



CITY OF  
**TUMWATER**  
CITY COUNCIL  
MEETING AGENDA

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

Tuesday, June 04, 2024  
7:00 PM

1. **Call to Order**
2. **Roll Call**
3. **Flag Salute**
4. **Special Items:**
  - a. 2023 Officer of the Year - Kelly Clark (Police Department)
  - [b.](#) Proclamation: LGBTQIA2S+ Community Pride month, June 2024
  - [c.](#) Open Public Meetings Act (OPMA) Training by Morgan Damerow with the Attorney General's Office
5. **Public Comment:** (for discussion of items not having a public hearing on tonight's agenda)
6. **Consent Calendar:**
  - [a.](#) Approval of Minutes: City Council Work Session, May 14, 2024
  - [b.](#) Approval of Minutes: City Council, May 21, 2024
  - [c.](#) Payment of Vouchers (Finance Department)
  - [d.](#) R2024-008 Surplus Canine James (Police Department)
  - [e.](#) Interlocal Agreement with City of Olympia for the Mottman Road Pedestrian and Street Improvements Project (Transportation & Engineering Department)
  - [f.](#) Israel Road and Linderson Way Pedestrian and Bicycle Improvements project, Authority to Solicit Bids and Recommend Award (Transportation & Engineering Department)
  - [g.](#) Construction Contract with Active Construction, Inc. for the Interstate 5 / Trosper Road / Capitol Boulevard Reconfiguration Project, Request for Additional Construction Funds (Transportation & Engineering Department)
  - [h.](#) Reappointment of Joe Munro and Amy Hargrove to the Board of Parks and Recreation Commissioners (Executive Department)
  - [i.](#) Thunder in the Valley 4th of July Fireworks Display Permit (Fire Department)
  - [j.](#) Cancellation of the June 18th Regular Council Meeting (Executive Department)
7. **Council Considerations:**

- [a.](#) Resolution No. R2024-011, Strategic Priorities & Goals 2025-2026 (Executive Department)
- [b.](#) Letter of Understanding with Squaxin Island Tribe (Police Department)

**8. Committee Reports**

- a. Public Health and Safety Committee (Peter Agabi)
- b. General Government Committee (Michael Althausen)
- c. Public Works Committee (Eileen Swarthout)
- d. Budget and Finance Committee (Debbie Sullivan)

**9. Mayor/City Administrator's Report**

**10. Councilmember Reports**

**11. Any Other Business**

**12. Adjourn**

**Hybrid Meeting Information**

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

**Watch Online**

Go to <http://www.zoom.us/join> and enter the Webinar ID 867 2542 1395 and Passcode 325962.

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 867 2542 1395 and Passcode 325962.

**Public and Written Comment**

Attend in person to give public comment or register by 6:45 p.m. the day of the meeting to provide public comment using the web-based meeting platform:

[https://us02web.zoom.us/webinar/register/WN\\_Sr7\\_gFEsQCK4m\\_oucBI2WA](https://us02web.zoom.us/webinar/register/WN_Sr7_gFEsQCK4m_oucBI2WA)

After registering, you will receive a confirmation email with a login to join the online meeting.

As an alternative, prior to the meeting, the public may submit comments by sending an email to [council@ci.tumwater.wa.us](mailto:council@ci.tumwater.wa.us), no later than 5:00 p.m. on the day of the meeting. Comments are submitted directly to the Mayor and City Councilmembers and will not be read individually into the record of the meeting.

**Post Meeting**

Video recording of this meeting will be available within 24 hours of the meeting.

**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](mailto: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](mailto:ADACoordinator@ci.tumwater.wa.us)

# Proclamation

*WHEREAS*, the City of Tumwater recognizes that one of its greatest strengths is the diversity of its people and has a long standing tradition of upholding the dignity of the individual, supporting legal equality and fair treatment for all people, and ensuring that acts of discrimination and hatred will not be tolerated; and

*WHEREAS*, in 1993, the City of Tumwater passed its first ordinance to protect people from discrimination by adding "sexual orientation" to its Unfair Housing Practices law; and

*WHEREAS*, in 1997, Tumwater became the smallest city in the United States to grant domestic partnership benefits to its employees and has since enacted several policies to ensure equality for all Tumwater residents such as the Equal Benefits Ordinance; and

*WHEREAS*, the City of Tumwater is a national leader in affirming the civil rights and innate dignity for all people and encourages the free expression of all cultural traditions and personal talents for the social enrichment and betterment of the community; and

*WHEREAS*, Tumwater's Diversity Policy Statement affirms its belief that diversity strengthens workforce competence and performance, celebrates and values individual differences, serves an increasingly diverse society, ensures the relevance of the City's Mission, programs and services, and is crucial to the City's ability to serve every resident; and

*WHEREAS*, in recognition of the Stonewall Uprising, considered the tipping point for the gay rights movement in the United States, each June, Americans come together to celebrate LGBTQIA2S+ Community Pride Month and honor their contributions to society.

*NOW THEREFORE*, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim the month of

*June 2024*

*LGBTQIA2S+ Community Pride Month*

and I call upon the people of the City of Tumwater to join in celebrating diversity, promoting inclusion and equal protection under the law, and I further encourage people to join me in eliminating discriminatory policies and practices toward any culture, race, or group.

Signed in the City of Tumwater, Washington, this 4<sup>th</sup> day of June in the year, two thousand twenty-four.



*Debbie Sullivan*

*Debbie Sullivan*

*Mayor*

TO: City Council  
FROM: Karen Kirkpatrick, City Attorney  
DATE: June 4, 2024  
SUBJECT: Open Public Meetings Act (OPMA) Training

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1) Recommended Action:

No action requested. This is for training purposes only.

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2) Background:

Lead Attorney, Morgan Damerow, of the Washington State Office of the Attorney General will provide Open Public Meetings Act (OPMA) training.

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3) Policy Support:

Refine and Sustain a Great Organization

- Create a continuous learning organization (including Council)
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4) Alternatives:

N/A – this is training only.

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5) Fiscal Notes:

There are no costs associated with training.

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6) Attachments:

A. OPMA training slides provided by Morgan Damerow



# OPEN PUBLIC MEETINGS ACT REFRESHER AND UPDATE

JUNE 4, 2024

## OVERVIEW

Significance of Open Government & Transparency  
Open Public Meetings Act

## DISCLAIMER

This presentation is educational only and is not legal advice or a legal opinion. The OPMA changes over time. Later court decisions, or changes in statutes, can impact the either of these laws and an agency's obligations.

# **OPEN PUBLIC MEETINGS ACT CHAPTER 42.30 RCW**

## **OPEN GOVERNMENT OMBUDS**

### **THE STARTING POINT**

**“The people do not yield their sovereignty to the agencies which serve them.”**

**“The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”**

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# WHY YOU SHOULD CARE ABOUT TRANSPARENCY

*"Sunlight is the best disinfectant."*



U.S. Supreme Court Justice  
Louis Brandeis

**The Seattle Times**  
WA redistricting commission to pay fines, make reforms after violating open-meetings law

**YAKIMA HERALD-REPUBLIC**  
Yakima agrees to \$13,000 settlement in complaint alleging city violated Open Public Meetings Act

**THE SPOKESMAN-REVIEW**  
**3 Richland school leaders 'knowingly' violated state law, WA Supreme Court rules**

**OPMA Penalties**  
Personal Liability, Attorney's Fees,  
Action Potentially Overturned.

# OPMA POLICY

- It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created.

The OPMA, ch. 42.30 RCW, is our comprehensive transparency statute. The act seeks "to ensure public bodies make decisions openly."

RCW 42.30.010, ESHB 1329 (2022)

## OPMA APPLIES TO:

### Multi-member public state and local agencies, such as boards and commissions:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

*These are the “public agencies” subject to the OPMA.*

RCW 42.30.020

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## THE OPMA DOES NOT APPLY TO:

### These entities:

- Courts
- Legislature
- Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual.
- Private organizations, i.e., HOA’s, Youth Sports Clubs.

### These activities:

- Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle).
- Quasi-judicial matters.
- Matters governed by the Washington Administrative Procedure Act, RCW 34.05.
- Collective bargaining.

RCW 42.30.020, RCW 42.30.140

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# BASIC REQUIREMENTS

All meetings of the **GOVERNING BODY** of a **PUBLIC AGENCY** shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

RCW 42.30.030

# WHAT IS A GOVERNING BODY?

Multimember boards, commissions, councils, or other policy or rule-making bodies of a public agency.

### Includes

– Committees and Subcommittees –  
Acting on behalf of governing body, taking testimony or public comment, or conducting hearings.

– Advisory Bodies –  
If the body’s advice is necessary for another governing body to act, and the body was created by the legislative body.

## MEETING



- Meeting means meetings at which the public agency takes “action.”
- Requires a majority of its members (quorum).
  - No quorum → No meeting
  - Physical presence not required – a meeting can occur by phone or email.
- Does not need to be titled “meeting” – may be a “retreat,” “workshop,” “study session,” etc.
- Simply receiving information without comment is not a meeting.



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## MEETING REQUIRES A COLLECTIVE INTENT TO MEET

***Citizens Alliance v. San Juan County,***  
184 Wn.2d 428, 359 P.3d 753 (2015).

No OPMA violation because the commissioners were not aware that the communications included a majority, and passive receipt of information is not “action” under the OPMA.

***Egan v. City of Seattle,***  
14 Wn.App.2d 594, 471 P.3d 899 (2020).

OPMA violation found. Over two dozen communications between individual councilmembers, as well as city staff, during a three-day period. Communications included in-person meetings, emails, phone calls, text messages, and distribution of hard copies of a draft press release.

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# ACTION

The transaction of the official business of the public agency and includes but is not limited to:

- Public Testimony    All Deliberations    Discussions
- Considerations        Reviews        Evaluations
- Final Actions

*See upcoming slide on Final Action.*

The requirements of the OPMA are triggered whether or not “final” action is taken.



RCW 42.30.020; *Citizens Alliance for Property Rights Legal Fund v. San Juan County*

# FINAL ACTION

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof.”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

**VOTE**



RCW 42.30.060, RCW 42.30.020

## PUBLIC ATTENDANCE

- A public agency can't place conditions on public to **attend** meetings subject to OPMA.
- Reasonable rules of conduct can be set.
- Governing body may adopt generally applicable conditions determined to be reasonably necessary to protect public health or safety, or to protect against interruptions.
- Agencies encouraged to provide remote access that does not require an additional cost to access the meeting.
- Cameras and tape recorders are permitted unless disruptive.

RCW 42.30.040, *Zink v. City of Mesa*, AGO Opinion 1998 No. 15

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## REMOTE OBSERVATION AND PARTICIPATION

Agencies are encouraged to:

- Provide remote access that does not require an additional cost to access the meeting.
- Provide an online streaming option for all regular meetings.
- Make audio or video recordings and make recordings available online for a minimum of six months. (This does not alter recordkeeping requirements under chapter 42.56 RCW.)

RCW 42.30.220

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## PUBLIC COMMENT

Oral or written public comment required at or before every regular meeting at which final action is taken.

### Oral Comment

- The governing body shall, when reasonable, provide people with a disability, limited mobility or any other reason that makes physical attendance difficult, the opportunity to make oral comment.
- May put guidelines in place for public comment i.e., time limits.

### Written Comment

- Written testimony must be distributed to the governing body.
- May have reasonable deadlines for submission of written testimony.

RCW 42.56.240

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## INTERRUPTIONS AND DISRUPTIONS

- May stop individuals from speaking when not recognized to speak.
- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted, the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- OPMA provides hierarchy for restoration of an orderly meeting, through removal of individuals who are interrupting the meeting, clearing the meeting room, or moving the meeting to another location. Final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.



RCW 42.30.050

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## REGULAR MEETINGS



- Recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- Must have an agenda available online at least 24 hours in advance of the published start time of the meeting. Agency may share or have website hosted by another public agency.
- Agenda may be modified.
- Any otherwise legal action taken at a regular meeting, where agenda was not posted 24 hours in advance, is not invalidated. Failure to post agenda is not the basis for attorney fees, mandamus or injunction.



RCW 42.30.070; RCW 42.30.075; RCW 42.30.077

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## REGULAR MEETINGS – SMALL AGENCY AGENDA EXEMPTION



A special purpose district, city, or town is not required to post an agenda online if the district, city, or town:

- (a) Has an aggregate valuation of the property subject to taxation by the district, city, or town of less than \$400,000,000, as placed on the last completed and balanced tax rolls of the county preceding the date of the most recent tax levy;
- (b) Has a population within its jurisdiction of under 3,000 persons; and
- (c) Provides confirmation to the state auditor at the time it files its annual reports under RCW [43.09.230](#) that the cost of posting notices on a website of its own, a shared website, or on the website of the county in which the largest portion of the district's, city's, or town's population resides, would exceed one-tenth of one percent of the district's, city's, or town's budget.



RCW 42.30.077

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# SPECIAL MEETINGS



A **“special meeting”** is a meeting that is not a regular meeting. Can be called by presiding officer OR majority of the members.

### Notice of Meeting

**Written** notice, **24 hours** before the meeting of the **Time, Place** and **Business to be Transacted.**

*Exception: not required when the notice cannot be posted with reasonable safety.*

### How Notice is Provided

- To each member of the governing body (unless waived).
- To each local newspaper of general circulation, radio, and TV station which has a notice request on file.
- Posted on the agency’s website [with certain exceptions in RCW 42.30.080(2)(b)].
- Prominently displayed at the main entrance of the agency’s principal location and the meeting site (if not at the same location, or not remote).

RCW 42.30.080

# EMERGENCY SPECIAL MEETINGS

Notice is not required for a special meeting called to deal with an emergency\* when:

Time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

OR

The required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against.



\* Emergency means circumstances involving injury or damage to persons or property or the likelihood of such injury or damage.

RCW 42.30.080(4)

## REMOTE EMERGENCY MEETINGS



### Requirements for a remote meeting:

- Declared emergency at the local, state or federal level AND the agency determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance.
- Public must be able to listen, if not, meeting prohibited - except executive session.
- Notice of meeting must include remote participation instructions and otherwise comply with the OPMA notice requirements.

### Structure for an emergency remote meeting:

- *Option 1: Hold an all remote meeting without a physical location.*
- *Option 2: Hold a meeting with governing body present but some or all of the public excluded.*

Members of a governing body may participate in a meeting remotely, with no declared emergency, if otherwise permitted by agency policy or practice.

RCW 42.56.230

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## EXECUTIVE SESSION

**MEETING  
IN PROGRESS**

- Part of a regular or special meeting that is closed to the public.
- Limited to specific purposes set out in the OPMA, RCW 42.30.110.
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins.
- Time may be extended by further announcement.
- Purpose of executive session must be entered into the minutes.
- If going into executive session, have a plan for ensuring only invited people are allowed access.
  - Unique “meeting” for this part of the meeting.
  - Utilize waiting room feature and admit participants.

RCW 42.30.110

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## TRAVEL AND GATHERING

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action; action triggers the OPMA's requirements.

RCW 42.30.070



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## MINUTES

- Minutes of public meetings must be promptly recorded and open to public inspection.
- Minutes of an executive session are not required.
- No format specified in law.
- Executive session's purpose must be recorded in the minutes.
- If meeting provides remote option, add relevant information to the minutes like links & phone numbers.



RCW 42.30.035

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## OPMA PENALTIES

- Individual penalty.
  - **\$500** fine for the first violation.
  - **\$1,000** for subsequent violation.
  - **Costs and attorney fees.**
- Final action at illegal meetings may be declared void.



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## Open Government Ombuds



**OPMA Training**  
**Chapter 42.30 RCW**

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**TUMWATER CITY COUNCIL WORK SESSION**  
**MINUTES OF VIRTUAL MEETING**  
**May 14, 2024 Page 1**

**CONVENE:** 6:00 p.m.

**PRESENT:** Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Finance Director Troy Niemeyer, Police Chief Jon Weiks, Fire Chief Brian Hurley, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, and Parks and Recreation Director Chuck Denney.

**NEW MEDIC UNIT  
 PROPOSAL  
 BRIEFING:**

Fire Chief Hurley reported Thurston County Medic One has partnered with the City to provide Advanced Life Support (ALS) services in Tumwater and Thurston County since 1974. Seven paramedic units provide ALS level patient care throughout Thurston County. Medic One proposes adding an eighth medic unit based on increasing response time. Data analysis identified one the preferred locations for the new unit as Station T2 in Tumwater. The Medic One Operations Committee recommended to the Emergency Medical Services Council to enter into negotiations with the City of Tumwater on an agreement to host the proposed new medic unit.

Next steps include working with Medic One on language for a contract amendment. Based on a tentative agreement, the Tumwater Public Health and Safety Committee will receive a briefing on the proposal in July followed by consideration by the Council in July or August 2024. Medic One has indicated a timeline of August/September when the Board of County Commissioners would consider the amendment. If approved, the recruitment and hiring process would be initiated near the end of the year. The proposed unit would be placed in service by January 1, 2026.

Councilmember Althaus inquired about the process of incorporating two FTE positions within the budget. Fire Chief Hurley explained that the funding request would be included in the 2025/2026 biennial budget. Timing is dependent upon negotiations with Medic One in terms of hiring in 2024 for the new unit.

Councilmember Althaus inquired about the ability for Station T2 to accommodate additional staff. Fire Chief Hurley advised that conversations are in progress with facilities staff to discuss options. Medic One has indicated a willingness to share in costs of tenant improvements. The footprint of Station T2 would eventually need expansion to accommodate staff. Additionally, the City possesses blueprint drawings from the mid 90s for addition to the south end of the

**TUMWATER CITY COUNCIL WORK SESSION  
MINUTES OF VIRTUAL MEETING  
May 14, 2024 Page 2**

station.

Councilmember Dahlhoff inquired about the process and the City's role with Medic One to consider a new location for a station in terms of future forecasting of need. Fire Chief Hurley said the analysis did not consider new stations but evaluated existing fire stations because of the timeline. Moving forward, analysis could be completed. Discussions are underway about software capabilities through consulting firms to model future stations and outcomes if a new station was added to a specific location. The current analysis pertained only to existing locations.

**MUNIFIN 201 –  
EXPENDITURES:**

Director Niemeyer reported the briefing is the second in a series of four educational sessions.

The City's budget includes 28 different funds for both expenditures and revenue. A new fund will be added based on the Council's approval of the Public Safety Sales Tax Fund. The Tumwater Metropolitan Park District (TMPD) and the Transportation Benefit District (TBD) are two additional funds that are separate legal entities.

General categories of the different funds include General Government Funds designated to support general government functions (police, fire, community development, streets, and parks, etc.). Special Revenue Funds are tax accounts designated for specific purposes, such as the Affordable Housing Sales Tax. Other funds include Debt Service Fund, Capital Facilities Plan (CFP) Fund, ER&R Fund, and Proprietary Funds (Utilities and Golf Course).

