomed everyone to the annual meeting of the Tumwater Metropolitan Park District (TMPD). President Cathey reviewed the meeting agenda.

For the benefit of new Boardmember Angela Jefferson, City Administrator Doan reviewed the establishment and status of the TMPD. The TMPD was formed in 2018 requiring a public vote in August 2018. Voters endorsed creating an increase in property tax to support City park projects and recreational programs. An advisory committee had formed to develop a list of recommendations serving as the projects and programs promised to the community if formation of the TMPD was approved by voters. Following voter approval, the TMPD was initiated with a property tax assessment of 46¢ per \$1,000 of property valuation increasing to 75¢ after five years with the additional 30¢ allocated to the construction of a new community center.

The adoption of the TMPD in August deferred receipt of tax revenue until 2019 with no revenue to the TMPD received by the City until May 2020. By May 2020, the nation was in the midst of the COVID-19 pandemic. With the Council's approval, some projects were deferred and some funds were tapped for funding parks maintenance and recreation employees during 2020. As conditions improved during the pandemic, those positions were released back to the Parks and Recreation Department.

The governance of the Tumwater Metropolitan Park District is comprised of members of the Council excluding the Mayor. Members elect a President and Vice President of the TMPD Board each year. The Vice Chair serves as the Clerk of the Board and the City's Finance Director serves as the Treasurer of the TMPD.

Boundaries of the TMPD are the same as the City limits; however, some other metropolitan park districts extend beyond city limits or include other cities.

City Administrator Doan reminded the Board that with the advent of Tom

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Oliva's resignation from the City Council, Vice President Cathey assumed duties as President of the Board. The Board has no prescribed process for selection of a President and Vice President other than a typical nomination process.

President Cathey called for nominations for President of the Board.

Boardmember Dahlhoff nominated Joan Cathey to serve as President. Boardmember Schneider seconded the nomination.

No other nominations were offered.

VOTE:

By unanimous affirmation, Joan Cathey was elected to serve as President.

President Cathey noted that the Board must conduct one meeting annually but is not limited to calling additional meetings as needed during the year.

President Cathey invited nominations for Vice President.

Boardmember Swarthout nominated Charlie Schneider to serve as Vice President. Boardmember Althaus seconded the nomination.

No other nominations were offered.

VOTE:

By unanimous affirmation, Charlie Schneider was elected to serve as Vice President.

**METROPOLITAN
PARK DISTRICT
PLAN UPDATE:**

Director Denney briefed the Board on the status of projects and the TMPD budget. He shared a copy of the TMPD Funding Plan comprised of projects and staffing positions promised to voters with implementation dates beginning in 2020 through 2027 based on TMPD revenue received each year.

Director Denney reviewed the projects:

- **Deschutes Valley Trail Funding of \$1,220,000 in 2027.** The project is a segment of the Deschutes Valley Trail potentially from the golf course to the Deschutes Valley Park or partial funding for a segment between Deschutes Valley Park and Pioneer Park. Staff is seeking other funding sources and anticipates potential receiving funds from the state to assist in completing the Deschutes Valley Trail. However, funding from the state would not be received for several more years.
- **Development of 4 Neighborhood Parks:**
 - ❖ SW Neighborhood (located off Littlerock Road near Tumwater Middle School). The park is scheduled for

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completion in 2025 on City-owned property.

- ❖ Trails End Park. The Park was originally scheduled in 2027; however, staff is attempting to move the date to coincide with the development of the new public works complex on the same property.
 - ❖ The Preserve Park. Work is currently underway on the development of the park. Total expenditure of the park is projected to be \$500,000 from TMPD funds. The park is scheduled for construction in 2023.
 - ❖ South Tumwater Park. The park would be located near Black Hills High School. Staff is working with developer Rob Rice to locate a park within a planned housing development near the high school. Timing for completion is in 2023.
- **Purchase Open Space/Neighborhood Park Land.** The budget includes \$270,000 as a placeholder for 2022 for purchase of land for a park. The allocation could occur anytime if property becomes available for a neighborhood park.
 - **Acquire Land for Community Center.** The budget is \$990,000 for the purchase of land for a community center. However, the use of the funds might change should the City continue to move forward with the Port of Olympia Development Agreement, which includes land for a community center.
 - **Construction of Community Center.** Approximately \$12,000,000 is allocated in 2025 for the construction of a community center. The City will engage in a community planning process for the community center.

President Cathey inquired about the possibility of producing a map of each project site. Director Denney said current maps available include maps of the four neighborhood parks and design drawings of the Deschutes Valley Trail. He offered to develop an online comprehensive TMPD map of projects.

- **Historic District Park Improvements.** The amount budgeted is \$200,000 in 2023 for a variety of improvements within the Historic District. The allocation would be spent when an opportunity becomes available or a new amenity has been identified.
- **Restrooms in Two Neighborhood Parks.** Work is in progress to install restrooms at Tumwater Hill Neighborhood Park near Tumwater Elementary School and Barclift Neighborhood Park located off Cleveland Avenue near OBee Credit Union. Both parks will have restrooms installed similar to the restroom installed at Deschutes Valley Park. The original amount budgeted

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for the restrooms was \$200,000 in 2018. However, prices have increased dramatically and the City purchased the two restrooms buildings for \$124,000 in 2021. Installation on the sites will total another \$346,000 or \$270,000 more than the amount budgeted in 2018 due increased costs for the restrooms, delivery, and installation because of site conditions at each park. As the TMPD has received more funds than initially forecasted, sufficient funds are available to absorb the extra costs.