Councilmember Cathey referred to the Domestic Violence Fund noting questions by the Council frequently on how the funds are utilized, the balance, and ways funds are accrued. Director Niemeyer described some ways the funds are utilized. The account balance is minimal. Councilmember Cathey inquired as to the Council's role in designating any funds during the budget process every two years. City Attorney Kirkpatrick advised that the revenue for the account is from an assessment by the court during sentencing for domestic violence cases, which explains the minimum balance. The funds are restricted to specific uses, such as treatment and training for domestic violence. The City assisted in sponsoring a domestic violence prevention training class several years ago. Other conversations centered on utilizing the funds for a kiosk to assist individuals who are seeking no contact orders by providing additional information. Use of the funds is restricted with the City not receiving much income for the fund requiring the City to accumulate a balance prior to expenditure of the funds. The Council has the option of adding more funds for domestic violence prevention. However, funds could also be included in the General Fund as the Domestic Violence Fund is specific to statutory fees the City receives.

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MINUTES OF VIRTUAL MEETING  
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Councilmember Cathey recommended adding a discussion on funding for domestic violence.

Director Niemeyer commented that the budget conversation often does not address smaller funds as some of the accounts serve one purpose, such as the Debt Service Fund while other funds include a low balance and activity levels. Utility Funds are funded from the specific utility through user fees and rates. Other funds are guided by strict rules as to the source of funds and expenditure, such as Lodging Tax. Some funds are also internally restricted, such as the Reserve Fund.

The General Fund compared to other funds is complex because of the number of funding sources and activities. The General Fund supports all primary government services.

Councilmember Dahlhoff said a constituent recently asked why the City's General Fund includes police and fire rather than establishing separate funds for those services. Director Niemeyer explained that all municipality budgets include police and fire services within the General Fund. A majority of the General Fund is funded by property and sales tax with no specific requirements for any one function. All functions share the revenue. Additionally, because of the number of functions funded by the General Fund, there are many competing priorities, which can lead to challenges in designating expenditures as needs for all functions require funding. The General Fund also funds all support services (IT, HR, Payroll, and Legal, etc.).

Governmental accounting is basically fund accounting used by all types of governments (local, state, and federal) focusing on maintaining tight control of resources and compartmentalizing the funds to help provide clarity to the public and how the City directs resources to various programs. Different funds for different activities promote transparency, provide information on performance, and demonstrate the City is utilizing taxpayer dollars wisely.

A fund is considered separate accounting entity with its own set of self-balancing accounts targeted for certain activities and objectives. A fund is not a separate legal entity. Funds assist the City in monitoring both inflow and outflow transactions.

Governmental accounting emphasizes budgetary control by the Council. Budgets are legally adopted financial plans. Passage of the budget scheduled later in the fall will convert the budget to a legal document that guides City spending and actions by the City. Budget amendments account for changes, such as receiving an unanticipated grant, an unexpected expenditure, or when funds are required for a specific item or function. Companies and nonprofits are not legally required to establish

**TUMWATER CITY COUNCIL WORK SESSION**  
**MINUTES OF VIRTUAL MEETING**  
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budgets. Government entities are required by law to have a budget.

Director Niemeyer described the process of transfers in and out of different funds. He cited some examples of the process using the TMPD and the TBD as examples. The TMPD is available for the City to transfer funds for expenses related to parks and other expenses eligible to receive the funds. The same principle applies to the TBD. The City completes transportation projects and transfers funds from the Fund to pay for the project(s).

Interfund charges are guided by state law. One fund cannot benefit at the expense of another fund. Transfer of money between funds must be fair, equitable, and an allowable transaction with each fund benefitting equally. An example is with the General Fund during an economic downturn experiencing a shortfall in funds. The City could transact an interfund loan from a utility fund, similar to a bank loan with interest. However, the City cannot arbitrarily transfer funds from the Utility Fund to the General Fund, as ratepayers of the utility must be protected. Another example is allocation of allowable costs from a utility fund, such as funding the process of staff processing utility billings by allocating a prorated share of employee salaries and benefits for the work completed on behalf of the utility.

The Washington State Constitution includes a provision prohibiting the gift of public funds. Government is not allowed to gift public funds or loan credit except for the necessary support of the poor and infirm. The purpose of the provision is to prevent public funds from benefitting private companies or private interests.

Councilmember Dahlhoff asked whether an example of legally using funds was when the City purchased a home for Homes First! or land for Habitat for Humanity homes. Director Niemeyer advised that the purchase of the house was with ARPA funds, which was allowed under the program. City Attorney Kirkpatrick added that the two examples are specifically allowed by statute.

Councilmember Cathey asked about the qualifications of poor or infirm that would enable the City to fund the utility assistance program. City Attorney Kirkpatrick advised that the programs are allowed by the statute as they specifically assist the poor and infirm. Typically, the same principles apply for programs that benefit households with low or median income. The City uses the Department of Housing and Urban Development (HUD) standards as well as other standards accepted for low and very low household incomes for City contracts for different human service contracts.

City Administrator Parks added that ARPA funds the City received were

**TUMWATER CITY COUNCIL WORK SESSION  
MINUTES OF VIRTUAL MEETING  
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specific to help people during the COVID pandemic. One of the programs was the contribution of the house to Homes First! Funds from the City’s Human Services Program are a good example of the requirement to ensure the City identifies that the intent of the funds is to serve the poor and the infirm.

Councilmember Althausser cited the MRSC website as a good source for explaining the appropriate use of public funds that meet the intent of the statute.

Director Niemeyer said laws and regulations pertinent to financial actions are based on fairness of the programs to the ratepayers and taxpayers, as well as protecting restricted sources of funds during budget shortfalls.

Director Niemeyer displayed a series of graphics showing the increase in inflation from 2021 to 2024. Although inflation is beginning to decrease, the graphic reflects the cumulative effect on the City’s budget over time, especially on capital projects, which have increased in cost three to four times more than originally forecasted.

A graphic on General Fund expenses by category was shared depicting police and fire consuming approximately half of the General Fund followed by parks, streets, and support functions. Most of the General Fund expenses are salaries and benefits for City employees. Other expenses are other charges for services, professional services, interfund transfers, and capital outlays for projects that are partially funded by Utility Funds.

Director Niemeyer invited questions.

Councilmember Cathey conveyed appreciation for the presentation and the explanation of the different funds.

Director Niemeyer said the next work session includes a review of debt financing followed by budgeting. In September, the Council is scheduled to participate in budget workshops.

**ORDINANCE NO.  
O2023-014,  
PROPOSED  
AMENDMENTS TO  
TUMWATER  
MUNICIPAL CODE  
CHAPTER 12.32  
PUBLIC PARKS:**

City Administrator Parks acknowledged the difficulty of the proposal as the City is not alone in addressing unhoused individuals. The City has compassion and empathy for people who are suffering because of personal actions or circumstances beyond their control. The City also understands the concerns of people who are concerned about the safety of their loved ones and protecting them from harm. City staff is appreciative of all those who have provided their thoughts and concerns throughout the process.

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The update covers the status of the proposal. Changes were proposed to Tumwater Municipal Code 12.32. The General Government Committee reviewed the proposed changes on November 8, 2023. The Council was scheduled to review the recommendation from the General Government Committee on November 21, 2023. However, the proposal was removed from the agenda in recognition of significant concerns by the community. The City pursued a public process to communicate the proposal within the community. The City engaged in a Community Conversation at Tumwater High School Commons on February 12, 2024. The original intent of the proposed changes was to expand the park rules governing how people behave in parks and to apply those rules to all City-owned properties to create consistent expectations, assist staff in consistent enforcement, and reduce confusion in the management of behavior for activities on City property.

The proposed changes speak to existing rules that regulate or prohibit certain activities, such as fire, garbage, littering, overnight parking, camping, use of tents, use of alcohol, noise, and loitering during the night. The proposal would extend the 26 rules to all City-owned property. Additionally, violations of the code were changed from a criminal offense to a civil infraction. Another proposed change assists in confirming the City's compliance with applicable federal case law often referred to as the "Boise Decision." The rules are not changed and do not promote establishment of homeless encampments or allow people to camp, litter, smoke, or engage in offense overnight behavior that is currently applicable to City parks. The proposal would apply the rules not only to City parks but also to all City-owned property. None of the changes allow or authorize any type of criminal behavior regardless of the location.

To comply with the Boise Decision, a new provision (12.32.065) was added to the code under the section prohibiting loitering during the nighttime suspending the enforcement of the section in situations where people are experiencing homelessness. Suspension of enforcement is only applicable to one particular rule and is not applicable to the prohibition on camping or fires. The new language does not suspend any of the existing 25 rules. It is important to note that each circumstance creates a different situation requiring discretion and decision-making by law enforcement.

Community concerns regarding the proposal were many. Community concerns pertained to homelessness response and affordable housing, maintenance and operations and the safety of City parks, trails, and properties, impacts on police and fire departments when responding to people experiencing homelessness, and concerns about the City's process for updating the ordinance and whether sufficient public notification had been provided to the community about the proposal.

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In November the City received more than 60 emails, which the City continues to receive. Approximately 120 people attended the Community Conversation with more than 50 feedback forms submitted. Concerns surrounded general themes of concerns of people and children being exposed to safety risks in parks, schools, and neighborhoods, a concern that the City was promoting overnight camping on City property and parks, increased costs for litter and police enforcement, and fears of increased crimes and criminal activity.

Staff is seeking general direction from the Council on potential alternative language. The first alternative is adoption of the proposed amendments as currently presented, which was recommended by the General Government Committee last November. A second and third alternative has been developed in response to public comments and recommendations from the community. The second alternative includes two sub-alternatives for adoption of the proposed amendments with modification of the language that would essentially allow the 26 rules to be applied to all City properties. The Council could delete the proposed amendment that speaks to compliance with federal case law (Boise Decision). The Council could also modify the language based on a staff language proposal to address community concerns. The last option is not adopting any proposed amendments.

City Administrator Parks said the federal case law that created the need and the requirement for the City to address those who are experiencing homelessness was appealed to the U.S. Supreme Court. The Court received oral arguments and is scheduled to render a decision by June 30, 2024. At that time, depending upon the legal framework, the City could be subject to additional or new requirements.

Councilmember Cathey asked about the circumstances that prompted the initial proposal. City Administrator Parks reported the General Government Committee reviewed the original proposal that generated some discussion. In 2018, the Ninth Circuit Court found that the City of Grants Pass, Oregon that had adopted a law that prohibited people from using blankets or cardboard to protect themselves from the elements was unconstitutional because it constituted a violation of those individuals' Eighth Amendment right, which is a ban on cruel and unusual punishment. The ruling created federal case law that most municipalities are currently operating under. Since 2018, the City has been operating under the federal case law. The proposal to add language was an affirmative action stating that the City of Tumwater was attempting to comply with federal case law. Tumwater's code addresses both camping and nighttime loitering. Jurisdictions are not required to allow camping; however, if individuals are sleeping within a City park or other public property, the law prohibiting the use of blankets or other material to

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protect themselves from the elements when there are no other alternatives is considered cruel and unusual punishment and is a violation of their Eighth Amendment right. She noted that sleeping in a park is allowable only if there is no other alternative place for the individual. Officers can contact the individual and offer placement to a shelter if a bed is available. Individuals have the right to reject a particular shelter because of shelter rules. If there is no other alternative, enforcement of that regulation of prohibition against nighttime loitering is not enforceable in that limited circumstance.

Councilmember Althaus said he understands that the Boise decision essentially ruled that a person cannot be arrested and prosecuted as the decision was limited to instances of criminality imposed by local ordinances in the form of misdemeanors or gross misdemeanors. However, some changes contemplated in the ordinance shift the enforcement penalty from a misdemeanor to a civil penalty because misdemeanors are subject to state statute with penalties. A civil fine would enable the City to include specific parameters, which assists in the City gaining some control. If the civil fine is adopted, he questioned whether the action would satisfy the Boise decision as opposed to a criminal penalty.

City Attorney Kirkpatrick explained that the proposal would satisfy the Boise decision; however, the Grants Pass decision was expanded to include civil penalties as well. The Grants Pass case is before the U.S. Supreme Court with an anticipated decision in June. The language in the draft is crafted around the Boise and Grants Pass decisions, but the attempt was to tailor what might be required by law. Currently, the rules only apply to the City parks. Expansion of the rules Citywide to all City property would apply to the no camping and no loitering actions, which is why an exception provision was included in the draft.

Councilmember Althaus questioned the outcome if the Council adopts changes imposing current enforcement mechanisms absent Boise compliant language for all City facilities. However, if the Council elects not to include the Boise provisions, it could result in the expansion of the City's risk and liability because of the additional facilities and the potential of not complying with laws.

City Administrator Parks advised that the U.S. Supreme Court is rendering a decision on the appeal of the Grants Pass decision by the 9<sup>th</sup> Circuit Court. Staff is waiting for the decision as well as seeking direction from the Council on the direction of the parks ordinance.

Councilmember Jefferson inquired as to the person who determines that there is no other alternative for housing the homeless. City Administrator Parks responded that each incident of contact with an

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individual is when the decision occurs. Only one self-managed shelter facility is located in the City of Tumwater; however, she is not aware whether the facility is considered an emergency shelter. Other shelter beds are available. Each incident and circumstance requires discretion and decision-making by police officers. The ordinance is intended to provide the authority.

Councilmember Swarthout cited several different scenarios and asked about potential outcomes based on the proposal. City Administrator Parks advised that the proposal adds language to address any question regarding the City's compliance of the Grants Pass and Boise decisions by adding new language in section 12.32.065. The proposed changes also shift the penalties away from criminal to civil infractions.

Councilmember Dahlhoff suggested the option of deferring a decision until the Supreme Court issues a decision. She asked Chief Weiks to share experiences by police officers. Police Chief Weiks responded by explaining that every situation is different. All actions by the police are based on prioritization. Potential enforcement is on the lower rings within the department's response model. The proposal is mainly about providing the department with authority and the ability to enforce. The department does not want to impose criminal penalties for a homelessness issue. Officers strive to assist individuals to the extent possible by relocating them to housing or moving them to a safer environment. The intent is not to arrest someone for being houseless.

City Administrator Parks cited a sub-option other than the proposal by modifying TMC 12.32.065 to reflect:

*“Enforcement of TMC 12.32.020(F) nighttime exclusion shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.*

*At all times, regardless of the availability of shelter space or beds, it is unlawful to camp or store personal property, including camp facilities and camp paraphernalia, at any time in the following locations:*

- A. Where such activity poses:
 
  - i. a substantial danger to any person,*
  - ii. an immediate threat or an unreasonable risk of harm to public health or safety, or*
  - iii. a disruption to vital government services.**
- B. In or upon any conservation lands, environmentally sensitive or geologically hazardous areas, or any natural areas abutting rivers, streams, creeks and their tributaries.*

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*C. Within one thousand (1,000) feet of a park, a daycare center or childcare facility (as defined in RCW 35.63.170(3-4)), or a public or private school (as defined in RCW 28A.150.010 and RCW 28A.195.010)).”*

The next step is to receive direction from the Council in terms of moving forward with changes or not moving forward at this time.

Councilmember Von Holtz asked about the circumstance of adopting a modification that is contrary to the decision by the Supreme Court decision and the timeline for City compliance with the decision.

City Attorney Kirkpatrick said the question is difficult to answer with unknowns surrounding the decision by the Supreme Court. City Administrator Parks added that a decision on whether to regulate the use of City property is not likely to be affected by the decision. However, changes to the code that change the penalties of a violation from a criminal or misdemeanor to a civil infraction may or may not be impacted by the Supreme Court decision. At some point, the City has the ability to enforce and impose fines for violations of codes and regulations adopted by the City.

City Attorney Kirkpatrick noted that the changes moving the violation from a criminal/misdemeanor to civil infractions as well as the additional due process provision that applies to the exclusion is an attempt to comply with other changes in law and with the direction of the Council for moving away from criminal charges. Those changes would align with the Boise and Grants Pass cases. The sections of the draft would likely not be impacted by the Supreme Court decision in the Grants Pass case. The only provision that could potentially be impacted is TMC 12.32.065 suspension language. The court's decision should not affect the extension of the 26 rules applying to all City properties.

Councilmember Cathey asked about the proposal with respect to responding to the concerns addressed by community members. City Attorney Kirkpatrick explained that the proposed modified language included in the staff report is an attempt to address the issues raised by the public throughout the process. The language is also from other state statutes and other Washington cities that have withstood challenges.

Councilmember Cathey commented that the public has perceived the proposal as expanding the possibility of camping in parks. City Administrator Parks explained that the overall perception of the proposed changes was the potential of encouraging camping, encampments, RVs parked in parking lots for extended periods, and other challenging situations that cities have been dealing with for many years in terms of managing housing affordability and for those who cannot afford other

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alternatives. There were also suggestions from the community not to adopt the proposal. When the proposal was first introduced, the Supreme Court had not rendered a decision to consider the appeal of the 9<sup>th</sup> Circuit Court decisions. The community views the issue as a major concern largely because of the 2018 decision that caused such an impact on communities.

Councilmember Agabi commented on the pending issue of the Supreme Court decision and recommended delaying any action until the court's decision is released. City Administrator Parks affirmed the suggestion is another option to consider. Staff could also draft a proposal that does not include section 12.32.065 or other changes for review.

Following extensive comments by Councilmember Althaus on the different degrees of homelessness between the jurisdictions, the lack of shelter space in the City of Tumwater, the City's adherence to the Boise decision, and uncertainties as to how adoption at this time might require another amendment and process, he recommended delaying any action until the Supreme Court renders a decision. The remaining members of the Council supported delaying action until the Supreme Court issues a decision.

**DAVIS MEEKER  
GARRY OAK TREE  
UPDATE:**

City Administrator Parks provided an overview on the status of the Davis-Meeker Garry oak tree located off Old Highway 99 near the Olympia Regional Airport.

The issue was instigated when a large 18" diameter branch fell from the tree onto Old Highway 99 in spring 2023 within the southbound lane and in the area between the highway and the parking lot of the historic hanger. Following the incident, staff requested the City's contracted arborist, Kevin McFarland, complete a risk assessment of the tree. Mr. McFarland began the assessment in June 2023. He was assisted by an aerial arborist to evaluate the tree at the point where the tree failed. Another arborist completed sonic tomography at the base of the tree. Mr. McFarland provided a report on the risk assessment in October 2023.

Staff researched the unique circumstance surrounding the tree as the tree is listed on the Historic Register and is designated as a Heritage Tree. Staff considered the implications of the report from Mr. McFarland and identified next steps and the process.

Initially, the issue was presented to the Historic Preservation Commission as the tree is listed on the historic register and the Commission has oversight over the register to evaluate instances where a property or building could be delisted. The Commission completed its work and review at its April meeting. Administrative review has been ongoing on alternatives, situational awareness, and options and

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obligations on how to manage the status of the tree and the results of the risk assessment.

The three arborists participating in the risk assessment are all ISA certified arborists as well as tree risk assessment certified. Generally the findings identified the tree as healthy from the exterior but there is significant internal decay and because of the extent of the decay, the foundation of the tree is compromised. The risk assessment found that future failures are likely to occur. Because of the likelihood of future failures and the multiple potential targets located within the area of the tree, it was determined that the tree poses a high risk to public safety. The risk assessment was reviewed by many other arborists who provided feedback. It was also reviewed and validated by the City of Olympia urban forester, who is a certified arborist and risk assessment certified and municipal forestry certified. The urban forester indicated the City arborist and the report used sound methodology and the assessment was beyond what is required for a risk assessment.

The City's highest priority is to protect public safety. There is significant risk and a belief that there is high risk of injury and potentially death and/or serious damage if a future failure occurs.

Staff contacted the Washington Cities Insurance Authority as the City's insurance provider. WCIA reviewed the assessment report and recommended removing the tree because of the significant risk the tree poses to public safety.

An administrative decision was rendered to remove the tree following careful consideration of all information received including public comment. Because of the City's duty to protect public safety and the probability of future failure, the removal of the tree is an administrative decision. The City issued a Request for Proposals from qualified contractors from the MRSC small works roster. Staff anticipates the tree will require one crane and possibly two cranes to remove the tree safely and securely. Removal will require a road closure of Old Highway 99. Staff anticipates removal of the tree at night and/or during a weekend to ensure the highest level of safety and the least disruption and impacts to traffic.

In recognition of the tree's historical significance and importance to the community to continue honoring and commemorating the tree, the City is planning a community engagement process to seek input from the community to assist the City identify ways to commemorate the tree and the history it represents. The community engagement will be sponsored through a joint multiple advisory board process with the Tree Board and the Historic Preservation Commission and the Parks and Recreation Commission over several joint meetings over the next several weeks to

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consider ideas and potential strategies developed by staff and through public comment. The City will a survey to the larger community asking respondents to provide input on three potential strategies involving roadside interpretation where the tree exists either through public art or a commemorative sign with parking or a pullout area. Last October, Parks and Recreation staff collected and planted several acorns. Mr. McFarland also gathered and planted some acorns. The survey will query the community as to locations to plant acorns from the tree. Other input is desired on how to utilize reclaimed wood from the tree. The RFP includes a requirement to work with the City to maximize the ability to use reclaimed work from the tree.

Following the survey, another joint meeting of the board and commissions would be convened to review survey results and recommend strategies to pursue over the next several months/years to honor and commemorate the important piece of Tumwater's history.

City Administrator Parks shared that the decision was difficult as the City has a strong history of honoring and commemorating its history and trees through a robust urban forestry program. Concurrently, the City cannot ignore its responsibility to protect the public. The goal is working with the community to find ways to continue honoring the tree and its historical significance in a different and meaningful way.

Mayor Sullivan said the action was difficult. She contacted the Chehalis, Squaxin Island, Nisqually, and the Cowlitz Tribes to learn about any significance the tree may represent to the tribes. She continues to receive information from the tribes. The tribes will be included in the public process. The decision was not considered lightly. She shared that she also lost a beloved trees in her yard when it fell on the roof during a storm in mid-December 2006. Her neighbor almost lost his life when a tree fell on his home during the night. Her concern is public safety and potential injuries caused by the tree or limbs falling along a major highway. She supports the decision knowing it has been a difficult decision.

Councilmember Althauser questioned the funding source for the RFP process and contract. City Administrator Parks advised that the action is an emergent situation that might require a budget amendment for consideration by the Council.

Director Niemeyer advised that it is likely the City would have the funds to cover the cost and if not, a budget amendment would be proposed.

Councilmember Dahlhoff asked about the presentation to the Tree Board because during the meeting of the Historic Preservation Commission Director Denney mentioned that the presentation was included on the

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Tree Board agenda three times. She asked about the timing of community engagement and contact with the tribes during the process. City Administrator Parks reported the Tree Board's March 11, 2024 included a discussion on the tree report. The Tree Board received a copy of the report when it was released. The Tree Board was not scheduled to take any action other than the issue was associated with the Board's work on trees.

Mayor Sullivan advised that she contacted the tribes in the last several weeks.

City Administrator Parks said the incident occurred last spring and the recommendation to remove the tree was not until fall 2023. When the City received the report in October, staff began exploring next steps and options. The community engagement process was through the Historic Preservation Commission. The proposed survey is intended to provide an opportunity for community input.

Councilmember Cathey commented that much of the activity occurred behind the scenes and long before the Council was aware of the issue. Close to nine months, staff worked on the issue. She believes the decision was already determined and that many of the proposed efforts are to cover up. The Historic Preservation Commission voted unanimously not to remove the historic designation of the Davis-Meeker Garry oak tree. Many members of the Commission have been in the community for generations who love the tree. The process disregarded the Commission's unanimous decision. The Council had no input. It is important to understand the City's form of government as the Mayor can make the decision without benefit of the Council's input and feedback. The action was an executive staff decision to remove the tree. She stressed that as a Councilmember for the City of Tumwater in 2024 she did not vote, approve, appreciate, or concur with the decision. The decision is not right and it damages the relationship with the community. Both arborists indicated the tree is not dead and that it was possible to work on the tree and monitor its health. She added that she is disappointed, angry, and extremely sad about the tree's removal as it is one of the most dishonoring actions by the City.

Commissioner Von Holtz acknowledged that leaders often have to render difficult decisions that likely would not please everyone. She understands the decision was not easy as well as the importance of public safety; however, she does not understand the timeline. The branch fell in June 2023 with the risk assessment was completed in October 2023. Yet, the Council was not informed until March 2024, a lapse of nine months. The Council was never advised nor had an opportunity to learn about the suspected issue with the tree or that a branch had fallen from the tree putting the public at risk. That action causes her some pause and she is

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hopeful the issue is a lesson learned in managing expectations and transparency.

Mayor Sullivan acknowledged the concerns and the difficulty of the decision. Staff plans to move forward. The location has not been removed from the historic register. Moving forward, honoring the site will be adjusted.

**MAYOR/CITY  
ADMINISTRATOR'S  
REPORT:**

There were no reports.

**ADJOURNMENT:**

**With there being no further business, Mayor Sullivan adjourned the meeting at 8:24 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, psmsoly@earthlink.net

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**CONVENE:** 7:00 p.m.

**PRESENT:** Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausser, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainable Director Dan Smith, Transportation and Engineering Assistant Director Mary Heather Ames, Police Lieutenant Carlos Quiles Jr., Water Resources and Sustainability Program Manager Patrick Soderberg, Transportation Operations Manager Marc LaVack, and City Clerk Melody Valiant.

**CHANGES TO  
AGENDA:**

**MOTION:** **Councilmember Von Holtz moved, seconded by Councilmember Dahlhoff, to add a discussion on the Davis-Meeker Oak Tree under Council Considerations. A voice vote approved the motion unanimously.**

**SPECIAL ITEMS:**

**NEW POLICE  
OFFICER  
INTRODUCTION –  
JAVKHLAN  
BATTUMUR:**

Police Lieutenant Carlos Quiles Jr. introduced newly hired Police Officer Javkhlán Battumur. Joining the Tumwater Police Department is a testament to his dedication to the community, his character, his motivation, and dedication. He successfully graduated from the Police Academy and the Field Training Program. He was born in and spent the first five years of his life in Mongolia. At five years of age, his family immigrated to the United States and settled in Colorado where he parents live today. Officer Battumur enlisted in the U.S. Army and served eight years. He continues his service as a member of the Washington National Guard. He joined the Tumwater Police Department in March 2023 and spent the first four months attending the pre-academy training program. He completed the Basic Law Enforcement Academy on November 14, 2023.

Officer Battumur acknowledged the Police Department and expressed his thanks to members of his team for their guidance and support.

Mayor Sullivan and the Council welcomed Officer Battumur to the City and the Tumwater community.

**PROCLAMATION:  
PUBLIC WORKS**

Councilmember Swarthout read a proclamation declaring *Public Works Week, May 19-25, 2024*. The proclamation urges the people of

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**WEEK, MAY 19-25,  
2024:**

the City of Tumwater to learn about the City's public works facilities and services, and to recognize Water Resources and Sustainability and Transportation and Engineering employees for the substantial contributions they make to protect health, safety, comfort, and quality of life in Tumwater.

Water Resources and Sustainability Program Manager Patrick Soderberg and Transportation Operations Manager Marc LaVack accepted the proclamation on behalf of public works employees. This year the theme for National Public Works Week is Advancing Quality of Life for All. Public works employees conduct activities that promote and sustain safe and healthy conditions for the community. The theme recognizes the value of the community's infrastructure and the public services performed by public works staff.

Manager LaVack added that Public Works Week affords an opportunity to celebrate all public works employees that silently work to support a thriving community.

Manager Soderberg thanked the Council for recognizing *Public Works Week* on behalf of the two departments and colleagues who work together to provide daily public works services.

**PUBLIC COMMENT:**

**Beowulf Brower** said he is an arborist and is advocating for the retention of the Davis-Meeker oak tree. He has attended many meetings concerning the tree and reviewed the reports in detail. The City's arborist, Kevin McFarland, made multiple mistakes in his assessment of the tree. When pressed to explain the mistakes, Mr. McFarland said they were innocent typographical errors. Accidents do happen, but the number of errors in a report that took months to author totaling half a dozen pages represents sloppy work or a report written for a means to an end. The tree deserves better. A place that calls itself a Tree City should categorically reject such shoddy work. After a branch fell last summer, three arborists physically inspected the tree. Only Mr. Burton and McFarland published reports. Mr. Burton inspected the tree using sonic tomography similar to a MRI for plants that provide a two dimensional internal view of the tree. His findings revealed that the tree is currently stable and recommended pruning to reduce future risks. Mr. McFarland hired an arborist to climb the tree and strike it repeatedly with a mallet while he listened from the ground upwards of 40 feet away. During the examination, he determined the tree should be removed. Notwithstanding the extreme differences and thoroughness of the inspection methodology, it is an even tie between the arborists to remove or retain the tree. An action wrought by fear and fueled by faulty data will, in the final sense, constitute a theft and irrevocable deprivation of this exemplary tree from future generations of both man and creature. The Mayor's

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decision is an affront to nature, the citizenry, arboriculture, and statistics. The odds of being injured by a tree are astronomically low, a well documented fact. He forwarded a paper from the National Institutes of Health to the Council to demonstrate the position. Notwithstanding, the other lack of communication about the decision to remove the tree with a single stakeholder is a valid code challenge as well. By condemning the tree against the decision of the City Council, the Historic Preservation Commission, and the citizens of Tumwater, the Mayor and City Administrator are in violation of Tumwater Municipal Code 2.62.060, which stipulates that any person including mayors, seeking to demolish an historic structure need to be granted a waiver by the Historic Preservation Commission. To date, no waiver has been granted. As such, neither the Mayor nor the City Administrator has the authority to order the tree cut down. Furthermore, there is nothing in the municipal code that authorizes the Mayor to initiate a high dollar contract absent a vote from the Council. He implored the Council to make a motion barring any expenditures related to the removal of individual trees absent a Council or Tree Board vote in perpetuity. Instead, use the Tree Fund to hire a consulting arborist to review the case for and against the tree.

**Ray Gleason** reported on August 26, 2023, the Davis-Meeker Oak Tree Summary of Recent Actions and Status was noted by Tumwater and not released to the public. On that statement his name is noted as one of 18 external stakeholders. He was listed as Ray Gleason, Arborist, but was never contacted. He questioned how many of the other 18 individuals were contacted. The summary also includes references to tribes as some of the stakeholders. He questioned how many if of the tribes were contacted. This is very disappointing from a public standpoint. He asked to retract and work more effectively from a public perspective. He would prefer working towards an amicable solution. There is time for an appropriate assessment using appropriate science and analysis before rendering management decisions that will forever impact what is available to be shared with future generations. A tree with such historic significance deserves patience while being mindful of safety.

**Karina Murphy** said she has been a member of the Tumwater community for 11 years and what is happening with the Meeker oak saddens her. The Meeker oak is visually healthy and based on the arborist's review proper trimming should address any dead branches. The species is a protected species. She has a Garry oak tree in her yard. The tree is historic and is over 400 years old. She conducted a survey of her neighborhood on whether the City should schedule a public hearing before cutting or removing the tree. She was able to collect 62 affirmative responses supporting a public hearing before moving forward with any kind of action to cut, trim, or otherwise

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harm the tree. She asked whether the road expansion is creating the issue. It does not make any sense that the City is moving fast as more time is required with proper arborist reports to render a decision during a public hearing. She expressed disappointment with the Council and with the Mayor and is hopeful the Council will move forward with an open process as it should be, as she believes the country has moved away from hiding politics.

**Walt Jorgensen** reported several individuals have weighed in on the Davis-Meeker Garry oak tree. They include Mr. Brower who works for the state and Robert Van Pelt who is the preeminent big tree authority in the nation. Both gentlemen explained why the tree is not at the end of its existence and should not be abruptly terminated for no good reason. Mr. Brower shared all his material with the Council and he is hopeful the Council will choose to consider his research and analysis and share it with the public at the next regularly scheduled Council meeting. He is also sure Mr. Van Pelt would be glad to share his evaluation with the Council. He is an owner of trees on properties in Olympia, Tumwater, and 10 acres in south Thurston County. He receives monthly offers to purchase his timber. He is placing the south county trees in a conservation easement with Capitol Lake Trust following the lead of several neighbors. He would no sooner allow the David-Meeker oak tree to be terminated or trespass on what was Jack's property and cut one of his trees down. His trees are old at nearly 200 years. The Davis-Meeker oak tree is a poster child for the rights of nature in the county. Mr. Jorgensen cited some petitions in Olympia and Tumwater on other issues supporting nature and encouraged the community to contact him at [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net) to learn about the rights of nature. Anyone interested in learning about plans for the Davis-Meeker Garry oak should attend the Tumwater City Council on June 4, 2024. He encouraged everyone to read the lead article in the *Jolt* about saving the tree in an open letter to Tumwater Mayor Sullivan and City Administrator Parks submitted by Scott D. Baker, registered consulting arborist. The bottom line is that the Mayor and City Administrator made the wrong decision.

**Jesse Brighten, Whidbey Island**, reported he is a certified arborist and qualified tree risk assessor with over 20 years experience within the industry in the state. The assessments on the tree he reviewed are incredibly suspect in terms of City staff. He spoke in support of previous speakers and colleagues who have spoken out at the Council meeting and at other City meetings. Many options short of removal are available to salvage the tree for an extended period. Crown reduction can offer over 50% stability. Limitations are inherent in sonic tomography. The City's arborist report includes egregious errors in his risk assessments. Sounding is typically an indication of

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where to conduct advanced assessments. A level 3 assessment of a climbing assessment of the entire crown with sonic tomography could potentially reveal decay pockets with most mitigated with crown reduction, cabling, and retrenchment pruning, which is championed in European countries. Some of the oak trees in the Sherwood Forest written about in literature are over 900 years old and there is no reason why the Garry oak tree could not be a potential candidate for similar treatments. He is also interested about tribal input into the process as the tree is a cornerstone and has existed pre-settlement, pre-colonization, and pre-Isaac Stevens.

**Janice Klinski** said she is upset about the Davis-Meeker oak tree. Each time she drives past the tree near the airport, she feels that the tree is a survivor, which is empowering and inspiring to her personally. Until a few days ago, each time she drove by the tree she considered how wise the City was to keep the tree located next to the highway. People who retained the tree in its present location were wise. Thankfully, people are appreciating this beautiful piece of nature. The tree adds much to the surrounding area. She recently learned that the City was considering removal of the tree. She finds that difficult to comprehend. She reviewed all the reports and none of the arborists believe the tree is dead and needs to be removed. A falling branch from the tree would not fall on people as no one is ever under the tree. She implored the Council to listen to real arborists as the tree is a valuable asset for the community and brings a feeling of peace and strength. She asked the Council and Mayor to listen to the arborists as well as to the community.

**Sue Surkura, 20103 Harrison Avenue, Olympia,** said the Davis-Meeker oak tree is an historical tree that served as landmark for the Oregon Trail and is an indigenous native species. She asked the Council to find a way to preserve the living historical landmark. She acknowledged the Council's patience and goodwill and would be happy to help to include raising funds for the project or other help the City might need working together with professional arborists, such as Scott Baker and Ray Gleason. She would be happy to donate her time, believes in the Council's wisdom and experience, and knows members will find a way.

**Lawrence Jacobson, 2628 112<sup>th</sup> Way SW, Scott Lake,** said the decision to remove the tree also affects him as well. When he drives by the tree he feels the ghost of the tree. He moved to the area from Chicago in 1969 to conduct a land use study of Thurston County. At that time, there was much open space, thriving small farms selling delicious strawberries, blueberries, and summer vegetables. Only 17,000 people lived in the county then. Then large tracts of land were turned into urban zones with little public input. Many of the

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developers came from California and there were few regulations. Farms like Roy's Strawberry Farm with its unique soil became a golf course and large tracts of housing areas. This type of development was repeated consistently. Another example of this unbridled greed occurred when Mr. Mottman, who owned a store downtown died. He was working in the basement of the courthouse annex and observed a group of realtors cheering about his death as they could develop the westside the way they wanted. Today, approximately 300,000 people live in Thurston County with crime, homelessness, and drug use out of control. A great example is the recent development of 93<sup>rd</sup> Avenue SE. Old-timers were horrified to see the rural landscape turned into a sea of warehouses and tacky residential developments. No bike lane was built and the developers could not be bothered to put in a crosswalk to allow a 97-year old woman cross the street to visit her 75-year old daughter. Now the City wants to remove the Jack Davis oak. Most of the tree specialists so far agree that the tree could be saved at lower cost than cutting it down. He urged the Council not to remove the tree.

**Andrew Jacobson, 2628 112<sup>th</sup> Way SW, Scott Lake,** said the oak tree should be saved. The tree has existed for a long time and was here before the nation became a country. It would be a real loss to not have the tree and it appears input from many experts have indicated there are a million ways to keep the tree standing and healthy.

**Rhonda Larson Cramer, 1814 Eastside Street, Olympia,** said she owns 20 acres of forested land on Old Highway 99 and 93<sup>rd</sup> Avenue. She echoed prior comments, as she wants to speak about the Garry oak. She thanked Councilmembers for all the hard work they do, as it is not easy being an elected official. She respects the work of the Council. People make mistakes. It is okay to make a mistake because it can always be fixed. She asked the Council to fix the mistake. There is also a tendency of humans to focus on safety, which is a good thing, but the ideas of safety make people take notice more than other concepts. She believes that also causes overreaction sometimes, which is what is occurring in this situation concerning the safety issue as trees such as Garry oaks have a certain way of growth where they have a hollow tube surrounded by a sturdy shell supporting much weight. She believes there has been a kneejerk reaction as to the safety of the tree without consideration of the species. The species of the tree must be considered. Being a forester and tree farmer, she has noticed a tendency among people in the tree industry to have an immediate opinion about the lack of safety of trees and recommending removal of a tree. It is really an overreaction from what she sees as the actual chances of the tree hitting people is minimal. It is a societal change that needs to happen when considering trees and safety from her perspective as a tree farmer.

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**Skip McConkle** said he has lived in the county for many years and lives off Trosper Road. He suggested the status of the tree should be subject to the vote of the people similar to prior actions in Olympia. He cited community actions to save Olympia's isthmus. He commented on his work in Seattle on a mansion installing a roof working with logs delivered from Forks, Washington. He moved to Rosalyn, Washington to get away from the city, which eventually became the site of a TV movie. He suggested there is time to save the tree but that it needs to be groomed. He suggested not removing the tree and continue exploring options as the tree needs some assistance.