- **Community Garden Program.** The program can be implemented at any time. The amount allocated is \$200,000 in 2023. The program is geared for staff to work with community groups rather than managing the program as a City program or a City park containing a community garden. The funds are to assist the community in developing a community garden with assistance by the City.

Councilmember Dahlhoff asked whether staff has discussed the program with representatives from GRUB. Director Denney advised that conversations with GRUB have not included the Community Garden Program; however, staff could explore options with the group. Councilmember Sullivan recommended considering a partnership arrangement between a community garden and the Food Bank and cited the arrangement of a garden supported by a food bank in Lacey as an example. The Lacey Pantry program is a different model than the Tumwater FRESH garden and GRUB program.

- **Public Art.** Next year, funding of \$46,000 is available to fund a public arts program and a .5 FTE to manage the program. The Capital Facilities Plan also includes an additional \$50,000 to supplement the \$46,000 allocated each year through 2027 in TMPD funds. Staff is drafting an arts program and developing a job description for the arts coordinator position. Implementation of the program is dependent upon the adoption of the arts program and hiring of the coordinator, as well as the potential establishment of an Arts Commission. Implementation of the Arts Program will drive the establishment of the Arts Commission.
- **Deferred Park Maintenance.** During the process of establishing the TMPD, community input emphasized the importance of maintaining existing parks and facilities before adding new facilities and amenities. Subsequently, the budget includes an allocation of funds over the next six years for maintenance expenses. Staff developed a list of projects. This year, the roof at the Pioneer Park restroom/maintenance facility was replaced with gutters to be added for protection from balls from the soccer field. Fencing is being replaced at Pioneer Park and Tumwater Hill

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Neighborhood Park. The outfield fencing at Pioneer Park for five fields is 8 feet in height. Consistent use of the fields during sports activities has resulted in balls hitting the fence causing the fence to bow over time and exposing spikes within the fence creating safety hazards. Other projects include electrical repairs at Historical Park. The shelter at the park was constructed when the park was opened in 1980. The shelter was constructed by the Rotary Club with an extension of one household circuit to the shelter. Over time, the City has repaired the circuit to improve electrical capability. The project will improve the electrical connection. Another project is an improvement in security at Historical Park. Existing historical light standards are located in Historical Park in the parking lot and near the restrooms providing low-light security lighting. The lights have been inoperable for many years and the project is geared to resolve the issues to ensure the lights are functioning this year. Future projects include irrigation system repairs, several storm drainage repairs at Pioneer Park and Historical Park, and addressing a storm drainage issue at Jim Brown Park impacting the play toy each winter.

Councilmember Schneider inquired about the funding for the community center. The forecast includes a tax increase beginning in year six through the tenth year, which is earmarked for the community center. He asked whether the funds from the sixth through tenth years are earmarked only to the community center and how the funds would be allocated after the tenth year when the community center has been fully funded. Director Denney said the \$12 million allocation in 2025 is through bonding with TMPD funds paying the bond payments. By 2027, all funds have been allocated and any future funds would support community center bond payments.

Councilmember Schneider asked whether any additional funding beyond the allocation of \$200,000 for the Community Garden Program would be available. Director Denney advised that the Board would need to reallocate funds from another project or allocate funding from the general fund.

Director Denney reviewed the budget allocations for staffing. He acknowledged that with the advent of the pandemic, some funds were allocated to maintain existing two parks maintenance positions. The budget had forecasted the addition of two parks maintenance positions, which did not occur last year. Hiring of the two positions was completed this year with one position focused on irrigation (repairing and maintenance of all irrigation systems) and employing wise water activities to conserve and maintain healthy landscaping. The second position is focused on landscaping maintenance throughout the City. Both

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maintenance positions work in conjunction with Parks staff to maintain all City facilities.

President Cathey asked whether landscaping maintenance includes landscaping in roundabouts. Director Denney advised that landscaping in roundabouts is a function of the Transportation and Engineering Department. Parks staff does not maintain landscaping in City right-of-ways. President Cathey said the purpose of her inquiry was to inform the Board as to the appropriate department to contact if they had questions or suggestions for different types of plants in medians or right-of-ways. Director Denney advised that he is frequently in contact with public works and would share the inquiry with staff.

Director Denney reported the third maintenance position is scheduled in 2027.

The budget included the addition of one recreation position in 2022, which was postponed because of the pandemic. The pandemic significantly impacted recreation programs offered by the Parks and Recreation Department. Hiring of the position is scheduled in early 2022. The second recreation position is scheduled in 2027.

The TMPD budget also includes a construction manager position. The City hired Don Carney, who is assigned to Transportation and Engineering. Manager Carney is assisting the Department with a number of projects, to include the restroom projects and the Preserve Park project, as well as the Deschutes Valley Trail. Some TMPD funds are partially funding his position.

The TMPD budget included the addition of one administrative position for the community center in 2026. Many of the Department's operations will shift to the community center after it opens, which will require an additional administrative position to support center operations.

The last budget item is City Administrative Overhead. The TMPD reimburses the general fund for services received from various City departments. The budgeted amount is a projection of \$138,232 each year. However, the actual amount will be less in the next several years. Reconciliation of the actual amount will provide a clear accounting of the amount. To date, the TMPD has generated nearly \$1 million and has expended \$5,000. After the end of 2021, the Finance Department will be able to document actual income and expenses for the TMPD.

City Administrator Doan added that similar to services afforded by the Transportation Benefit District and the public safety levy lid lift, more information plans to be published on projects accomplished through the TMPD to inform the community about progress and accomplishments.

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Councilmember Jefferson expressed interest in participating on any committee promoting the community garden project.

PUBLIC HEARING:

**RESOLUTION NO.
TMPD 2021-001, AD
VALOREM FOR
REGULAR
PROPERTY TAX
FOR FISCAL YEAR
2022:**

Assistant Director Carter reported each year, the Thurston County Assessor's Office provides the City with reassessed values on all existing properties and assessed value on new construction. The information requires a response by the City by November 30, 2021 with an approved resolution to certify and establish the TMPD's property tax levy and indirect property tax rate for fiscal year 2022. The proposed amount does not exceed the 45¢ per \$1,000 assessed value for the first five years. The City received and evaluated the information for the levy and estimated the values for the 2022 property tax levy. Property taxes are an important revenue source and support the TMPD's ongoing maintenance and operations costs and new programs/projects. The proposed resolution establishes the property tax levy for the TMPD reflecting an increase of 1% for fiscal year 2022.

With a 1% increase in the regular tax levy, the TMPD would receive an increase of \$17,667 in regular property tax revenue. New construction value totaled \$141,341,000, the highest amount of construction in the history of the City. New construction would provide the TMPD with an additional \$61,600 in additional property tax revenue from new construction.

When the total property tax levy including the 1% increase and additional taxes from new construction are compared to the assessed value, the TMPD indirect tax rate for 2022 is established at an estimated amount of 40¢ per \$1,000 of assessed valuation. The proposed resolution establishes and certifies Tumwater TMPD's request for the 2022 property tax levy and the indirect property tax rate as proposed. The statute requires a public hearing prior to acting on the resolution. Staff requests approval of the proposed resolution following completion of the public hearing.

Councilmember Althausen referred to the regular tax levy increasing only 1% despite the assessed value increasing by 13%. He asked whether the increase would be different if the state did not have a cap of 1% for an increase in property tax. Assistant Director Carter explained that the state statute speaks to the Implicit Price Deflator (IPD), which is the inflation rate or 1% (property tax cap), which is lower. Last year, the IPD dropped below 1% requiring a substantial need ordinance in addition to the regular property tax ordinance to levy 1%. Typically, the IPD is higher than 1% and the resolution is typically for the 1% increase as the City is restricted from exceeding a 1% increase without a substantial need ordinance.

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President Cathey opened and closed the public hearing at 6:55 p.m. There was no public testimony.

MOTION: Boardmember Althausser moved, seconded by Boardmember Dahlhoff, to approve Resolution No. TMPD 2021-001, Ad Valorem for Regular Property Taxes for Fiscal Year 2022. Motion carried unanimously.

ADJOURNMENT: With there being no further business, President Cathey adjourned the meeting at 6:57 p.m.

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

TO: Tumwater Metropolitan Park District
FROM: John Doan, City Administrator
DATE: October 18, 2022
SUBJECT: Selection of Officers of the Board

1) Recommended Action:

Select a President and Vice President of the Board.

2) Background:

Tumwater Metropolitan Park District Resolution No. 2019-001 By-Laws Section 4.2 Election, Qualifications and Terms of Office. The President and Vice President shall be elected by the TMPD Board from among its members. Pursuant to RCW 35.61.180, the TMPD Board designates the City of Tumwater Finance Director to serve as the TMPD's Treasurer. Except for the Treasurer, the officers shall be elected by the TMPD Board at the first regular meeting each year, for a one year term, and each officer shall hold the office until his or her successor is elected. The first officers of the TMPD Board shall be elected by the TMPD at its first meeting. Officers may, at the discretion of the TMPD Board, hold their respective offices for successive terms. A Board member may be removed from service on the TMPD Board only when removed from his or her office as a councilmember. Any vacancy shall be filled automatically by the appointment or election of a new city councilmember.

3) Policy Support:

Strategic Priorities and Goals 2021 – 2026:

Build a Community Recognized for Quality, Compassion and Humanity

- Pursue "Quality of Life" (e.g., trails, trees, parks, community gardens, events) and aesthetic improvements (hanging baskets, public art, specialty and wayfinding signs, landscaping)
-

4) Alternatives:

None.

5) Fiscal Notes:

There is no cost associated with the selection of Officers of the Board.

6) Attachments:

A. Resolution No. TMPD 2019-001

RESOLUTION NO. TMPD 2019-001

A RESOLUTION of the Tumwater Metropolitan Park District adopting Bylaws.

WHEREAS, on November 27, 2018, Thurston County certified voter approval of the Tumwater Metropolitan Park District (the "TMPD"), a district with boundaries coterminous with the boundaries of the City of Tumwater, with the Tumwater City Council serving as the ex officio board of park commissioners (the "TMPD Board"); and

WHEREAS, the TMPD is a metropolitan park district authorized under Chapter 35.61 RCW with statutory powers to acquire, maintain, operate and improve parks, trails, recreational facilities, and programs; and

WHEREAS, at this first meeting of the TMPD, the TMPD Board wishes to adopt Bylaws outlining its purposes and setting forth its structure and governance;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE TUMWATER METROPOLITAN PARK DISTRICT:

Section 1. Adoption of Bylaws. The Bylaws of the Tumwater Metropolitan Park District in the form attached hereto as Exhibit A are hereby approved and adopted.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 3. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

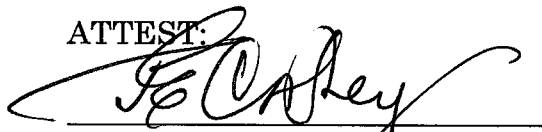
Section 4. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 1 day of October, 2019.

TUMWATER METROPOLITAN PARK DISTRICT BOARD



President

ATTEST:


Vice President/Clerk

BYLAWS OF THE TUMWATER METROPOLITAN PARK DISTRICT

ARTICLE I NAME

Section 1.1 Name. The name of the district shall be the "Tumwater Metropolitan Park District" and hereafter may also be referred to as the District or the TMPD.