**Sarah Stewart** said she lives in Tenino off Old Military Road SE and drives by the oak tree each time she shops at Costco. She loves the tree. The tree is beautiful and has outlived humans. She implored the Council to seek out an expert because that specific species has an unusual way of growing unlike other trees. She asked the Council to take the time and ensure everyone is able to know what is occurring with the tree. On her way to the meeting, she stopped by the tree and was unable to observe the public notice sign until after she drove away from the area as the sign is posted parallel to the road. She suggested the City should do a better job of communicating to the community because she learned about the plight of the tree by reading Next Door earlier in the day. She felt compelled to attend the meeting with her children because the tree is so beautiful.

**Pamela Hansen, PO Box 14521, Tumwater,** said she did not plan to offer comments but believes it would be a disservice and non-participation. She echoed everyone's previous comments. Some people sent emails to the City to include her email. She also visited City Hall after the radio news report. She is hopeful the information will be included in the record along with all the public testimony.

**Savannah Stewart** referred to her mother's testimony. She said the tree is super old and although she understands it is the choice of the Council to remove it or retain it, she really likes the tree and does not think the tree should be cut down because people could be hurt removing the tree. She does not want people to get hurt because that would be bad because when people are hurt bad things can happen. The tree should live longer so people can appreciate the tree. She really likes the tree and believes it should remain.

- CONSENT CALENDAR:**
- a. Approval of Minutes: City Council, May 7, 2024
  - b. Payment of Vouchers
  - c. Ordinance No. O2024-001, Updates to Title 15 (2021 Building Code Update)
  - d. Ordinance No. O2024-003 Establishing a new fund "Public

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- Safety Sales Tax”
- e. Resolution No. R2024-003 Percival Creek Fish Passage Barrier Removal #22-1161
- f. Enterprise Resource Planning System Contract Amendment No. 2
- g. Interlocal Data Share Agreement with the State Auditor’s Office
- h. Law Enforcement Records Management System Interlocal Data Share Agreement with the State Auditor’s Office
- i. Memorandum of Understanding with the Cities of Lacey, Olympia, and Yelm for a Housing Displacement and Racially Disparate Impacts Analysis for the Housing Element of the 2025 Comprehensive Plan Periodic Update

**MOTION:** **Councilmember Althausser moved, seconded by Councilmember Von Holtz, to approve the consent calendar as published. A voice vote approved the motion unanimously.**

Mayor Sullivan reviewed the items approved on the consent calendar.

**PUBLIC HEARINGS:**

**RESOLUTION NO.  
R2024-004 SIX-YEAR  
TRANSPORTATION  
IMPROVEMENT  
PROGRAM:**

Assistant Director Ames briefed the Council on the annual process for updating the City’s Six-Year Transportation Improvement Program (TIP). The process serves as the foundation for transportation funding within the State of Washington. Each city/jurisdiction prepares a list of transportation projects for the next six years to serve as the local TIP. The lists are submitted through local planning organizations. For the Thurston region, Thurston Regional Planning Council (TRPC) serves as the local planning organization. TRPC submits local TIPs to the state to form the State Transportation Improvement Program (STIP). Although the TIP is comprehensive, not all projects listed in the TIP are achievable as the TIP includes as many projects as possible to ensure the City is positioned to apply for many different types of funding.

Changes to the TIP are grouped into three main categories of removals, modifications, and additions. Projects underway and anticipated for completion this year include the I-5/Trosper project, Israel-Linderson Way Bicycle and Pedestrian Improvements, and the Linwood Avenue Sidewalk. Those projects have been removed from the TIP.

A new project is the Somerset Hill Fish Passage Barrier Removal project that was amended into the 2024 TIP/STIP earlier in the year and is carried forward to the 2025 TIP.

Assistant Director Ames reviewed the status of several projects. The Tumwater Boulevard Interchange project is in the first phase of design

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to improve the interchange for safety and to accommodate growth occurring in the area.

The City continues the Pavement Maintenance Program funded primarily by the Transportation Benefit District. The project improves the quality of life for users of the street network in the City.

The Somerset Hill Fish Passage Removal project has secured funding.

Nearly \$45 million is planned in grant funding with over \$50 million in local funds totaling over \$95 million. The process of the TIP is not financially constrained. Staff will continue efforts to ensure completion of the project list.

Assistant Director Ames requested that following the public hearing, the Council approve Resolution R2024-0-04 adopting the City’s TIP for 2025-2030.

Councilmember Swarthout pointed out that the list of projects is not prioritized. Assistant Director Ames affirmed the order of the list is not prioritized but are numbered to tie the projects to the list and map and for the online program for submittal of the TIP to the state.

Councilmember Althausser noted that the City has received funding for some of the trail improvements for Deschutes Valley Drive. One of the challenges is the need for civil engineers on staff to deploy the funds.

Mayor Sullivan opened the public hearing at 7:59 p.m.

With there being no public testimony, Mayor Sullivan closed the public hearing at 8:00 p.m.

**MOTION:**

**Councilmember Swarthout moved, seconded by Councilmember Althausser, to approve Resolution R2024-004, the proposed Six-Year Transportation Improvement Program (TIP) Update for 2025-2030, as recommended by the Public Works Committee at their May 9, 2024 meeting. A voice vote approved the motion unanimously.**

**COUNCIL  
CONSIDERATIONS:**

**DAVIS-MEEKER OAK  
TREE DISCUSSION:**

Councilmember Von Holtz reported on the receipt of an email from a constituent who mentioned a permit acquired by the City in February 2024. That timeline created some confusion, as the action was not included during the Council’s discussion during a recent work session

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or during a briefing on the issues surrounding the tree in March 2024.

City Administrator Parks advised that the discussion was not included on the agenda as previously requested by Councilmember Von Holtz because of the lack of time to prepare information on all dates with certainty. Based on availability of accurate dates, the tree branch fell on May 16, 2023. The initial tree assessment by Kevin McFarland was completed on June 14, 2023. The aerial arborist completed an evaluation on June 29, 2023. Sonic tomography of the tree was completed on August 27, 2023. The report from Kevin McFarland was delivered to the City on October 10, 2023. She and the Mayor were first informed of the incident on October 11, 2023 during a Director's quarterly update meeting. On November 28, 2023, the City received information from WCIA regarding the tree. The gap in time is attributed to the level of City activity in terms of staff identifying the situation based on the receipt of an official arborist report recommending removal of the tree. A staff meeting was held on December 8, 2023 to discuss the different implications of the report and recommendation, as well as the recommendation from WCIA and City codes related to the Davis-Meeker Garry oak tree including the historic preservation code, tree codes, and other codes related to tree permits. An additional staff meeting was held on February 22, 2024. Some information regarding the meeting is missing other than there were discussions, research, and analysis completed during the holidays, as well as some illnesses experienced by several key staff members. A Friday update email with two attachments was forwarded to the Council on March 1, 2024. Both attachments included timelines and the status of the Davis-Meeker Garry oak tree. Several notifications during the ensuing months included public notifications and Facebook postings, etc. The Council's work session on March 11, 2024 included the first discussion about the oak tree. The Tree Board met on March 11, 2024 and received information concerning the tree and several public comments. The Historic Preservation Commission held a meeting on March 21, 2024 and a second meeting on April 18, 2024. A Friday update email to the Council was sent on April 19, 2024 followed by a Council work session on May 14, 2024. During the period of time between March 1, 2024 and today, several other individual conversations with Councilmembers have occurred with the Mayor and the City Administrator.

The information regarding the permit Mr. Brower received in response to his public records request was a permit application that was not reviewed nor approved. A permit application was completed in late February 2024 for tree removal in anticipation of needing a permit for removal, which is the typical process when a tree is being requested for removal. Concurrently, more questions and additional research

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from constituents, as well as from Councilmembers on options occurred. During the same timeframe it was determined that it would be possible to address the Davis-Meeker Garry oak tree administratively because of the hazard condition the tree posed to public safety. City Attorney Kirkpatrick can provide legal analysis for removal of the tree.

Councilmember Dahlhoff asked whether the administrative action voids the requirement for a permit application. City Administrator Parks affirmed an administration action does not require a permit based on the hazardous tree condition and the determination of the City's arborist, which determined it was a hazard tree. Under those circumstances, a tree permit is not required.

Councilmember Dahlhoff remarked that the confusion surrounded the collective process for input and next steps. She questioned why an application was completed prior to the information presented to the Council. City Administrator Parks advised that at that point in time, staff understood based on the unique situation that in order to issue the permit to remove the tree, a delisting of the tree from the register was required first. At that time, that process was understood by staff, which is why the permit application was submitted. The communications plan included all the steps and reflected that the application should be filed to trigger the request to the Historic Preservation Commission to recommend delisting the oak tree.

Councilmember Althaus referred to public comments referencing the section of the municipal code requiring the Historic Preservation Commission to approve removal of an object or an entity from the register. He asked whether the Mayor's authority falls under an emergency provision that essentially makes the action exempt from the requirement.

City Attorney Kirkpatrick advised that there are two issues. The action by the Mayor does not require an emergency declaration or implementation of the Mayor's emergency powers. The code does include an exemption from the waiver provision of the Historic Preservation Commission's actions for emergency measures, which is different from emergency powers. The situation is unique in that the City has no other trees listed on the Historic Register, which was not developed to list trees but rather to list buildings. An exemption for emergency measures exists when surrounding structures and people are in danger or at risk.

Councilmember Cathey clarified for the public testifying that the Council was not involved in the decision to remove the tree. The Council was informed that it lacked the power to render a decision.

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The Council was engaged only in a few discussions at the May 11, 2024 work session. During those conversations, she conveyed a preference for preservation of the tree rather than removal. The Council has had no level of input nor has the Council voiced an opinion other than during an executive session where it was conveyed that the Council did not have a role in the decision. During the timeline of those conversations, the Council's knowledge of the issue was similar to the public's knowledge. The Historic Preservation Commission convened two meetings, researched the issues, and reached a unanimous recommendation to save the tree. The removal of the tree is a decision of the Mayor and the City Administrator and it is important for the public to believe the Council is not letting them down or not listening to the community.

Councilmember Dahlhoff remarked that she remains unclear as to whether the tree is an emergency or not an emergency, as the language is similar under the exemption provision. She questioned how an administrative action occurs and whether it is considered an emergency. City Attorney Kirkpatrick said administrative action is not an emergency in terms of declaring an emergency or enacting emergency powers. The action is an administrative function as the City owns the tree and a property owner has a duty to remove a hazard tree. The City administratively and the Mayor, as the Executive, have a duty for public safety to remove a tree that could be dangerous to the public. That duty exists regardless if the tree is on the historic register. The emergency is the danger. The historic preservation code includes an exemption for emergency measures that are not considered a declared emergency as any property owner might have an emergency that needs to be addressed quickly.

Councilmember Dahlhoff acknowledged the explanation but indicated the challenge is the process as the Council was included to make a decision only to learn that it was not the responsibility for the Council to render a decision. That is the challenge moving forward as all the discussions included a request for feedback, which in the end is not factored into the decision. An administrative function should not include discussions seeking the Council's input.

City Administrator Parks responded that the situation is unique to the City. The tree is listed on the historic register as well as a designated heritage tree. The tree is dangerous. Staff has been discussing what the appropriate approach should be. Initially, the issue before the Council was if the Historic Preservation Commission had recommended delisting the tree, the Council would have acted to either approve or deny the recommendation. That is the only decision that has been presented to the Council in terms of conversations, presentations, and information conveyed from staff despite the

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confusion created in February. The decision by the Council was not whether the tree should be removed or saved. It was part of the conversation in all the staff presentations to the City Council.

Councilmember Dahlhoff said that although she does not doubt the explanation, she does not recollect conversations that spoke to the administrative function. City Administrator Parks replied that the issue has been confusing as it is a unique situation that has never occurred.

City Administrator Parks added that Kevin McFarland is the City's contracted arborist. He is ISA certified and is a tree risk assessment qualified arborist. He has cared for the Davis-Meeker Garry oak tree for 27 years. He took time from June 2023 through October 2023 to evaluate all the information from his own research and knowledge and research and information he obtained from other arborists who assisted him. His recommendation is a legitimate recommendation from a qualified professional arborist with decades of experience in this region and with the tree. His report was reviewed voluntarily by the City of Olympia's urban forester, who is also an ISA certified arborist with a tree risk assessment qualification and who has a municipal specialist designation. In his emails to the City both unsolicited and requested, he indicated that his review of the report found that Mr. McFarland's methodology was appropriate, accurate, and that the City of Tumwater by hiring two additional arborists went above and beyond what is necessary to demonstrate due diligence and understanding of the impacts of the potential failure of the tree. Failures of the tree or portions of the tree are not theoretical, they have occurred on May 16, 2023. On the Next Door application, a comment was posted by an individual who indicated they were driving down the highway two years ago when a branch from the tree fell in front of the vehicle. She indicated that if she left her home 30 seconds earlier, the branch would have hit her vehicle. It took her and six other people to remove the branch from the road. In March 2024, two people in Issaquah five miles apart were killed in vehicles by falling trees. In November 2018, during a storm, three people in the state were killed by falling trees with two of them in vehicles. A report completed by Kent State University on human fatalities from wind related tree failures in the United States from 1995 to 2007 documented 407 deaths from wind-related tree failures in the United States. The most common cause was from thunderstorms followed by high winds, tropical cyclones, tornadoes, and snow and ice. Most of the victims were males with a median age of 44 years. The most common location of the fatality was in a vehicle.

The tree presents a significant safety risk for people who live in Tumwater and travel the road every day. The issue is not about road

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maintenance or rerouting a road. The current plan for the Old Highway 99 corridor maintains the right-of-way alignment around the tree. The issue is not related to airport expansion but it is about a dangerous tree that will fail at some point in the future. Fortunately no one has been harmed or killed, which is why the tree is recommended unanimously by staff to the Mayor to be removed.

Councilmember Dahlhoff noted that with risks inherent in trees as shared by the City Administrator, she asked about the assessment of all trees in the City and what action the City has pursued to mitigate the risk since May 16, 2023.

City Administrator Parks advised that no mitigation actions have occurred to the oak tree. However, an inventory of all street trees has been completed. She is unsure whether the inventory includes risk assessments of trees. Risk assessments are typically completed when requested by the property owner.

Councilmember Dahlhoff emphasized that since trees often pose a risk based on the examples, the City should be addressing all trees in the City. City Administrator Parks advised of following up with information after checking to determine if the action has been accomplished as a component of the tree inventory.

Councilmember Von Holtz conveyed appreciation for the explanation as she worked for the Department of Transportation for over decade and is familiar with dangerous tree removal. She is also familiar with the expanded timeline because originally, the Council was led to believe that the branch incident occurred in June and not May. It has been a year and if such a danger and emergency exists, she questioned why the City did not act to mitigate any kind of risk. Based on community feedback received, the community is requesting another assessment. Although she understands the concerns surrounding the risk, it has been a year since the failure.

City Administrator Parks recounted the dates of the failure of the tree, tree assessment, and recommendation for removal. The City has not performed any mitigation on the tree since then. The only mitigation to ensure public safety was to close the highway and reroute traffic from Tumwater Boulevard to Henderson Boulevard. Staff determined that decision would be untenable at this time. She is responsible for the confusion associated with the issue, as it was complicated because the different factors that would result in a decision were unknown at that time.

Councilmember Cathey commented that it appears the issue with the tree began with removal of the tree rather than considering

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preservation or mitigation options. Mr. McFarland's assessment stated that the tree is not dead and some preservation methods could be implemented to save the tree. She questioned why the decision was only for removal without consideration of other options, and what prompted the assessment of the tree in June 2023.

City Administrator Parks explained that the 18-inch diameter branch that fell onto the highway instigated an assessment of the tree as well as the amount of decay present in the branch. Following the incident and after observation of the tree and branch, staff requested a risk assessment.

Councilmember Cathey advocated for pursuing another assessment of the tree because the tree is historical and spiritual and marks the end of the Cowlitz Trail connecting to the Oregon Trail. The tree is important to Native Americans. The tree is not just a dangerous tree in the City, it is an historical living being that is over 400 years old and deserves another assessment.

City Administrator Parks agreed the tree is significant and historical and is important to the City of Tumwater. Assessment of the tree was not from a position of removing the tree but rather the intent was to assess the tree because of a condition that appeared to be dangerous. The City received a recommendation from its arborist to remove the tree as well as from the City's insurance authority. Mr. McFarland acknowledged in his report that there are alternatives but even with those alternatives his recommendation was to remove the tree.

Councilmember Cathey reiterated her request for another assessment of the tree.

Mayor Sullivan commented that she realizes the community is grieving the loss of the tree because she equates the situation to a person who looks healthy but learns after visiting the doctor that they have terminal cancer. That shock often takes a very long time for a person to come to terms with. There are also times when it not possible to treat the cancer. She understands the public, the City, and everyone else is experiencing a similar realization as to the actual health of the tree and the reality of what will happen to the tree as it could be compared to the death of a family member. However, she cannot allow the tree to jeopardize humans. She referred to a flyer forwarded to Councilmember Cathey that will be provided to the public for information on the tree.

Councilmember Dahlhoff remarked that it is not necessary for everyone to agree but that a better resolution occurs from having the discussion. The one issue of concern is the reason for the submittal of

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a tree removal application if the original intent was not to remove the tree. That timing is concerning. She expressed appreciation for sharing the information because the decision was not easy and likely challenging. She thanked staff for sharing the information but is still is troubled by the decision while understanding it is not the Council’s decision.

**COMMITTEE  
REPORTS:**

**PUBLIC HEALTH &  
SAFETY:  
*Peter Agabi***

The meeting on May 14, 2024 resulted in a recommendation to the City Council to surplus Police Canine James. Officer Mize who was his handler for nine years will have the opportunity to purchase James. Members received a presentation from Police Lieutenant Carlos Quiles on the use of force by police officers in Tumwater.

**GENERAL  
GOVERNMENT:  
*Michael Althaus***

Items on the May 8, 2024 meeting agenda were included within the Consent Calendar approved earlier by the Council.

**PUBLIC WORKS:  
*Eileen Swarthout***

The next meeting is scheduled on Thursday, May 23, 2024. The agenda includes consideration of a Construction Contract with Active Construction, Inc. for the Interstate 5/Trosper Road/Capitol Boulevard Reconfiguration Project, Request for Additional Construction Funds and an Interlocal Agreement with City of Olympia for the Mottman Road Pedestrian and Street Improvements Project.

**BUDGET AND  
FINANCE:  
*Debbie Sullivan***

The next meeting has not been scheduled at this time.

**MAYOR/CITY  
ADMINISTRATOR’S  
REPORT:**

City Administrator Parks reported the Tumwater Valley Golf Course is hosting WIAA State Golf Championship with 44 high schools from across the state participating.

The Council will receive information on the amount of the City’s allocation from the recent opioid settlement of \$47 million.