ARTICLE II NATURE AND PURPOSE

Section 2.1 Nature of the District. Voters approved formation of the Tumwater Metropolitan Park District with boundaries coterminous with the City of Tumwater. The TMPD is a municipal corporation organized under Chapter 35.61 RCW. Pursuant to RCW 35.61.040, its creation is effective immediately upon certification of the election results, which occurred on November 27, 2018.

Section 2.2 Purpose. The purpose of the TMPD is to acquire, construct, maintain, operate, and improve parks and recreation facilities and to supplement, not replace, existing City of Tumwater parks and recreation funding.

ARTICLE III MEMBERSHIP AND BOARD POWERS

Section 3.1 Membership. Each member of the City of Tumwater Council shall be an ex officio member of the Tumwater Metropolitan Board of Park Commissioners, hereafter referred to as the TMPD Board.

Section 3.2 Board Powers. All powers of the TMPD shall be exercised by and at the direction of the TMPD Board. The powers of the Board shall include any powers authorized by law, including but not limited to, the following:

a. To establish and implement the policies and programs of the TMPD, and the procedures for the management and administration of the TMPD's affairs by the TMPD Board or through contract, as provided by law;

b. To borrow money and incur indebtedness in accordance with law.

ARTICLE IV TMPD BOARD

Section 4.1 Officers Designated. The officer of the TMPD Board shall be a President, Vice President and Treasurer. The Vice President shall also serve as the Clerk of the TMPD Board. No person may simultaneously hold more than one office. In addition to the powers and duties specified below, the officers shall have such power and perform such duties as the TMPD Board may prescribe.

Section 4.2 Election, Qualifications and Terms of Office. The President and Vice President shall be elected by the TMPD Board from among its members. Pursuant to RCW 35.61.180, the TMPD Board designates the City of Tumwater Finance Director to serve as the TMPD's Treasurer. Except for the Treasurer, the officers shall be elected by the TMPD Board at the first regular meeting each year, for a one year term, and each officer shall hold the office until his or her successor is elected. The first officers of the TMPD Board shall be elected by the TMPD at its first meeting. Officers may, at the discretion of the TMPD Board, hold their respective offices for successive terms. A Board member may be removed from service on the TMPD Board only when removed from his or her office as a councilmember. Any vacancy shall be filled automatically by the appointment or election of a new city councilmember.

Section 4.3 Powers and Duties. The officers of the TMPD Board shall have the following duties:

a. **President.** The President shall serve as the ceremonial head of the TMPD and shall preside over all TMPD Board meetings. The President shall, subject to the control of the TMPD Board, exercise general supervision, direction, and control of the business and affairs of the TMPD. On matters decided by the TMPD, unless otherwise required under the Interlocal Agreement with the City of Tumwater, the signature of the President alone is sufficient to bind the TMPD. The President of the TMPD Board, along with the Tumwater City Clerk, shall be the TMPD's registered agents for purposes of service of process.

b. **Vice President.** The Vice President shall serve in the absence of the President as ceremonial head of the TMPD and shall preside over TMPD Board meetings in the President's absence and shall otherwise execute the President's powers and duties. The Vice President is also the Clerk of the TMPD Board.

c. **Treasurer.** The Treasurer shall receive and faithfully keep all funds of the TMPD and deposit the same in such bank or banks as may be designated by the TMPD Board. The Treasurer shall also discharge such other duties as may be prescribed by the TMPD Board.

Section 4.4 Conflict of Interest. TMPD Board members shall comply in all respects with the conflict of interest guidelines and prohibitions of Chapter 42.23 RCW.

ARTICLE V COMMITTEES

Section 5.1 Committees. The TMPD Board, consistent with these Bylaws and Chapter 35.61 RCW, may from time to time designate advisory committees consisting of at least two members from either among its members or from outside its membership.

ARTICLE VI MEETINGS

Section 6.1 Regular TMPD Board Meetings. Regular TMPD Board meetings shall be scheduled by the TMPD Board through resolution. At any regular meeting of the TMPD Board, any business may be transacted and the TMPD Board may exercise all of its powers.

Section 6.2 Special TMPD Board Meetings. Special meetings of the TMPD Board may be held at any place and at any time whenever called by the President or by a majority of the members of the TMPD Board.

Section 6.3 Notice of TMPD Board Meetings. Notice of meetings shall be given in a manner consistent with the Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington, as supplemented or amended. In addition, the TMPD shall provide reasonable notice of meetings to any individual specifically requesting such notice in writing.

Section 6.4 Waiver of Notice. Notice as provided in Section 6.3 hereof may be dispensed with as to any member of the TMPD Board who, at or prior to the time the meeting convenes, files with the TMPD Board a written waiver of notice or who is actually present at the meeting at the time it convenes. Such notice may also be dispensed with as to special meetings called to address an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, where time requirements of such notice would make notice impractical and increase the likelihood or severity of such injury or damage. Notice concerning proposed amendments to Bylaws, and votes on such amendments, may not be waived.

Section 6.5 Parliamentary Procedure. *Robert's Rules of Order* shall be final authority on all questions of procedure and parliamentary law not otherwise provided by statute or these Bylaws; Provided, that the concurrence of four (4)

members, such rules may be waived or modified. Provided further, that failure to follow said rules will not in itself constitute sufficient grounds for invalidating any TMPD Board action. Where consistent with the statute, the rules and procedures of the City of Tumwater City Council will govern the procedures of the TMPD Board.

Section 6.6 Public Comment. Opportunity for public comment at TMPD Board meetings shall be required when the TMPD Board considers adoption of its plan and imposition of any tax, charge, or fee. The TMPD Board from time to time may, in its sole discretion, permit public comment regarding additional topics.

Section 6.7 Public Hearings. A public hearing will be held: (1) whenever required by law; (2) whenever required by contract with the City of Tumwater; and (3) as desired by the TMPD Board.

Section 6.8 Proxies Prohibited. Votes may be cast at TMPD Board meetings only by members of the TMPD Board in attendance at the meeting either in person or by electronic means. Voting by proxy is prohibited.

ARTICLE VII AMENDMENTS TO BYLAWS

Section 7.1 Proposals to Amend Bylaws. Any TMPD Board member may introduce a proposed amendment to the Bylaws (which may consist of new Bylaws) at any regular meeting, or at any special meeting for which 14 days' advance notice has been given.

Section 7.2 TMPD Board Consideration of Proposed Amendments. If notice of a proposed amendment to the Bylaws, and information including the text of the proposed amendment, is provided to members of the TMPD Board 14 days prior to any regular or special Board meeting, then the Board may vote on the proposed amendment at the same meeting as the one at which the amendment is introduced. If such notice and information is not so provided, the TMPD Board may not vote on the proposed amendment until the next regular TMPD Board meeting, or special meeting of which 14 days' advance notice has been given and information is provided to the TMPD Board members. Changes to the proposed amendment that are within the scope of the original amendment will be permitted at the meeting at which the vote is taken.

Section 7.3 TMPD Board Approval of Amendments to Bylaws. Resolutions of the TMPD approving amendments to the Bylaws by affirmative vote of a majority of the TMPD Board membership may be implemented at such time as selected by the TMPD in the Resolution without further action. Copies of all

amendments to the Bylaws shall be filed with the City of Tumwater City Clerk as a public record.

ARTICLE VIII ADMINISTRATIVE PROVISIONS

Section 8.1 Books and Records. The TMPD shall keep current and complete books and records of account and shall keep minutes of the proceedings of the TMPD Board.

Section 8.2 Principal Office. The principal office and mailing address of the Tumwater Metropolitan Park District shall be the same as the City of Tumwater City Hall, 555 Israel Road SW, Tumwater, WA 98501.

Section 8.3 Fiscal Year. The Fiscal Year of the TMPD shall begin January 1 and end December 31 of each year, except the first fiscal year which shall run from the date of formation to December 31, 2019.

Section 8.4 Policies and Rules Applicable to the TMPD and TMPD Board Members. Except as specifically required by Chapter 35.61 RCW or other state laws pertaining to metropolitan park districts, the TMPD Board adopts as its policies, City of Tumwater administrative policies including, City Council Rules and Procedures, Personnel Policy, Comprehensive Financial Policies, and Contracting and Purchasing Policies.

Section 8.5 Competitive Bidding. The TMPD Board waives the competitive bidding requirements of RCW 35.61.135 pursuant to RCW 39.04.280 if an exemption contained within RCW 39.04.280 applies to the purchase or public work.

ARTICLE IX BUDGET

Section 9.1 Budget. The budget shall be adopted by resolution.

ARTICLE X LIMITATIONS ON LIABILITY

Section 10.1 Mandatory Disclaimers. A disclaimer in substantially the following form shall be printed or stamped on all contracts, bonds and other documents that evidence or create any obligation which, by its terms, is not payable from a special or limited source of funds:

The Tumwater Metropolitan Park District is a metropolitan park district established pursuant to Chapter 35.61 of the Revised Code of Washington. All debts, liabilities and other obligations incurred by the District shall be satisfied exclusively from the revenues, assets and properties of the District. No creditor, claimant or other person shall have any right of action against or recourse to the City of Tumwater, the State of Washington, or any other political subdivision of the State of Washington on account of or with respect to any debts, liabilities or other obligations of the District, or otherwise on account of or with respect to any acts or omissions of the District or its officers, employees or agents.

ARTICLE XI INDEMNIFICATION

Section 11.1 Indemnification. To the extent permitted by law, the TMPD shall protect, defend, hold harmless and indemnify any director, officer, employee or agent of the TMPD who is a party or threatened to be made a party to a proceeding by reason related to that person's conduct as a director, officer, employee or agent of the TMPD, against judgments, fines, penalties, settlements and reasonable expenses (including reasonable attorneys' fees) incurred by him or her in connection with such proceedings, if such person acting in good faith reasonably believed his or her conduct to be in the TMPD's best interests and if, in the case of any criminal proceedings, he or she had no reasonable cause to believe that his or her conduct was unlawful. The indemnification and protection provided herein shall not be deemed exclusive of any other rights to which a person may be entitled as a matter of law, by City ordinance, or by contract or by vote of the TMPD Board. The TMPD Board shall purchase and maintain appropriate insurance to cover such risk of liability.

ARTICLE XII DISSOLUTION

Section 12.1 Dissolution. The TMPD shall exist until dissolved in accordance with the requirements of RCW 35.61.310 or other applicable law.

ARTICLE XIII APPROVAL OF BYLAWS

ADOPTED by the Tumwater Metropolitan Park District Board of Park Commissioners by Resolution No. TMPD 2019-001 on October 1, 2019.

TUMWATER METROPOLITAN PARK DISTRICT



TMPD President

TO: Tumwater Metropolitan Parks District Board
FROM: Troy Niemeyer, Finance Director
DATE: October 18, 2022
SUBJECT: Interlocal Data Sharing Agreement with the Washington State Auditor's Office

1) Recommended Action:

Make a motion to authorize the Board President to sign the interlocal agreement.