**COUNCILMEMBER  
REPORTS:**

***Angela Jefferson:***

Councilmember Jefferson reported on some progress by Tumwater HOPES. Since the last meeting, the group hosted a function on May 21, 2024 featuring a media awareness film on screen time and impacts on mental health of youth and young adults. Members are planning to create partnerships with Family Education and Support Services (FESS) to share information on ways to guide good choices with the

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community. During the drug take back event, 84 lbs of medicine was collected with plans to offer another event in October. Members also plan to collaborate with the Opioid Response Task Force to provide medical lockboxes to the community.

Earlier in the day, Councilmember Jefferson attended Experience Olympia and Beyond Board of Directors meeting. Members discussed the status of the Thurston County Destination Master Plan. The plan guides the region into the future to create a master area to attract visitors. Because of some pushback from local officials, an informational briefing will be presented to local jurisdictions on the destination marketing plan.

***Peter Agabi***

At the May 8, 2024 Transportation Policy Board meeting, members reviewed and discussed the call for projects process and received a briefing on the 2024 Congestion Management Process (CMP).

At the May 13, 2024 the Joint Animal Services Commission meeting, members reviewed potential sites for the new animal facility. The Executive Director plans to present information on the new facility to the Council in the near future.

***Joan Cathey:***

Councilmember Cathey reported on her attendance to the Olympic Clean Air Agency and the Regional Housing Council meetings.

***Kelly Von Holtz:***

There were no meetings and no report.

***Leatta Dahlhoff:***

At the last LOTT Clean Water Alliance Board meeting, members engaged in budget and strategic planning and adopted a policy for public comment similar to Tumwater's policy.

***Michael Althausen:***

At the last Regional Housing Council meeting, members appointed new members to the Affordable Housing Workgroup and Homeless Services Workgroup. Tumwater is represented on both workgroups. Members approved the 2024 funding awards of several contracts with local non-profits and public organizations for cold and hazardous weather, human services funds, anti homelessness funds, and affordable housing funding recommendations totaling approximately \$17 million to help support the housing and human services system countywide. The recommendations were forwarded to the Thurston County Board of County Commissioners for approval. Members agreed to author a letter in support of a potential mobile home project in Olympia.

***Eileen Swarthout:***

The 40<sup>th</sup> anniversary of the Olympic Women's Marathon event was a success with participation from runners from across the country. Tony Ventrella, former TV news personality, served as the MC for the

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event.

**ADJOURNMENT:**           **With there being no further business, Mayor Sullivan adjourned the meeting at 8:56 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

TO: City Council  
 FROM: Shelly Carter, Assistant Finance Director  
 DATE: June 04, 2024  
 SUBJECT: Payment of Vouchers

1) Recommended Action:

Staff is seeking City Council ratification of:

- May 17, 2024, payment of Eden vouchers 174043 to 174046 in the amount of \$670.67; and Enterprise vouchers 183413 to 183467 in the amount of \$171,318.70 and electronic payments 904298 to 904313 in the amount of \$202,089.28.
- May 24, 2024, payment of Eden vouchers 174047 to 174055 in the amount of \$1,512.66; and Enterprise vouchers 183468 to 183549 in the amount of \$414,337.50 and electronic payments 904314 to 904339 in the amount of \$707,482.26; and wire payments in the amount of \$50,599.29

2) Background:

The City pays vendors monthly for purchases approved by all departments. The Finance Director has reviewed and released the payments as certified on the attached Exhibit(s). The full voucher listings are available upon request of the Assistant Finance Director. The most significant payments\* were:

<b>Vendor</b>		
THURSTON ECONOMIC DEVELOPMENT COUNCIL	25,000.00	2023 SERVICE AGREEMENT & MAKER SPACE
TUMWATER SCHOOL DISTRICT	50,022.00	IMPACT FEES FOR MARCH/APRIL
REED TRUCKING & EXCAVATING, INC	171,781.36	PE#9 ISRAEL RD & LINDERSON WAY WATER MAIN
WA ST DEPT OF REVENUE	50,599.29	SALES AND USE TAX 4/1/24 – 4/30/24
AWC EMPLOYEE BENEFIT TRUST	145,098.36	MAY COLLECTION FOR JUNE PREMIUMS
ENVIRONMENTAL SYSTEMS RESEARCH INST	30,167.50	ESRI SMALL GOVERNMENT ANNUAL SUBSCRIPTION
SYSTEMS FOR PUBLIC SAFETY, INC	32,852.81	2023 Ford – Police Interceptor Vehicle Prep
SYSTEMS FOR PUBLIC SAFETY, INC	33,016.90	2023 Ford – Police Interceptor Vehicle Prep
VAR TECHNOLOGY FINANCE	55,438.46	GETAC SECURITIES/ACCESSORIES/WARRANTIES (CONTRACT)
LEOFF HEALTH & WELFARE TRUST	53,537.38	MAY COLLECTIONS FOR JUNE PREMS POL MD
LOTT WASTEWATER ALLICANCE	583,732.84	APRIL 2024 LOTT FEES

Vendor		
WA ST DEPT OF REVENUE	50,599.29	APRIL 2023 EXCISE TAX

\* Includes vouchers in excess of \$20,000, excluding routine utility payments.

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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:

- Ratify the vouchers as proposed.
- Develop an alternative voucher review and approval process.

---

5) Fiscal Notes:

The vouchers are for appropriated expenditures in the respective funds and departments.

---

6) Attachments:

- A. Exhibit A – Payment of Vouchers – Review and Approval
- B. Exhibit B – Payment of Vouchers – Review and Approval

## EXHIBIT "A"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

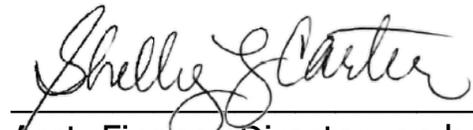
Enterprise ERP

Voucher/Check Nos 183413 through 183467 in the amount of \$171,318.70

Electronic payment Nos 904298 through 904313 in the amount of \$202,089.28

Eden

Voucher/Check Nos 174043 through 174046 in the amount of \$670.67



Asst. Finance Director, on behalf of the Finance Director

Checks dated 05/17/2024

## EXHIBIT "B"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Enterprise ERP

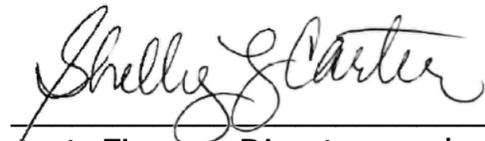
Voucher/Check Nos 183468 through 183549 in the amount of \$414,337.50

Electronic payment Nos 904314 through 904339 in the amount of \$707,482.26

Wire Payment in the amount of \$50,599.29

Eden

Voucher/Check Nos 174047 through 174055 in the amount of \$1,512.66



Asst. Finance Director, on behalf of the Finance Director

Checks dated 05/24/2024

TO: City Council  
FROM: Jon Weiks, Chief of Police  
DATE: June 4, 2024  
SUBJECT: R2024-008 Surplus Canine James

---

1) Recommended Action:

Approval for the Mayor to sign R2024-008 Surplus Canine James

---

2) Background:

After nine years of service, it is time for K9 James to retire. K9 James has been under the constant care of his handler, K9 Officer Russell Mize, throughout his working life. Officer Mize has expressed his desire to purchase K9 James and we believe it is in the best interest of the City to sell K9 James to Officer Mize than to sell him by some other means. As we did in 2026 with K9 Otis, this resolution will declare K9 James surplus property and sets the terms for Officer Mize to purchase K9 James.

---

3) Policy Support:

2023-2024 Strategic Priority: *“Provide and Sustain Quality Public Safety Services”*

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4) Alternatives:

None

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5) Fiscal Notes:

K9 James would be sold to Officer Mize for \$1.00.

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6) Attachments:

- A. Resolution R2024-008 Surplus Canine James
- B. Retired Police Service Dog Agreement

**RESOLUTION NO. R2024-008**

**A RESOLUTION** of the City Council of the City of Tumwater, Washington declaring police service dog “James” as retired and surplus to the City’s needs and authorizing the sale of James to his handler, Officer Russell Mize, according to the Retired Police Service Dog Agreement.

**WHEREAS**, in 2016, the City purchased a Dutch Shepard named James, who after nine years of service is being retired; and

**WHEREAS**, the Tumwater Police Department has determined that James is no longer needed for current operations; and

**WHEREAS**, James has been under the constant care of his handler, Officer Russell Mize, for his working life; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to sell James to his handler rather than sell him by some other means;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:**

**Section 1. Surplus Declaration.** Police Service Dog “James” is retired and hereby declared surplus to the needs to the City of Tumwater.

**Section 2. Sale to Handler.** James shall be sold to Officer Russell Mize according to the terms of the Retired Police Service Dog Agreement, attached hereto as Exhibit “A”.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

**Section 4. 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 5. Effective Date.** This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED** this 4th day of June, 2024.

CITY OF TUMWATER

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Debbie Sullivan, Mayor

ATTEST:

---

Melody Valiant, City Clerk

APPROVED AS TO FORM:

---

Karen Kirkpatrick, City Attorney

## Retired Police Service Dog Agreement

Effective June 10, 2024, The City of Tumwater (“City”) and [K9 Handler] Russell Mize (“Caregiver”) agree to the following regarding the disposition of “James”, a retired police service dog formerly with the City of Tumwater Police Department K9 Unit.

1. Caregiver acknowledges that City has determined that the above referenced police service dog (“the dog”) is no longer of benefit to City.
2. Caregiver agrees to purchase the dog from City for the sum of \$1.00.
3. Caregiver agrees to purchase the dog voluntarily and solely at his own request.
4. Caregiver acknowledges that Caregiver is assuming the care giving duties for the dog voluntarily and not at the direction of any person associated with City.
5. Caregiver agrees to assume all care giving costs incurred by owning the dog, including but not limited to: food, shelter, grooming and medical expenses.
6. Caregiver acknowledges that the pay incentive normally granted to active Tumwater Police Department K9 officers will not continue if Caregiver is not a current K9 officer.
7. Caregiver agrees to indemnify, hold harmless, and defend City, including its City Council, officers, agents, and employees from any and all liability, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses of litigation or arbitration, that result or are claimed to have resulted directly or indirectly from the wrongful or negligent acts or omissions of the Caregiver while Caregiver owns the dog or from the acts of the dog after the date of this Retired Police Service Dog Agreement (“Agreement”).

- 8. Caregiver agrees to maintain and, upon request, present evidence to the Risk Manager that Caregiver has reasonable insurance coverage for homeowners or renters.
- 9. Caregiver understands that the dog has received training in police canine procedures and tactics, including attack training and other forms of aggressive conduct. Caregiver warrants that they are fully aware of the dog’s training and history. Caregiver warrants that they are fully capable of safely handling the dog.
- 10. Caregiver agrees that this Agreement contemplates personal performance by Caregiver and is based on determination of Caregiver’s unique competence and experience in caring for Police Service Dogs. Caregiver agrees not to sell, assign or transfer any rights to the dog.
- 11. Caregiver and City agree that this Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the Caregiver and City.
- 12. Caregiver and City agree that this Agreement constitutes the entire agreement of the parties regarding the subject matter described herein and supersedes all prior communications, agreements and promises, either oral or written.

CITY OF TUMWATER

CAREGIVER

\_\_\_\_\_  
Lisa Parks, City Administrator

\_\_\_\_\_  
Russell Mize [K9 Handler]

APPROVED AS TO FORM

APPROVED AS TO CONTENT

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney

\_\_\_\_\_  
Jon Weiks, Chief of Police

TO: City Council  
 FROM: Mary Heather Ames, Assistant Transportation & Engineering Director  
 DATE: June 4, 2024  
 SUBJECT: Interlocal Agreement with City of Olympia for the Mottman Road Pedestrian and Street Improvements Project

1) Recommended Action:

Approve and authorize the Mayor to sign the Interlocal Agreement with the City of Olympia for the Mottman Road Pedestrian and Street Improvements Project.

This Interlocal Agreement was recommended for City Council consent calendar by the Public Works Committee at their May 23, 2024 meeting.

2) Background

The Mottman Road Pedestrian and Street Improvements Project is a pedestrian and roadway improvement project jointly undertaken by the City of Olympia and the City of Tumwater to provide corridor congestion relief and pedestrian safety through grant funding from WSDOT’s “Connecting Washington – Road and Highway Projects” program. The project proposes to improve failing pavement, provide new striping and bike lanes, new 8-foot sidewalk, a pedestrian crossing, landscaping/street trees, and street lighting on this multi-modal corridor.

The project has been set up with the City of Olympia acting as the lead on the project with oversight from Tumwater on its portion. Within Tumwater, the project will be constructed from Mottman Court along Mottman Road west to RW Johnson Boulevard for a total distance of approximately 750 feet.

Tumwater’s portion of the project accounts for approximately 25% of the total Connecting Washington program funding. The project is estimated to be completed within the available funding of \$7,608,000. Those funds cover the project from start to finish, including pre-planning, survey, design, construction, and construction management.

3) Policy Support:

- C. Create and Maintain a Transportation System Safe for All Modes of Travel; and
- C. 2. Bike and pedestrian system improvements

4) Alternatives:

- Suggest changes to the agreement.

5) Fiscal Notes:

This project is fully funded by the State of Washington “Connecting Washington – Road and Highway Projects” program and does not require a City match.

6) Attachments:

- A. Interlocal Agreement with the City of Olympia for the Mottman Road Improvements

**INTERLOCAL AGREEMENT  
BETWEEN  
THE CITY OF OLYMPIA AND THE CITY OF TUMWATER  
FOR  
THE MOTTMAN ROAD PEDESTRIAN AND STREET IMPROVEMENTS PROJECT**

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each partner is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each partner to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City of Olympia (OLYMPIA) and the City of Tumwater (TUMWATER) agree as follows:

**1. Purpose/Objective**

The purpose of this Agreement is for OLYMPIA to act as the lead agency for the project administration and management of the Mottman Road Pedestrian and Street Improvements project in partnership with TUMWATER. OLYMPIA will administer State grant funding for the design and construction of the Project in cooperation with TUMWATER with respect to improvements within the Tumwater Right-of-Way.

**2. References**

In this Agreement, the following words will be referenced as set forth below:

**Mottman Road Pedestrian and Street Improvements** shall be referred to as PROJECT.

**City of Olympia** shall be referred to as OLYMPIA.

**City of Tumwater** shall be referred to as TUMWATER.

**Cities of Olympia and Tumwater** shall be referred to as PARTNERS.

**Washington State Connecting Washington Grant** shall be referred to as GRANT.

**Washington State Department of Transportation** shall be referred to as STATE.

### **3. Scope of Agreement/Work**

OLYMPIA shall act as the lead agency and manage design, right-of-way/easement acquisitions, permitting, and construction of the PROJECT through the use of consultant(s) (See Exhibit A for Project Description).

TUMWATER shall provide timely direction, oversight, and review of project improvements within Tumwater city limits. TUMWATER shall assist in communication with Tumwater commercial businesses and/or property owners adjacent to Olympia right-of-way.

### **4. Execution of Project Phases/Responsibilities**

#### **Design Phase**

Design costs shall be divided into Olympia Pedestrian Bridge, Olympia Street and Pedestrian Improvements, and Tumwater Street and Pedestrian Improvements.

OLYMPIA will be responsible for the design of both the Olympia Pedestrian Bridge and Olympia Street and Pedestrian Improvements within Olympia right-of-way.

TUMWATER shall be responsible for the Tumwater Street and Pedestrian Improvements within Tumwater right-of-way.

#### **Right-of-Way and Construction Easement Phase**

Right-of-way and easement costs shall be the responsibility of the respective city where right-of-way and construction easement(s) are acquired.

OLYMPIA will be responsible for Right-of-way and Construction Easement Acquisition. TUMWATER will assist in this process with respect to communications and negotiations with Tumwater business and property owners.

TUMWATER does not intend to pursue acquisition of additional right-of-way for any City of Tumwater improvements. OLYMPIA will contact TUMWATER if right-of-way is determined to be needed. TUMWATER will review the need for right-of-way and shall preapprove any acquisition prior to work authorization.

### Construction Phase

Construction costs shall be divided based on Project Bid Proposal Schedules as follows: Olympia Pedestrian Bridge, Olympia Street and Pedestrian Improvements, and Tumwater Street and Pedestrian Improvements. OLYMPIA shall be responsible for the Olympia Pedestrian Bridge and Olympia Street and Pedestrian Improvements cost per Schedule. TUMWATER shall be responsible for the Tumwater Street and Pedestrian Improvements per the Schedule.

### Project Close-out Phase

OLYMPIA will coordinate with TUMWATER on processing, transferring, or recording any legal documents, sureties, warranties, and bonding required as part of the PROJECT.

## **5. Joint Board**

This Agreement creates no separate legal entity and no joint board.

## **6. Payment and Funding**

### Division of Project Funding

Each PARTNER shall be independently responsible for the cost of their portion of the PROJECT. The PROJECT has been funded by the GRANT with a total value of \$7,608,000. Based on proposed improvements developed in the preliminary design phase, the estimated cost split of construction in Olympia and Tumwater is 75%/25% respectively based on the estimated cost to design and construct Olympia Street and Pedestrian Improvements and Tumwater Street and Pedestrian Improvements. This split of GRANT funding excludes the cost of the Olympia Pedestrian Bridge as OLYMPIA agrees to cover the cost of the bridge in full. Exhibit B is the Vicinity Map for the project and shows the full limits of the project.

Each PARTNER agrees to extend this cost split allocation to cover the Design Phase, Right-of-way and Construction Easement Acquisition Phase, and Construction Phase of the PROJECT. OLYMPIA is allocated \$5,706,000 (75%) and TUMWATER is allocated \$1,902,000 (25%) of the available grant funds to complete their portion of the PROJECT.

### Cost Overruns

All Design, Right-of-way and Construction Easement Acquisition, and Construction cost overruns will be covered by both OLYMPIA and TUMWATER according to the jurisdiction where the cost overrun will be incurred. In the event of a cost overrun in Design, Right-of-way and Construction Easement Acquisition, or Construction within Tumwater city limits, work shall not be authorized until verified and approved by TUMWATER in writing. Cost estimates for overruns must be provided in advance to Tumwater for review and approval that specifically pertain to the Tumwater portion of

the project, the unforeseen nature of the overrun, and must be clearly quantified in detail.

#### Cost Underruns

A goal of the PROJECT is to use 100% of the GRANT funding. If there are unused funds from either PARTNER'S portion of the GRANT at the end of the PROJECT, that PARTNER agrees to give back to the PROJECT all monies not spent. This will allow the other PARTNER to use unspent monies for their portion of the PROJECT to ensure full expenditure of the GRANT.

### **7. Method of Payment**

As OLYMPIA acts as the Lead Agency in administering this project, OLYMPIA shall provide project progress reports to TUMWATER quarterly reflecting phase completion percentages and costs expended to date.

TUMWATER shall invoice OLYMPIA quarterly for Tumwater Staff time spent in direct support of the Project for which Tumwater is requesting reimbursement.

### **8. Indemnification & Insurance**

The CITY OF TUMWATER and the CITY OF OLYMPIA each agree to defend, indemnify and hold the other, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with each entity's respective performance of its responsibilities under the Agreement, except to the extent such injuries and damages are caused by the negligence of the other.

### **9. Duration of Agreement**

This Agreement shall be effective until PROJECT Final Acceptance has been granted unless otherwise terminated in the manner described under the termination section of this Agreement.

### **10. Termination of Agreement**

This Agreement may be terminated upon 30 days' notice to the other partner using the method of notice provided for in this Agreement.

**11. Entire Agreement**

This Agreement sets forth all terms and conditions agreed upon by OLYMPIA and TUMWATER and supersedes any and all prior agreements oral or otherwise with respect to the subject matter addressed herein.

**12. Counterparts**

This Agreement may be executed in a number of identical counterparts which, taken together, constitute collectively one Agreement; but in making proof of this Agreement, it is not necessary to produce or account for more than one such counterpart. Additionally, (i) the signature pages taken from separate individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (ii) a facsimile signature or an electronically scanned signature, or an electronic or digital signature where permitted by law, must be deemed to be an original signature for all purposes. All executed counterparts of this Agreement are originals, but all such counterparts, when taken together, constitute one and the same Agreement.

**13. Posting or Recording**

Prior to its entry into force, this Agreement shall be posted upon the websites of the parties or other electronically retrievable public source or filed with the Thurston County Auditor's Office or as required by RCW 39.34.040.

**14. Employment Relationship**

Employees of each agency shall remain at all times under the direction and control of their original agency and the performance of work for any other agency pursuant to this Interlocal Agreement shall not change that relationship for any purpose. Neither agency shall be deemed to have agreed to pay the other agency's employees any wages or benefits afforded to its own employees. Further, each agency's responsibilities to its own employees for work place injuries shall remain unchanged by this Interlocal Agreement.

**15. Notice/Contract Representative**

Any notice required under this Agreement shall be to the partner at the address listed below and shall become effective three days following the date of deposit in the United States Postal Service.

CITY OF OLYMPIA  
 Attn: Jeff Johnstone, P.E.  
 Re: Mottman Road Interlocal Agency Agreement with Tumwater  
 PO Box 1967  
 Olympia, WA 98507-1967

[jjohnsto@ci.olympia.wa.us](mailto:jjohnsto@ci.olympia.wa.us)  
(360) 753-8290

CITY OF TUMWATER  
Attn: Bill Lindauer, P.E.  
Re: Mottman Road Interlocal Agency Agreement with Olympia  
555 Israel Road SW  
Tumwater, WA 98501  
BLindauer@ci.tumwater.wa.us  
(360) 754-4140

**16. Records**

Olympia and Tumwater will provide records, documents, and other project information as requested by the other Partner. Each partner shall maintain its own public records and shall be solely responsible for responding to records requests received about the subject matter of this interlocal. Any public records request addressed to the group as if this interlocal created a separate legal entity, shall be deemed to be a request received by each member individually. Each member shall respond separately, unless agreed to otherwise in writing and properly documented. Each partner agrees to cooperate with the other when records are in the other partner’s possession and must be obtained to respond to a public records request.

**17. Interpretation and Venue**

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of this agreement shall be the Superior Court of Thurston County.

**18. Effective Date**

Once fully executed, this Agreement shall take effect as of the date of filing or posting as required by RCW 39.34.040.

**CITY OF OLYMPIA**

**CITY OF TUMWATER**

\_\_\_\_\_  
Steven J. Burney, City Manager

\_\_\_\_\_  
Debbie Sullivan, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

Approved as to form:

---

Annaliese Harksen, Deputy City Attorney

---

Karen Kirkpatrick, City Attorney

## Exhibit A

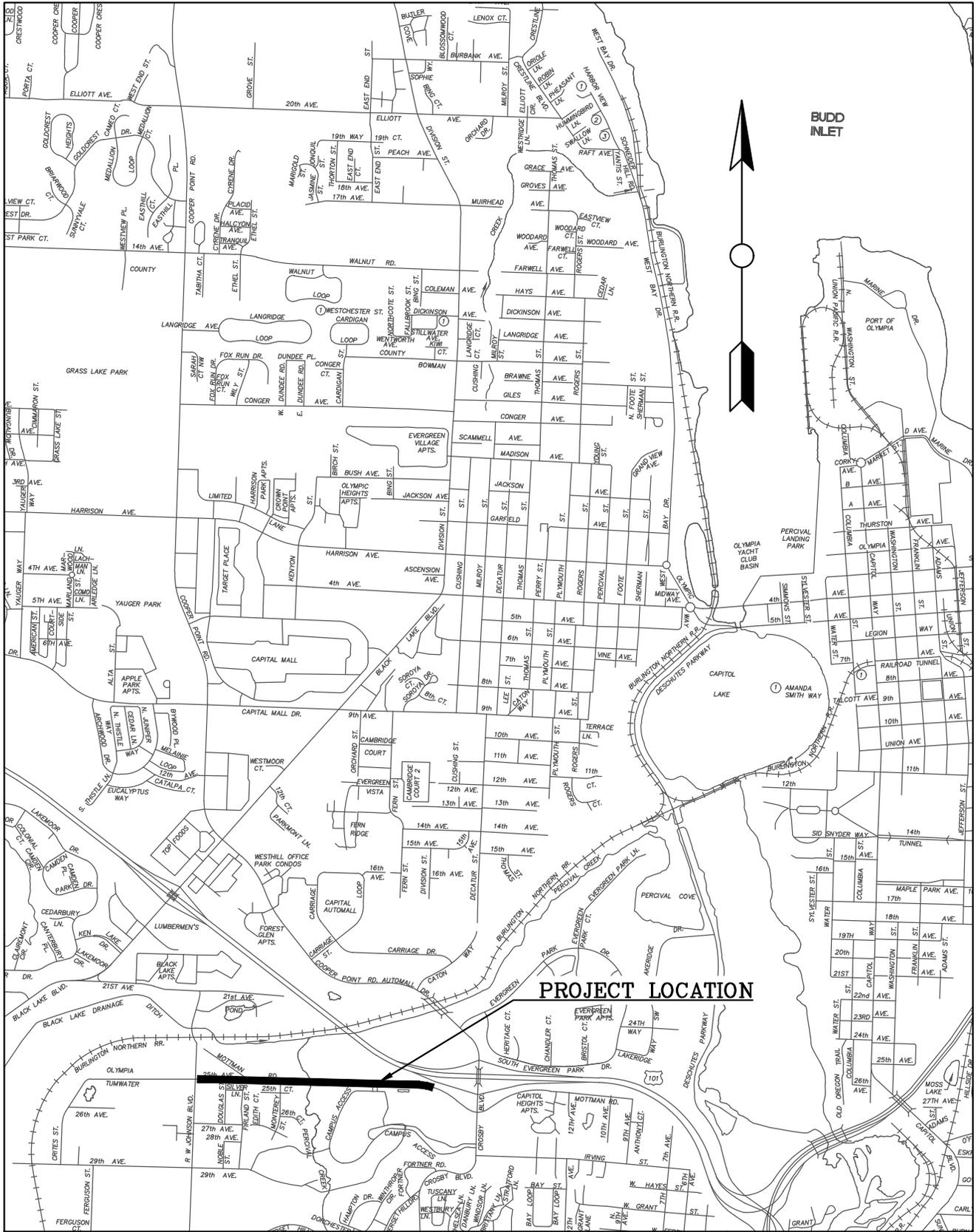
### Project Overview

Proposed improvements to Mottman Rd. are between RW Johnson Blvd. and approximately 815 feet (ft) east of South Puget Sound Community College (SPSCC) entrance. The City of Tumwater right-of-way extends from RW Johnson Blvd. to approximately 755 ft east. The City of Olympia right-of-way continues approximately 2,575 ft. east of Tumwater city limits. Total project length measured along the centerline is approximately 3,330 ft.

The goal of this project is to provide improved pedestrian, bicycle, and vehicle access through this corridor. The project proposes minor widening and re-channelization of the existing roadway to include buffered bicycle lanes, as well as addition of new curb and gutter, planter strip, and sidewalk/shared use pathways to increase pedestrian and bicycle route connectivity and safety.

Project components include:

- Resurface and widen existing asphalt roadway to meet desired cross -sections.
- Where additional right-of-way (ROW) width is available, re-channelize and establish two 11-foot travel lanes with center turn lane/median, and two bike lanes with buffer zones.
- Channelize and establish, at minimum, two 12-foot travel lanes with 1-foot paved shoulders as Mottman Rd. crosses the existing Percival Creek culvert.
- Install new curb and gutter, and sidewalk along northern and southern edges of existing roadway, where no pedestrian facilities currently exist.
- Install a 12-foot shared use path and pedestrian bridge crossing Percival Creek to the north of the existing roadway.
- Construct landscaped medians and mid-block pedestrian crossings to provide connectivity and improve safety.
- Install new stormwater management facilities as required.
- Relocate of illumination, power and/or other affected dry utilities, and signage to support new ROW improvements.
- As required, installation of roadway and pedestrian illumination lighting to meet City Standards.



DATE: 3/18/2024
DRAWN: BDP
SCALE: 1"=1000'

**EXHIBIT B**  
**MOTTMAN ROAD**  
**PEDESTRIAN AND BIKE IMPROVEMENTS**  
**VICINITY MAP**

PROJECT NO.
PRJ-22-000100
SHEET 1 OF 1

TO: City Council  
 FROM: Bill Lindauer, Engineering Services Manager  
 DATE: June 4, 2024  
 SUBJECT: Israel Road and Linderson Way Pedestrian and Bicycle Improvements project, Authority to Solicit Bids and Recommend Award

1) Recommended Action:

Approve and authorize staff to: (1) solicit bids for the Israel Road and Linderson Way Pedestrian and Bicycle Improvements project, (2) award and authorize the Mayor to sign a Public Works Contract with the lowest responsible bidder, (3) authorize road closures and detours within the project vicinity for the duration of the project, and (4) authorize night work adjacent to the residentially zoned property when necessary to reduce impacts to the public and avoid impact to critical public services.

This recommended action was approved by the Public Works Committee at their February 8, 2024 meeting to move forward to the Council’s consent calendar.

2) Background:

This project will focus on multi-modal improvements on Israel Road from Linderson Way to Capitol Boulevard to include a segment of Linderson Way south of Israel Road. The project will include asphalt pavement resurfacing and repair of areas of significant pavement distress. Utility patching that was completed during the recent water main project will be resurfaced.

This project does not widen the existing roadway; however, the pavement marking on the road will be revised to provide six-foot-wide bike lanes by narrowing the thru lanes to ten feet wide with an eleven foot two-way-left turn lane. To enhance pedestrian safety, sidewalk ramps and driveways will be reconstructed to meet current ADA requirements. The pedestrian crossing at New Market, adjacent to the library, will be upgraded with a central refuge island and rectangular flashing crossing beacons. As part of the project, the roadway will be restriped, and roadway signage will be replaced as required.

Due to the complexity of the paving operation, vital City services, the nearby school, and the number of roadways and access locations along the project site, staff is requesting that this project be approved for night work in residential areas and traffic detours to reroute traffic away from the construction operations. This will reduce the overall impact to the public, decrease paving time, and reduce overall project duration.

The Engineer’s estimate for construction is in the range of \$1,500,000 to \$2,000,000.

3) Policy Support:

Create and Maintain a Transportation System Safe for All Modes of Travel – Bike and Pedestrian System Improvements.

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4) Alternatives:

- Revise the project.
- Do not authorize staff to solicit bids.

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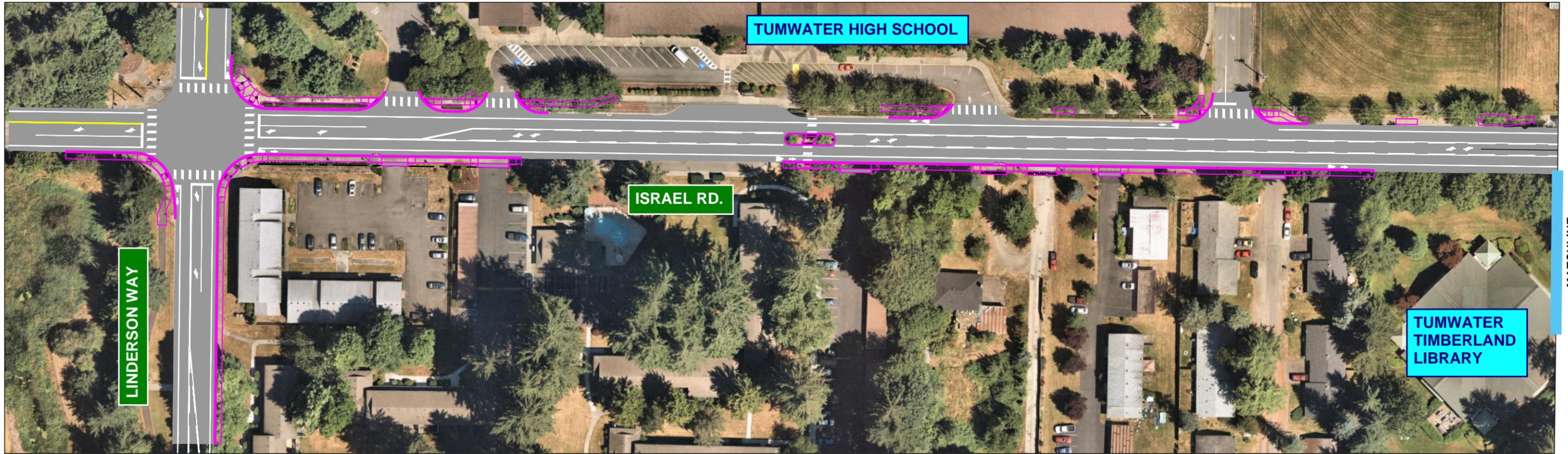
5) Fiscal Notes:

This project is funded in part by two federal grants totaling \$903,700, administered and awarded by Thurston Regional Planning Council. Local funding match comes from the TBD and Transportation CFP.

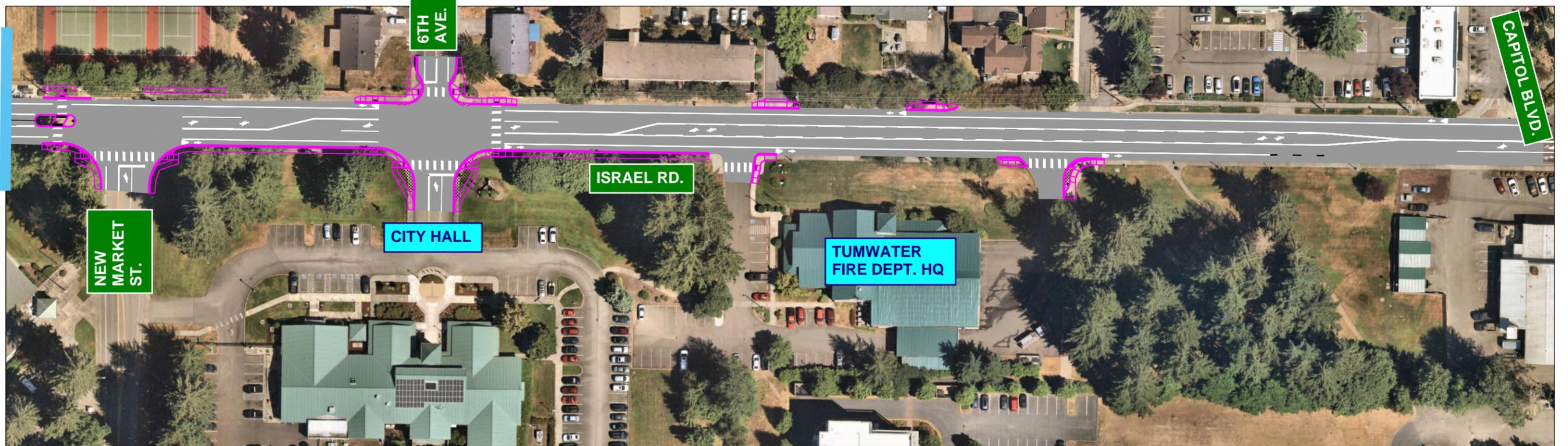
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6) Attachments:

- A. Project Overview



MATCHLINE



MATCHLINE

TO: City Council  
 FROM: Bill Lindauer, Engineering Services Manager  
 DATE: June 4, 2024  
 SUBJECT: Construction Contract with Active Construction, Inc. for the Interstate 5 / Trospen Road / Capitol Boulevard Reconfiguration Project, Request for Additional Construction Funds

---

1) Recommended Action:

Approve and authorize an increase in the change order authority provided to the Transportation and Engineering Director under Tumwater Municipal Code 2.14.060 from 10 percent to 20 percent for the Interstate 5 / Trospen Road / Capitol Boulevard Reconfiguration Project.

This recommended action was approved by the Public Works Committee to move forward to the Council’s consent calendar at the May 23, 2024 meeting

---

2) Background:

The Interstate 5 / Trospen Road / Capitol Boulevard Reconfiguration Project addresses traffic congestion, bicyclist safety, and pedestrian accessibility deficiencies in the vicinity of the Trospen Road and Capitol Boulevard intersection per the Capitol Boulevard Corridor Plan. The project includes construction of three roundabouts, bike lanes, new sidewalks and curb ramps, street lighting, landscaping, business access improvements, an extension of Trospen Road, construction of a new segment of roadway connecting Lee Street directly with Interstate 5 and Trospen Road and upgrading City utilities in accordance with associated planning documents.

This project is currently under construction and expected to be completed by summer 2024.

The City Council awarded the project to Active Construction Inc. at their official bid of \$12,150,150. Per Tumwater Municipal Code (TMC) 2.14.060, Public works – Change order authority, *“The director of public works or the department director of the project department is authorized to approve any contract change order, provided the total construction costs with the change order do not exceed the contract bid amount by more than ten percent.”* Current estimates indicate construction costs may exceed the contract bid amount by approximately 14 percent, which exceeds authority provided to staff under TMC 2.14.060. Staff is proactively requesting an increase in change order authority based on projected total cost to avoid claims for delayed payment.

There are many factors that have contributed to cost increases for this project including, but not limited to; unknown utility conflicts, existing infrastructures not meeting standards, discovery on unknown obstructions and obstacles, unanticipated work for underground conversion of commercial buildings as a result of outdated equipment, increased utility work due to deteriorating infrastructure at original project limits, increased pavement and storm drainage work due to poor pavement condition and stormwater issues, and inconsistent infiltration rates resulting in significant design and construction issues.