2) Background:

In January 2021 the SAO learned that one of its third party software vendors was the victim of a data breach. Data from some SAO clients was exposed. The Tumwater Metropolitan Parks District (TMPD) did not have any data exposed. As a result of this data breach, the state Legislature enacted a new law requiring SAO to enter into Data Sharing Agreements (DSA's) with all of its audit clients. This is the standard agreement developed by SAO to meet its legal requirement. It simply states what SAO will do to protect our data. It does not require the TMPD to do anything different, and there is no cost to the TMPD. You may recall that City Council previously authorized the Mayor to sign a DSA on behalf of the City. Because the TMPD is a separate legal entity, SAO is requesting a separate DSA for the TMPD.

3) Policy Support:

Be fiscally responsible and develop sustainable financial strategies.

4) Alternatives:

- ☐ Do not authorize the Board President to sign
 - ☐ Send back for revisions
-

5) Fiscal Notes:

There is no cost to the City of Tumwater. This agreement is not financial in nature.

6) Attachments:

A. Data Sharing Interlocal Agreement

INTERAGENCY DATA SHARING AGREEMENT

Between

Tumwater Metropolitan Park District

And the Office of the Washington State Auditor

This Interagency Data Sharing Agreement (DSA) is entered into by and between Tumwater Metropolitan Park District hereinafter referred to as "Agency", and the Office of the Washington State Auditor, hereinafter referred to as "SAO", pursuant to the authority granted by Chapter 39.34 RCW and 43.09 RCW.

AGENCY PROVIDING DATA: Agency

Agency Name:	<u>Tumwater Metropolitan Park District</u>
Contact Name:	<u>Shelly Carter</u>
Title:	<u>Assistant Finance Director</u>
Address:	<u>555 Israel Rd SW Tumwater, WA 98512</u>
Phone:	<u>(360) 252-5463</u>
E-mail:	<u>scarter@ci.tumwater.wa.us</u>

AGENCY RECEIVING DATA: SAO

Agency Name:	<u>Office of the Washington State Auditor</u>
Contact Name:	<u>Lisa Carrell</u>
Title:	<u>Audit Manager</u>
Address:	<u>3200 Sunset Way SE Olympia, WA 98504</u>
Phone:	<u>(564) 999-0882</u>
E-mail:	<u>carrelll@sao.wa.gov</u>

1. PURPOSE OF THE DSA

The purpose of the DSA is to provide the requirements and authorization for the Agency to exchange confidential information with SAO. This agreement is entered into between Agency and SAO to ensure compliance with legal requirements and Executive Directives (Executive Order 16-01, RCW 42.56, and OCIO policy 141.10) in the handling of information considered confidential.

2. DEFINITIONS

"Agreement" means this Interagency Data Sharing Agreement, including all documents attached or incorporated by reference.

DSA Agreement between Agency and SAO
Agency DSA: 21-01

"Data Access" refers to rights granted to SAO employees to directly connect to Agency systems, networks and/ or applications combined with required information needed to implement these rights.

"Data Transmission" refers to the methods and technologies to be used to move a copy of the data between systems, networks and/ or employee workstations.

"Data Storage" refers to the place data is in when at rest. Data can be stored on removable or portable media devices such as a USB drive or SAO managed systems or OCIO/ State approved services.

"Data Encryption" refers to enciphering data with a NIST-approved algorithm or cryptographic module using a NIST-approved key length. Encryption must be applied in such a way that it renders data unusable to anyone but the authorized users.

"Personal Information" means information defined in RCW 42.56.590(10).

3. PERIOD OF AGREEMENT

This agreement shall begin on January 1, 2022, or date of execution, whichever is later, and end on December 31, 2024, unless terminated sooner or extended as provided herein.

4. JUSTIFICATION FOR DATA SHARING

SAO is the auditor of all public accounts in Washington State. SAO's authority is broad and includes both explicit and implicit powers to review records, including confidential records, during the course of an audit or investigation.

5. DESCRIPTION OF DATA TO BE SHARED

The data to be shared includes information and data related to financial activity, operation and compliance with contractual, state and federal programs, security of computer systems, performance and accountability for agency programs as applicable to the audit(s) performed. Specific data requests will be limited to information needed for SAO audits, investigations and related statutory authorities as identified through auditor requests.

6. DATA ACCESS

If desired, with the Agency's permission, the Agency can provide direct, read-only access into its system. SAO will limit access to the system to employees who need access in support of the audit(s). SAO agrees to notify the agency when access is no longer needed.

7. DATA TRANSMISSION

Transmission of data between Agency and SAO will use a secure method that is commensurate to the sensitivity of the data being transmitted.

8. DATA STORAGE AND HANDLING REQUIREMENTS

Agency will notify SAO if they are providing confidential data. All confidential data provided by Agency will be stored with access limited to the least number of SAO staff needed to complete the purpose of the DSA.

9. INTENDED USE OF DATA

The Office of the Washington State Auditor will utilize this data in support of their audits, investigations, and related statutory responsibilities as described in RCW 43.09.

10. CONSTRAINTS ON USE OF DATA

The Office of the Washington State Auditor agrees to strictly limit use of information obtained under this Agreement to the purpose of carrying out our audits, investigations and related statutory responsibilities as described in RCW 43.09.

11. SECURITY OF DATA

SAO shall take due care and take reasonable precautions to protect Agency's data from unauthorized physical and electronic access. SAO complies with the requirements of the OCIO 141.10 policies and standards for data security and access controls to ensure the confidentiality, and integrity of all data shared.