---

3) Policy Support:

Create and Maintain a Transportation System Safe for All Modes of Travel

- Implement Capitol Boulevard Plan
  - Bike and pedestrian system improvements.
- 

4) Alternatives:

- Reject the request for additional funds and do not complete project construction.
- 

5) Fiscal Notes:

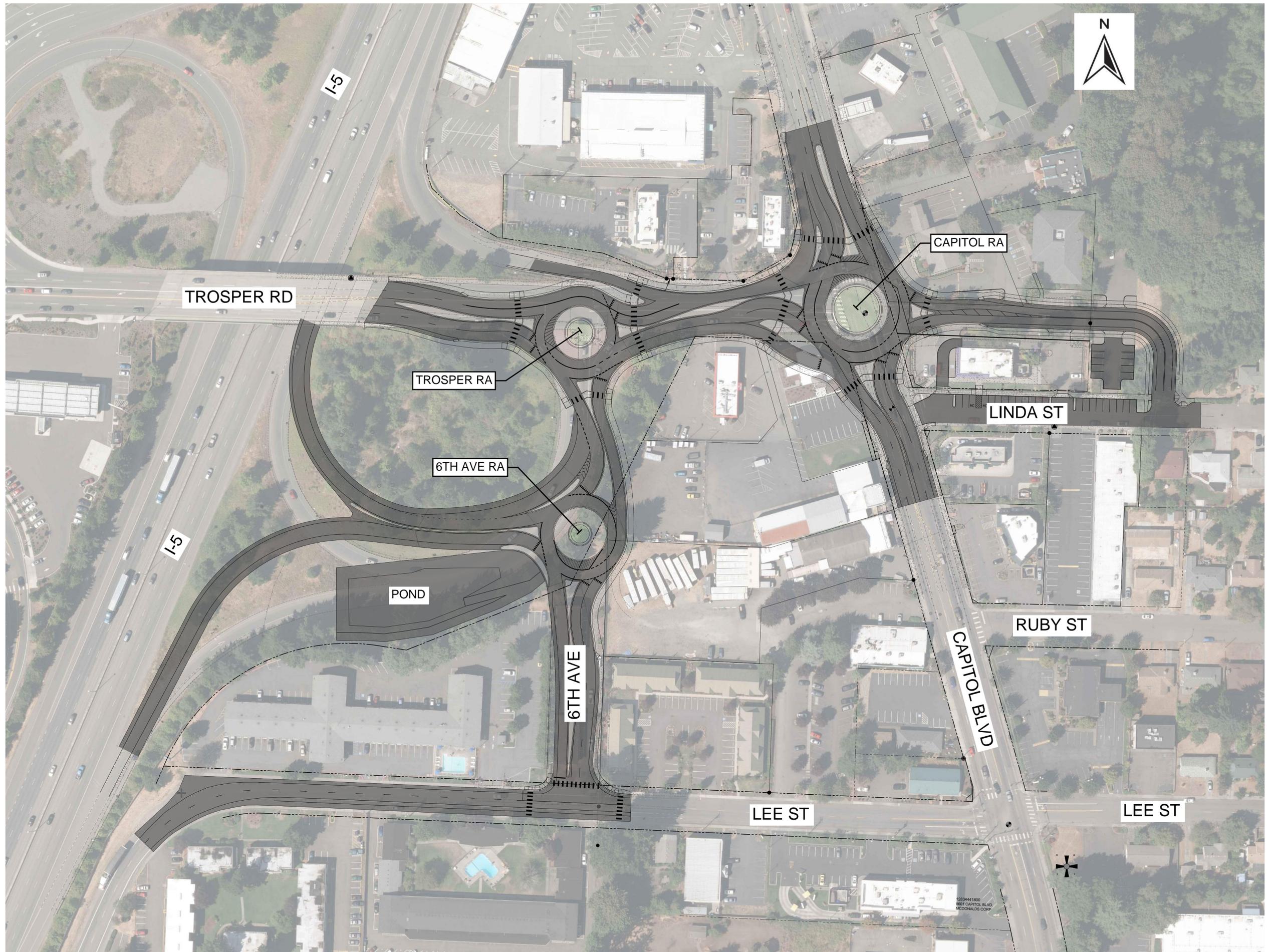
The funds are available in the Transportation CFP, Water CFP, Sewer CFP, and Storm CFP. A portion of the project is funded by a Transportation Improvement Board (TIB) grant.

The cost overruns for this project will be funded under the city CFP funds as applicable.

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6) Attachments:

- A. Project Overview



TO: City Council  
 FROM: Brittaney McClanahan, Executive Assistant  
 DATE: June 4, 2024  
 SUBJECT: Reappointment of Joe Munro and Amy Hargrove to the Board of Parks and Recreation Commissioners

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1) Recommended Action:

Approve Mayor Sullivan’s reappointment of Joe Munro, and Amy Hargrove to the Board of Parks and Recreation Commissioners.

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2) Background:

Joe Munro and Amy Hargrove have contributed their time and expertise to the Board of Parks and Recreation Commission. Upon Council confirmation, the 3-year term for Joe Munro and Amy Hargrove on the Board Parks and Recreation Commission will expire June 3, 2027.

---

3) Policy Support:

Vision | Mission | Beliefs - Our Vision:

Tumwater of the future will be people-oriented and highly livable, with a strong economy, dynamic places, vibrant neighborhoods, a healthy natural environment, diverse and engage residents, and living connection to its history.

We Believe in PEOPLE:

Partnership | We work collaboratively with residents, businesses, and community organizations.

---

4) Alternatives:

- Confirm some of the reappointments
  - Do not confirm the reappointments
- 

5) Fiscal Notes:

There is no fiscal impact associated with this report.

---

6) Attachments:

- A. Applications and supplemental information.

# APPLICATION

The City of Tumwater's advisory boards, commissions and committees are listed below with a short paragraph describing the make-up of the group. Please complete the application below and show your group preference, listing your first choice as #1, second choice as #2, etc. Please attach a letter of interest and a resume with this application showing your current qualifications and interests. Thank you!

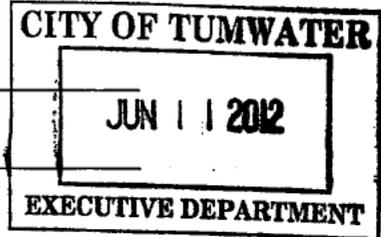
Name: Amy Hargrove

Address: [REDACTED]

Telephone: [REDACTED] (Home) \_\_\_\_\_ (Cell)

[REDACTED] (Work)

Date: 5/22/12 Email: [REDACTED]



BOARD, COMMITTEE OR COMMISSION

PREFERENCE NUMBER:

Barnes Lake Management District Steering Committee  
Eleven members; Mayoral appointment; two-year terms; active

\_\_\_\_\_

Board of Parks and Recreation Commissioners:  
Seven members; Mayoral appointment with Council confirmation; three-year terms; active

#1

Civil Service Commission:  
Three members; Mayoral appointment; six-year terms; active

\_\_\_\_\_

FROM THE DESK OF  
AMY HARGROVE

May 28, 2012

The Office of the Mayor  
City of Tumwater  
555 Israel Road SW  
Tumwater, WA 98501

To Whom it May Concern,

I would like to volunteer to serve as a member of the Board of Parks and Recreation Commissioners for the City of Tumwater. I am a proud resident of the City of Tumwater and enjoy many of the activities that go on in our community. I would like to give back to my community through volunteer work.

I have some experience working with parks. Over the last two years I have met with many cities and park districts throughout King and Pierce Counties to request sampling and explain cleanup work. Many of these meetings then lead to public presentations to City Councils and messages to park boards. I have enjoyed working with these city employees and the parks they represent.

I grew up in State Parks throughout Arizona and Washington. My parents both retired from Washington State Parks in the last few years. I worked a season as a park aide at Lake Cushman State Park in Washington and at the Arboretum at Flagstaff a local park in Flagstaff, Arizona. My family has enjoyed many parks and recreation classes and activities throughout Tumwater, Olympia, and Lacey.

Sincerely yours,

Amy Hargrove

Amy Hargrove



## **PROFILE**

I am a resident of Tumwater, Washington, a wife and mother of two children, a PGS PTA member and volunteer, and a proud employee of the Department of Ecology.

## **EXPERIENCE**

### **Soil Safety Program Coordinator, Department of Ecology; Lacey, WA**

#### **2006-Present**

Coordinate a program that performs free sampling and cleanup in play areas at schools, childcares, parks, camps, and multifamily housing facilities effected by arsenic and lead contamination.

- Manage contractors who are responsible for sampling. The program has successfully sampled over 1000 facilities.
- Perform outreach to property owners, cities, and the public to communicate sampling results that are above the cleanup level and explain the process for the program. Meet with city councils and other interested parties to explain the program.
- Write specifications for public work contracts and oversee cleanup contractors. The program has successfully completed over 100 play area cleanups.
- Currently managing the design process for a residential sampling and cleanup program for over 10,000 residential properties effected by the Tacoma Smelter Plume.

### **Sample Receiving Coordinator, Center for TOX Services; Tempe, AZ**

#### **Full Time 1999-2001 - Part Time 2002-2006**

Organized sample receiving by logging in, dispensing, and storing samples. Managed a database of information and kept clients with adequate sampling supplies.

### **Homemaker; Mesa, AZ**

#### **2001-2006**

Organized the household, manage the budget, dealt with appointments, schooling, and playtime.

## **EDUCATION**

Northern Arizona University, Flagstaff, AZ — Masters of Science in Biology, 1998

Northern Arizona University, Flagstaff, AZ — Bachelors of Science in Biology, 1996

# APPLICATION

The City of Tumwater's advisory boards, commissions and committees are listed below with a short paragraph describing the make-up of the group. Please complete the application below and show your group preference, listing your first choice as #1, second choice as #2, etc. Please attach a letter of interest and a resume with this application showing your current qualifications and interests.

Name: Joseph J. Munro

Address: [REDACTED]

Telephone: [REDACTED] (Home) [REDACTED] (Cell)

[REDACTED] (Work)

Date: 12/03/2022 Email: [REDACTED]

BOARD, COMMITTEE OR COMMISSION

PREFERENCE NUMBER:

Barnes Lake Management District Steering Committee  
Eleven members; Mayoral appointment; two-year terms; active

\_\_\_\_\_

Board of Parks and Recreation Commissioners:  
Seven members; Mayoral appointment with Council confirmation; three-year terms; active

1

\_\_\_\_\_

Civil Service Commission:  
Three members; Mayoral appointment; six-year terms; active

\_\_\_\_\_

Crime Stoppers:

One citizen representative; Mayoral appointment with Council confirmation; three-year terms; active

\_\_\_\_\_

Historic Preservation Commission:

Seven members; Mayoral appointment with Council confirmation; three-year terms; active

\_\_\_\_\_

Planning Commission:

Nine members; Mayoral appointment with Council confirmation; four-year terms; active

2

\_\_\_\_\_

Thurston Community Television:

One citizen representative; Mayoral appointment; three-year terms; active

\_\_\_\_\_

Tree Board:

Five to seven members; Mayoral appointment with Council confirmation; three-year terms; active

\_\_\_\_\_

# Joe J. Munro



December 3, 2022

Dear Mr. Denney,

I am writing to express my interest in the opportunity to participate on the Tumwater Parks & Recreation Commission.

Over the past 18 years of employment with Simpson Door Company I have held a variety of positions with increasing responsibility. My most recent position requires me to manage a staff of 175 employees and the manufacturing operations of our McCleary, WA facility. My resume is attached and can speak to my professional career.

On a more personal note, I have spent most of my adult life participating in activities that in some way or form have served or helped others. I have participated in employee driven programs that donate funds to fellow employees in need. I have held the roles of Treasure and Secretary of our neighborhood homeowner's association. I served 10 years with the City of Elma as a Reserve Police Officer. I am currently serving as the Treasure of the Black Hills Highschool Alliance for Music, where I regularly volunteered as a cashier for the concessions stand.

I feel with my accomplishments in my professional career as well as my time volunteering for various organization I would be a great addition to the Parks & Recreation Commission, or any other commission or board the City of Tumwater would allow me to participate in. I look forward to hearing from you soon.

Sincerely,

Joe J. Munro

# Joe J. Munro

## EDUCATION

### **Central Washington University**

**Ellensburg, WA**

Student, 1998 – 2002

- Bachelor of Arts in Law and Justice: Major in Law Enforcement, Minor in Geography
- Participated in Internship with Ellensburg P.D. and acted as Alpha Phi Sigma Club Senator

### **South Puget Sound Community College**

**Lacey, WA**

Student, 2017 – 2019

- Continuing Education Certificates in Project Management: Scheduling, Coordinator, and Project Manager

## WORK EXPERIENCE

### **Simpson Door Co.**

**McCleary, WA**

Manufacturing Manager, September 2022 - Present

- Develop short-term and long-term manufacturing strategies, production objectives, plans, and processes to support customer requirements and financial performance. This will include maximizing allocation of labor and raw material to control costs, increase productivity, and attain ship on time targets.
- Clearly communicate expectations, accountabilities, and responsibilities to the production team.
- In concert with HR, develop and implement a plan to increase the engagement, involvement, and satisfaction of employees to increase retention and their value to the company. This should include appropriate training plan to maximize delegation of production process decision making to the floor level, whenever practical.
- Lead the manufacturing group's efforts to continuously improve safety performance, safety conditions, and work practices. Work closely with our Safety Manager to develop a strategy supporting and imbedding a successful, proactive, and compliant safety culture in production. Establish high standards for housekeeping and work process organization.
- Establish high performance standards and use measurable goals to track progress, deliver results, and continually raise the bar on performance and expectations of the production team.
- Manage a team of 10 production supervisors along with 165 manufacturing employees.

Business Services Manager, January 2015 – September 2022

- As Business Services Manager ensure stability and compliance in all technology centric areas of the business including network security, 125 plus computer end points, 40 virtual environments, Phishing training and real-world responses, and managing the relationship with the Managed Service Provider (MSP).
- Manage staff of 10 including Production Scheduling, System & Product Knowledge Analysts, Contract Developers and Desktop Support.
- Manage the scheduling group and its interaction between sales and manufacturing includes extensive product knowledge, best practices in application use, and providing a reliable stream of data that ensures products are built to customers' rigorous expectations.
- Manage annual department IT budget nearing \$1.1MM.
- Managed purchasing practices across wood, glass, and any sundries that go in to the manufacturing process staying in regular contact with suppliers and manufacturing, assessing new opportunities in the market, and determining when to make or buy a product. During this time our budget ranged from \$6MM to \$25MM.
- Established a Project Management Office (PMO) where in we review, discuss, and work with Executive Leadership to approve new projects.
- Currently in the early planning stages of an Enterprise Resource and Planning (ERP) replacement project, expected to span the next 12 to 18 months with an estimated Go-Live of December 2022.

### Accomplishments

- Worked with a third-party software supplier to develop a web-based dynamic product configurator for nearly 1,000 stile and rail door models allowing users to create an average of 7,600 quotes per week. This software was instrumental in an increase to EBITDA of \$7.83MM in 2020 and an expected increase of \$20.1MM through 2021.
- Managed migration from a 1,000+ employee-based enterprise company to a 200+ small-mid size business.

# Joe J. Munro



- Worked with foreign equipment manufacture to define and implement high-speed tooling change over equipment.
- Managed vendor relations across various product types, including price increases, contracts, etc.

Scheduling Group Supervisor, August 2006 – January 2015

- As system administrator, managed data in the manufacturing scheduling system to include review of data structures, provide guidance with data entry, and coordinate with development team to reconcile issues and make system modifications
- Managed daily scheduling office personnel and activities including Bill of Material maintenance, price and availability quotes, layout sheets, and manufacturing reporting
- Managed all glass purchasing (\$300k per month), inventory, and vendor relations to ensure that price, service, and quality objectives were met
- As a member of the supervisor group, discussed production issues, problem solved, recommended and implemented solutions; lead and participated in Lean Manufacturing business process improvement initiatives
- Coordinate with production, sales, and engineering staff to ensure all products will be manufactured in line with customer expectations of quality

### Accomplishments

- Designed, developed, tested, and implemented Manufacturing Scheduling Production (MSP) system on SQL Server development platform spread across 80 end points and users
- Developed, designed, tested, and implemented Glass Shortage Log in Access Database
- Worked with suppliers to achieve product specification documents
- Participated and lead several lean Kaizen events to improve glazing through put, order entry, communications, etc.

## **WORK EXPERIENCE (cont.)**

### **Simpson Door Co.**

Special Projects Lead / Quality Control Lead, April 2004 – August 2006

**McCleary, WA**

### **Elma Police Department**

Reserve Police Sergeant, Feb 2006 – June 2016

**Elma, WA**

## **PRIOR EXPERIENCE**

June 2002 – April 2004	Quality Assurance Inspector	NAT Seattle, Inc.	Redmond, WA
Nov 2003 – Feb 2004	Communications Officer	Washington State Patrol	Bellevue, WA
Sept 1999 – June 2002	Student Lead & Assistant	CWU Dining Services Warehouse	Ellensburg, WA

## **SKILLS**

- Proficient in Microsoft Word, Excel, Access, PowerPoint, AutoCAD, Tableau, Power BI
- Excellent written and verbal communication, supervisory and managerial skills
- Talented, highly self-motivated, hard worker, adaptable and flexible
- Responsible, trustworthy, organized, committed to team work

Joe J. Munro



**PROFESSIONAL REFERENCES**

Phil Steklenski – President  
Simpson Door Company



Jim Brandt – Vice President Sales & Marketing  
Simpson Door Company



Tanya Dierick – Vice President Business Services  
Simpson Door Company



Ryan Cristelli – Sergeant  
Elma Police Department



Stacie Conkle – Vice President & General Manager  
Simpson Door Company (Retired)



TO: City Council  
FROM: Brian Hurley, Fire Chief  
DATE: June 4, 2024  
SUBJECT: Thunder in the Valley 4<sup>th</sup> of July Fireworks Display Permit

---

1) Recommended Action:

Approve the permit application by Alpha Pyrotechnics, sponsored by Tumwater Downtown Association, for the Fourth of July Fireworks public display at the Tumwater Valley Golf Course

---

2) Background:

RCW 77.07 and TMC 8.30 require the Fire Chief to investigate the character and location of the potential display for hazards to persons or property. Based on the investigation, the applicant meets the requirements of TMC 8.30 Display Fireworks Requirements for operator license, insurance, and site safety plan. Based upon the vendor’s history of safe operation, the Fire Chief recommends approval of the application.

---

3) Policy Support:

2023-2024 Strategic Priority: Provide and Sustain Quality Public Safety Services

---

4) Alternatives:

Not to approve the permit

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5) Fiscal Notes:

There are no fiscal notes.

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6) Attachments:

- A. Public Fireworks Display Permit
- B. Site Plan
- C. Pyrotechnic Operator License
- D. General Fireworks Display License
- E. Certification of Insurance

THIS FORM IS INTENDED TO BE USED AS A GENERIC PUBLIC DISPLAY PERMIT FOR THE AUTHORITY HAVING JURISDICTION AND PYROTECHNIC OPERATORS WITHIN THE STATE OF WASHINGTON

# WASHINGTON STATE PUBLIC FIREWORKS DISPLAY PERMIT

Applicant Alpha Pyrotechnics

Name of Event Tumwater Artesian Festival Thunder Valley Fireworks

Street Address 4611 Tumwater Valley Drive SE

City Tumwater County Thurston

Event Date 7/4/24 Event Time 10:15  AM  PM

Applicant's/Sponsor's Name Tumwater Downtown Assoc. Phone No. \_\_\_\_\_

Pyrotechnic Operator Andy Mihalyi License No. P-4256

Experienced Assistant's Name Arvon Mihalyi

General Display Company Name Alpha Pyrotechnics Phone No. 360-870-4802

Attach a separate piece of paper and/or copies of the following documents:

- The number of set pieces, shells (specify single or multiple break), and other items.
- The manner and place of storage of such fireworks prior to the display.
- A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of all buildings, highways, and other lines of communication; the lines behind which the audience will be restrained; and the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- Documentary proof of procurement of Surety bond or public liability insurance.