12. NON-DISCLOSURE OF DATA

SAO staff shall not disclose, in whole or in part, the data provided by Agency to any individual or agency, unless this Agreement specifically authorizes the disclosure. Data may be disclosed only to persons and entities that have the need to use the data to achieve the stated purposes of this Agreement. In the event of a public disclosure request for the Agency's data, SAO will notify the Agency

- a. SAO shall not access or use the data for any commercial or personal purpose.
- b. Any exceptions to these limitations must be approved in writing by Agency.
- c. The SAO shall ensure that all staff with access to the data described in this Agreement are aware of the use and disclosure requirements of this Agreement and will advise new staff of the provisions of this Agreement.

13. OVERSIGHT

The SAO agrees that Agency will have the right, at any time, to monitor, audit, and review activities and methods in implementing this Agreement in order to assure compliance.

14. TERMINATION

Either party may terminate this Agreement with 30 days written notice to the other party's Agreement Administrator named on Page 1. However, once data is accessed by the SAO, this Agreement is binding as to the confidentiality, use of the data, and disposition of all data received as a result of access, unless otherwise amended by the mutual agreement of both parties.

15. DISPUTE RESOLUTION

In the event that a dispute arises under this Agreement, a Dispute Board shall determine resolution in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the

Dispute Board. The Dispute Board shall review facts, contract terms, and applicable statutes and rules and make a determination of the dispute.

16. GOVERNANCE

- a. The provisions of this Interagency Data Sharing Agreement are severable. If any provision of this Agreement is held invalid by any court that invalidity shall not affect the other provisions of this Interagency Data Sharing Agreement and the invalid provision shall be considered modified to conform to the existing law.
- b. In the event of a lawsuit involving this Interagency Data Sharing Agreement, venue shall be proper only in Thurston County, Washington.

17. SIGNATURES

The signatures below indicate agreement between the parties.

City of Tumwater

Office of the Washington State Auditor

Signature

Date

Signature

Date

Title: Board President

Title: _____

TO: Board of Parks Commissioners (TMPD)
 FROM: Shelly Carter, Assistant Finance Director
 DATE: October 18, 2022
 SUBJECT: Resolution No. TMPD 2022-001, Ad Valorem for Regular Property Taxes for the Fiscal Year 2023

1) Recommended Action:

Adopt Resolution No. TMPD 2022-001, A RESOLUTION relating to tax revenue of the TMPD fixing the regular property tax levy for the TMPD, for the fiscal year ended December 31, 2023.

2) Background:

This action is necessary to set the 2023 property tax levy for the TMPD. An approved Resolution must be forwarded to the Thurston County Assessor's Office along with the levy certification by November 30, 2022 in order to set the tax levy for 2023 and, therewith, the tax rate.

The voters approved the creation of the TMPD in the November 6, 2018 general election. The maximum levy available is \$.75 per \$1,000 of valuation. The election was conducted with the promise to voters that the tax rate would not exceed \$.45 per \$1,000 of Assessed Value (AV) for five years. For 2023, a levy increase of one percent (1%) results in an AV \$.31 per \$1,000, which will generate approximately \$1,854,525, plus taxes from new construction and administrative adjustments by the Thurston County Assessor. The preliminary AV is \$6.319 billion.

Since the valuations are not finalized, the levy stated in Resolution R TMPD 2022-001 is estimated. The final assessed value is certified by the Thurston County Assessor and Washington State Department of Revenue in early January 2023.

3) Policy Support:

- Strategic Goals and Priorities: Fiscally responsible and develop sustainable financial strategies.
 - Vision Mission Beliefs-Excellence: Efficient stewards of public resources, building public trust through transparency.
-

4) Alternatives:

- ☐ Do not pass the Resolution and lose the opportunity to levy property taxes for collection in 2023.
 - ☐ Change the levy increase to something less than stated above.
-

5) Fiscal Notes:

This resolution sets the property tax levy for the TMPD for the 2023 fiscal year to fund new

programs. In the first year, the levy was set at the rate of \$.45 per \$1,000 of AV with a banked capacity for the unused levy up to \$.75 per \$1,000 of AV. In subsequent years, the rate is subject to the 101% maximum increase or the IPD rate whichever is lower.

6) Attachments:

- A. Exhibit A – Resolution No. TMPD 2022-001 Ad Valorem for Regular Property Taxes for the Fiscal Year 2023

RESOLUTION NO. TMPD 2022-001

A RESOLUTION of the Tumwater Metropolitan Park District setting the Ad Valorem Tax Amount for the Budget Year 2023.

WHEREAS, the Tumwater Metropolitan Park District is a metropolitan park district authorized under Chapter 35.61 RCW with statutory powers including the power to levy and impose various taxes and fees to generate revenues to acquire, maintain, operate and improve parks, and other recreational facilities and programs; and

WHEREAS, on November 27, 2018, Thurston County certified voter approval of the Tumwater Metropolitan Park District (the "TMPD"), a district with boundaries coterminous with the boundaries of the City of Tumwater; and

WHEREAS, the Tumwater Metropolitan Park District Board of Park Commissioners (the "TMPD Board") held a public hearing on October 18, 2022 pursuant to RCW 84.55.120 to consider the TMPD ad valorem tax levy for 2023 collections; and

WHEREAS, the population for the TMPD is more than 10,000; and

WHEREAS, the TMPD Board, after the hearing and duly considering all relevant evidence presented, has determined that the TMPD requires a property tax in order to discharge the expected expenses and obligations of the TMPD in its best interests; and

WHEREAS, although the TMPD wishes to levy taxes for the year in an amount less than the maximum allowed under its legal levy limit, future levy capacity shall be protected as provided for in RCW 84.55.092, calculated in future years as though the maximum lawful levy amount allowed by the levy limit had been levied, as set forth in WAC 458-19-065; and

WHEREAS, the TMPD is required to certify the amount to be raised by taxation on assessed valuation with the clerk of the county legislative authority by November 30;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE TUMWATER METROPOLITAN PARK DISTRICT AS FOLLOWS:

Section 1. An increase in the regular property tax levy, based on the limit factor for property taxes, is hereby authorized for the levy to be collected in the 2023

Tumwater Metropolitan Park District
Resolution No. TMPD 2022-001 – Setting Ad Valorem Tax Amount
Page 1 of 2

tax year. This levy results in an \$18,545.25 increase and a 1.00% change from the 2022 regular levy amount as set forth in RCW 84.55.120. Certification of the levy shall not exceed the \$0.45 limit per \$1,000 of assessed value plus administrative refunds.

Section 2. This amount to be levied, as stated in Section 1 above is exclusive of any additional revenue from refunds made, new construction, or any other adjustments made by the County Assessor.

Section 3. On or before the 30th day of November, 2022, the TMPD Board Treasurer shall file with the Clerk of the Thurston County Board of Commissioners a certified estimate of the total amount to be raised by the ad valorem tax levied on property within the TMPD.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 5. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 18th day of October 2022.

TUMWATER METROPOLITAN PARK DISTRICT BOARD

President

ATTEST:

Vice President/Clerk

Tumwater Metropolitan Park District
Resolution No. TMPD 2022-001 – Setting Ad Valorem Tax Amount
Page 2 of 2

TO: Tumwater Metropolitan Park District Board
FROM: Bill Sampson, Senior Accountant
Troy Niemeyer, Treasurer
DATE: October 18, 2022
SUBJECT: Resolution No. R TMPD 2022-002 Adopting the Biennial Budget 2023-2024

1) Recommended Action:

Make a motion to approve Resolution 2022-002 to adopt the biennial budget for the Tumwater Metropolitan Park District, for the fiscal period beginning January 1, 2023 and ending December 31, 2024.

2) Background:

The TMPD was officially formed upon certification of the election results on November 27, 2018. An Interlocal Agreement between the TMPD and the City of Tumwater for the mutual roles and responsibilities related to the collection and expenditure of revenues for park and recreation purposes was approved October 15, 2019. The budget resolution will fix the amount appropriated for expenditures related to the Interlocal Agreement and expenditures of the TMPD directly.

3) Policy Support:

Be fiscally responsible and develop sustainable financial strategies.

4) Alternatives:

☐ Do not approve the Resolution.

5) Fiscal Notes:

This proposed budget is the financial plan for the 2023-2024 biennium. This resolution sets the spending authority at the same level as the available resources of the TMPD and, thereby adopts a balanced budget.

6) Attachments:

- A. Resolution R TMPD 2022-002
- B. 2023-2024 TMPD Budget Recap

RESOLUTION NO. TMPD 2022-002

A RESOLUTION of the Tumwater Metropolitan Park District adopting the biennial Budget for the period beginning January 1, 2023 and ending December 31, 2024.

WHEREAS, on November 27, 2018, Thurston County certified voter approval of the Tumwater Metropolitan Park District (the "TMPD"), a district with boundaries coterminous with the boundaries of the City of Tumwater; and

WHEREAS, the preliminary budget of the TMPD was printed for distribution and notice published setting the time and place for hearing on the budget; and

WHEREAS, the Tumwater Metropolitan Park District Board of Park Commissioners (the "TMPD Board") held a public hearing on the preliminary budget on October 18, 2022, and has considered the public testimony presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE TUMWATER METROPOLITAN PARK DISTRICT AS FOLLOWS:

Section 1. The biennial budget for the fiscal years 2023-2024 is hereby adopted in the amounts as shown below, and appropriated as follows:

Beginning Fund Balance	\$ 3,170,883
Revenues	7,705,000
Total Resources	10,875,883
Expenditures	6,633,905
Ending Fund Balance	4,241,978
Adopted Budget	\$10,875,883

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 3. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 4. **Effective Date.** This Resolution shall take effect January 1, 2023.

RESOLVED this 18th day of October, 2022.

TUMWATER METROPOLITAN PARK DISTRICT BOARD

President

ATTEST:

Vice President/Clerk

Tumwater Metropolitan Park District (TMPD)

2023-2024 Appropriations Budget

<u>Expenditure Category</u>	<u>Total</u>	<u>Explanation</u>
Payments to City of Tumwater under the Intergovernmental Agreement		
	191,609	MPD Funded Parks Management and Administration
	104,000	MPD Funded Construction Manger (five year position)
	647,624	MPD Funded staff - 2 Maintenance Workers / 1 Recreation Coordinator
Wages, Salaries & Benefits	943,233	
Land Acquisition and Capital Projects (per Capital Facilities Plan)	4,875,000	Land acquisition \$270,000 Community Garden \$50,000 SW Neighhd Park \$80,000, Hist Dist Imp \$200,000, Tumwater Community Center \$4,275,000
Park Deferred Maintenance	295,000	Historical Park - Speed bump replacement, gazebo repairs, storm drainage repairs Pioneer Park - Speed bump replacement, LED parking lot light conversion, dugout roofs, extend water lines, replace roll up doors, storm drainage repairs, painting and siding of restroom Tumwater Hill Park - Trail repairs and surfacing
General Fund Projects	292,000	Public Art and Neighborhood Park at the Preserve
Vehicle purchase and Maintenance	89,950	Vehicle costs (Maintenance, fuel and future replacement)
Other Service Expenditures	126,722	Management Overhead (shared costs Exec, HR, Legal, Finance)
Capital Projects	5,678,672	
Total Payments to Tumwater	6,621,905	
Insurance	12,000	Purchased through WCIA
Total Expenditures TMPD	6,633,905	