Local Fire Code Authority

Authority Having Jurisdiction City of Tumwater

Name of Permitting Official Brian Hurley

Title Fire Chief Phone No. (360) 754-4170

Permit Granted:  Yes  Yes, with Restrictions (see "Notations" below)  No

Restrictions/Notations \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Permitting Official \_\_\_\_\_ Date of Approval \_\_\_\_\_ Permit Number \_\_\_\_\_

If approved, this permit is granted for the date and time noted herein under the authority of the International Fire Code in accordance with Revised Code of Washington 70.77 and all applicable rules and ordinances pertaining to fireworks in this jurisdiction. This permit is INVALID unless in the possession of a properly licensed Pyrotechnic Operator, who is responsible for any and all activities associated with the firing of this show.

**MUST BE APPROVED BY THE AUTHORITY HAVING JURISDICTION**

2024 Thunder Valley<sup>B</sup>  
7/4/24 10:15pm

☒ 8"  
☒ Finkle

- 12 ea - multi shot cakes
- 110 ea - 2 1/2" shells
- 180 ea - 3" shells
- 180 ea - 4" shells
- 140 ea - 5" shells
- 90 ea - 6" shells
- 20 ea - 8" shells

☒ 5"-6"

☒ 3"-4"

☒ 2 1/2"

▲ pump house

Security line

Proactive Green

Proactive Green

☒  
☒  
☒

☒  
☒  
☒  
☒  
☒  
☒  
☒  
☒



Thunder Valley

☒ Stages

☒  
☒  
☒

\* Product delivered 7/4/23



Washington State Patrol Fire Protection Bureau  
Office of the State Fire Marshal

11176P

### Pyrotechnic Operator License



**Licensee Data**

Andy Mihalyi  
11525 Littlerock Road Southwest  
Olympia, WA 98512  
License Number: P-04256

Phone Number: (360) 670-4802  
Email Address: andymihalyi@hotmail.com  
Date of Issue: January 31, 2024  
Date of Expiration: January 31, 2025

State Fire Marshal

Licensee Signature

3000-420-043 (10/18)

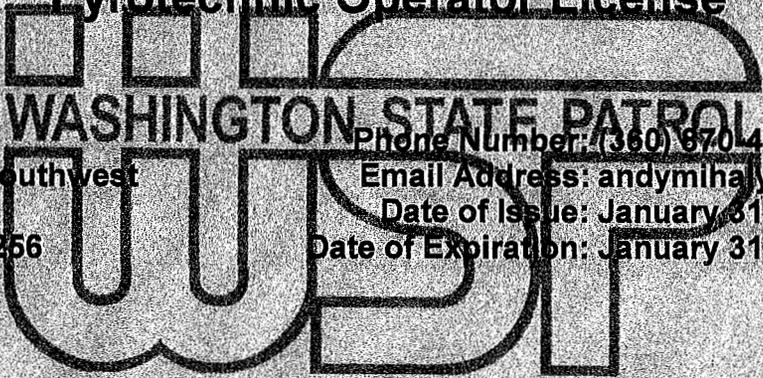
Licensee Wall Mount Card



Washington State Patrol Fire Protection Bureau  
Office of the State Fire Marshal

11176P

### Pyrotechnic Operator License



**Licensee Data**

Andy Mihalyi  
11525 Littlerock Road Southwest  
Olympia, WA 98512  
License Number: P-04256

Phone Number: (360) 670-4802  
Email Address: andymihalyi@hotmail.com  
Date of Issue: January 31, 2024  
Date of Expiration: January 31, 2025

State Fire Marshal

Licensee Signature

3000-420-043 (10/18)

General Display Employer Portion



Washington State Patrol Fire Protection Bureau  
Office of the State Fire Marshal  
**General Display Fireworks License**

G23699

Licensee Data

Alpha Pyrotechnics  
1109 Anderson Road  
Ellensburg, WA 98926  
License Number: C-04273

Operational Data

In State Agent: Jerel Brown  
Phone Number: (855) 955-7976  
Email Address: alphapyrotechnics@gmail.com

Date of Issue: January 26, 2024

Date of Expiration: January 31, 2025

State Fire Marshal

3000-420-041 (10/18)

Licensee Signature



Washington State Patrol Fire Protection Bureau  
Office of the State Fire Marshal  
**General Display Fireworks License**

G23699

Licensee Data

Alpha Pyrotechnics  
1109 Anderson Road  
Ellensburg, WA 98926  
License Number: C-04273

Operational Data

In State Agent: Jerel Brown  
Phone Number: (855) 955-7976  
Email Address: alphapyrotechnics@gmail.com

Date of Issue: January 26, 2024

Date of Expiration: January 31, 2025

State Fire Marshal

3000-420-041 (10/18)

Licensee Signature



Washington State Patrol Fire Protection Bureau  
Office of the State Fire Marshal  
**General Display Fireworks License**

G23699

Licensee Data

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1109 Anderson Road  
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Email Address: alphapyrotechnics@gmail.com

Date of Issue: January 26, 2024

Date of Expiration: January 31, 2025

State Fire Marshal

3000-420-041 (10/18)

Licensee Signature



POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY  
CG 24 04 05 09

## WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

### SCHEDULE

**Name Of Person Or Organization:**

Any person or organization with whom the insured has agreed to waive rights of recovery, provided such agreement is made in writing and prior to the loss.

**Additional Premium is Included**

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



ENDORSEMENT NO. \_\_\_\_\_

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**BLANKET ADDITIONAL INSURED ENDORSEMENT**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

With respect to this endorsement, **SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person or organization whom you are required to add as an additional insured on this policy under a written contract, written agreement or written permit which must be:

- a. Currently in effect or becoming effective during the term of the policy; and
- b. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

The insurance provided to these additional insureds is limited as follows:

1. That person or organization is an additional insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
  - a. Your acts or omissions; or
  - b. The acts or omissions of those acting on your behalf.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

2. With respect to the insurance afforded to these additional insureds, the following exclusions are added to item **2. Exclusions** of **SECTION I—COVERAGES**:

This insurance does not apply to "bodily injury," "property damage" or "personal and advertising injury" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
  - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
3. The limits of insurance applicable to the additional insured are those specified in the written contract, written agreement or written permit or in the Declarations for this policy, whichever is less. These limits of insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations for this policy.
  4. Coverage is not provided for "bodily injury," "property damage," or "personal and advertising injury" arising out of the sole negligence of the additional insured.
  5. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:

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- a. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
  - b. Supervisory, inspection, architectural or engineering activities.
6. Any coverage provided hereunder will be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a

written contract specifically requires that this insurance be primary.

When this insurance is excess, we will have no duty under **SECTION I—COVERAGES** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

---

AUTHORIZED REPRESENTATIVE DATE

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TO: City Council  
 FROM: Lisa Parks, City Administrator  
 DATE: June 4, 2024  
 SUBJECT: Cancellation of the June 18<sup>th</sup> Regular Council Meeting

---

1) Recommended Action:

Approve the cancellation of the June 18<sup>th</sup> regular Council meeting.

---

2) Background:

The Association of Washington Cities Annual Conference is located in Vancouver, Washington, from June 18<sup>th</sup> to June 21<sup>st</sup>. The City of Tumwater will be represented by Mayor Sullivan and four Councilmembers. It is recommended that the June 18<sup>th</sup> regular Council meeting be canceled.

Staff have been advised and will schedule work projects accordingly.

---

3) Policy Support:

Council Rules:

2.1 Regular. Regular Meetings are recurring meetings held in accordance with a periodic schedule declared by statute or rule. A Regular Meeting may be canceled by a motion of the Council or by failure to produce a quorum.

---

4) Alternatives:

- Continue with the scheduled June 18<sup>th</sup> regular Council meeting.
  - Some other course of action.
- 

5) Fiscal Notes:

There is no fiscal impact associated with this request.

---

6) Attachments:

None.

TO: City Council  
FROM: Lisa Parks, City Administrator  
DATE: June 4, 2024  
SUBJECT: Resolution No. R2024-011, Strategic Priorities & Goals 2025-2026

---

1) Recommended Action:

Adopt Resolution No. R2024-011 updating the City’s Strategic Priorities & Goals

---

2) Background:

As a vision, mission, and beliefs-based organization, it is essential that our leadership regularly reviews and revises our guiding statements. The Vision (where we are going), the Mission (what we do) and the Beliefs (how we work) are the core principles. Our City leaders regularly review and update the Strategic Priorities, intended to be the City’s response to major issues on the horizon over the next 5-10 years. Based on priorities, the Council, Mayor, and senior staff develop goals that guide the City’s investment over the next five years. These goals are significant to formulating a biennial budget.

---

3) Policy Support:

Vision | Mission | Beliefs

Our Vision:

Tumwater of the future will be people-oriented and highly livable, with a strong economy, dynamic places, vibrant neighborhoods, a healthy natural environment, diverse and engaged residents, and living connection to its history.

Our Mission:

In active partnership with our community, we provide courageous leadership and essential municipal services to cultivate a prosperous economy, a healthy natural environment, vibrant neighborhoods, and a supporting social fabric.

We Believe In:

- People
  - Excellence
  - Opportunity
  - Partnership
  - Learning
  - Environment
-

4) Alternatives:

- Make any changes necessary to reflect Council direction
- 

5) Fiscal Notes:

There are no significant impacts associated with this adoption. Goals are eventually proposed for inclusion in the budget.

---

6) Attachments:

- A. Resolution No. R2024-011
- B. Strategic Priorities & Goals 2025 - 2026

**RESOLUTION NO. R2024-011**

**A RESOLUTION** of the City Council of the City of Tumwater, Washington, adopting Strategic Priorities and Goals for 2025-2026.

**WHEREAS**, the Tumwater City Council held a Council Retreat on January 27, 2024, February 24, 2024, and March 29, 2024, to which the public was invited, and the Council reaffirmed its desire to be a Mission-Driven and Beliefs-Based organization. Priority goals and initiatives were updated as indicated in Attachment "A" City of Tumwater Strategic Priorities and Goals 2025-2026; and

**WHEREAS**, the Strategic Priorities and Goals represent the most important issues facing the City of Tumwater and establish precedence for expenditure of staff and other City resources. In addition, the Strategic Priorities and Goals provide measures of achievement for the entire executive staff and Council to use in the coming years; and

**WHEREAS**, the Tumwater City Council first established Strategic Priorities in May 2010 and subsequently updated in 2012, 2014, 2016, and 2020; and

**WHEREAS**, on April 20, 2010, the City Council adopted the Strategic Plan which contains Vision, Mission and Belief Statements for the City; and

**WHEREAS**, the Strategic Priorities and Goals 2025-2026 are consistent with the City's Comprehensive Plan and other adopted policy documents and aid in setting the direction, investment, and allocation of resources by the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:**

**Section 1. Adoption.** The Strategic Priorities and Goals 2025-2026, attached hereto as Attachment "A", are hereby adopted as statements of direction to guide the City's future investments and allocation of resources.

**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 \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney



## City of Tumwater

Strategic Priorities and Goals 2025 – 2026

### Build a Community Recognized for Quality, Compassion, and Humanity

- Support and advance intergenerational housing opportunities.
- Implement the Tumwater Housing Action Plan.
- Work with Regional Housing Authority to support regional programs and affordable housing.
- Explore alternative building materials for housing.
- Continue to streamline permitting processes for development and construction projects.
- Continue to maintain and advance positive Tribal Relations.
- Implement Metropolitan Parks District Commitments including planning for and siting a community center.
- Develop a city-wide trail system.
- Develop innovative partnerships and strategies with community human and social services organizations to improve service delivery to people in need, including senior citizens, low-income residents, and others.
- Review current water shutoff policies through an equity framework.

### Be a Leader in Environmental Health and Sustainability

- Engage the community on the benefits of environmentally sustainable practices.
- Promote community involvement in environmental programs, including highlighting local career pathways for students.
- Decarbonize new and existing City buildings whenever practicable.
- Sufficiently resource programs identified in the Thurston Climate Mitigation Plan and Urban Forestry Management Plans and prioritize implementation.
- Evaluate energy savings through resource sharing, recovery, and reuse concepts, including pilot Energy District demonstration projects.
- Assess climate change vulnerabilities of City infrastructure and resources.
- Promote a higher level of environmental and community protection through the integration of ecosystem services and environmental justice for City actions, where feasible.
- Continue to fund and promote septic-to-sewer conversions.
- Continue to ensure ample drinking water supply and support water reuse opportunities.
- Improve overall habitat and water quality by assessing fish passages, removing obstructions, converting urban-density septic systems, and collaborating with area Tribes.

### Create and Maintain a Transportation System Safe for All Modes of Travel

- Continue implementation of the Capitol Boulevard Plan.
- Implement transportation components of the Brewery District Plan.
- Continue to improve maintenance and interconnectivity of a bicycle and pedestrian system.
- Continue implementation of and evaluate new funding sources for the Sidewalk Program.
- Update Transportation Impact Fee Program and Transportation Plan.
- Provide a safe, efficient, and cost-effective transportation system.
- Continue improving the maintenance of the transportation system.
- Demonstrate the importance and impact of the Transportation Benefit District.
- Explore opportunities to extend multimodal transportation facilities to areas of the City outside the urban core.

### Provide and Sustain Quality Public Safety Services

- Complete and begin implementation of the Law Enforcement Strategic Growth Plan.
- Complete and begin implementation of the Fire Department Strategic Plan.
- Ensure timely, efficient, and effective public safety response in our community.
- Explore and implement partnerships to improve efficiency of service delivery.
- Evaluate and promote City programs to reduce risk to life and property throughout our community.
- Develop innovative initiatives and programs to address growing service demands.

### Pursue and Support Targeted Community and Economic Development Opportunities

- Update and Implement the City's Economic Development Plan.
- Support the Tumwater Craft movement.
- Facilitate brownfield revitalization in the Brewery District and Capitol Boulevard Corridor.
- Use strategic targeted public investment to leverage private and other sources of investment.
- Establish a development climate that stimulates economic development, consistent with the comprehensive plan.
- Promote opportunities to implement Town Center/City Square mixed-use concepts.
- Promote economic development strategies with a "triple bottom line" – people, planet, and prosperity - sustainability perspective.
- Complete and implement the Habitat Conservation Plan.

### Refine and Sustain a Great Organization

- Be good stewards of public funds by following sustainable financial strategies.
  - Update the non-represented employee compensation plan.
  - Attract, retain, and promote a talented and diverse workforce.
  - Create a dynamic culture of Diversity, Equity, Inclusion, and Belonging.
  - Support an environment of continuous learning and improvement, including Council.
  - Enhance recruitment through new partnerships.
  - Study compensation for commissions and boards.
- Review plans, policies, and documents for potentially racist and biased language.

TO: City Council  
FROM: Jon Weiks, Chief of Police  
DATE: June 4, 2024  
SUBJECT: Letter of Understanding with Squaxin Island Tribe

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1) Recommended Action:

Approve and authorize the Chief of Police to sign the updated Letter of Understanding with Squaxin Island Tribe to provide law enforcement services to any Squaxin Island Tribal land located within the City of Tumwater.

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2) Background:

In 2023 an initial Letter of Understanding was signed with the Squaxin Island Tribe, which provided Tumwater Police officers the authority to enforce the traffic and criminal laws of the State of Washington for a specific property owned and developed by the Tribe located within the City of Tumwater. This implemented a provision for law enforcement services that was part of a previously signed 2023 Memorandum of Understanding between Squaxin Island Tribe and City of Tumwater. Since then, the Tribe has purchased another property within the City of Tumwater and that property is currently being developed. As such, and looking towards the future, an updated Letter of Understanding has been drafted outlining our authority to provide law enforcement services to any Squaxin Island Tribe land within the City of Tumwater.

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3) Policy Support:

2023-2024 Strategic Priority: *“Provide and Sustain Quality Public Safety Services”*

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4) Alternatives:

Changes would require renegotiation with the Tribe.

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5) Fiscal Notes:

The Tribe is contributing \$2,500 annually toward the cost of services.

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6) Attachments:

- A. 2024 Letter of Understanding with Squaxin Island Tribe
- B. 2023 Memorandum of Understanding between Squaxin Island Tribe and City of Tumwater
- C. 2023 Letter of Understanding with Squaxin Island Tribe



# SQUAXIN ISLAND TRIBE

## LETTER OF UNDERSTANDING

Certain property within the City of Tumwater's limits is held in trust for the benefit of the Squaxin Island Tribe by United States of America. The City and the Tribe are party to a Letter of Understanding under which the City agrees to provide certain emergency services to Tribal land and the Tribe agrees to make periodic contributions towards the cost of services. One of the key services identified is law enforcement.

In order for the City to exercise law enforcement jurisdiction on Tribal land and to clarify procedural issues related to providing those services, the Parties wish to identify their expectations regarding law enforcement in advance. Therefore,

1. Pursuant to RCW 10.93.070, the Tribe's Chief of Police authorizes any City of Tumwater general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington State Criminal Justice Training Commission may enforce the traffic or criminal laws of this state on this Tribal land;
2. The Tribe requests the City respond to any request for assistance in order to determine if a criminal incident has occurred on or involving the Tribal land in accordance with the City's normal policies and procedures;
3. The City will make best efforts to provide investigatory reports of any incident involving the Tribal land to the Tribe within one business day following the completion of the report;
4. In the event the City established probable cause to arrest a known Squaxin Tribal member, the City will confer with the Squaxin Island Police Department to determine whether a referral to Tribal prosecution is appropriate;
5. Nothing in this Letter of Understanding shall be construed to cede the jurisdiction or authority of either party, to modify the legal requirements for arrest or search and seizure or to otherwise modify the legal rights of any person, to accomplish any act violative of city, state, federal or tribal law or to subject the parties to any liability to which they would not be subject by law.

The City and Tribal Police Departments will communicate regularly to make sure that contact information is current and any unforeseen issues are promptly addressed in an amendment to this Letter of Understanding.

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Barry Hagmann, Police Officer  
Squaxin Island Police Department  
[bhagmann@squaxin.us](mailto:bhagmann@squaxin.us)  
(360)490-6590

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Jon Weiks, Chief of Police  
Tumwater Police Department  
[Jweiks@ci.tumwater.wa.us](mailto:Jweiks@ci.tumwater.wa.us)  
(360)754-4200

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE SQUAXIN ISLAND TRIBE  
AND  
THE CITY OF TUMWATER**

**Guiding Principles**

This Memorandum of Understanding ("MOU") dated April 4, 2023 is executed between the Squaxin Island Tribe ("Tribe") and the City of Tumwater ("City") (collectively, the "Parties") in order to better achieve mutual goals through communication, good faith, and respect between and among the Parties. This MOU provides a framework for strengthening the government-to-government relationship that exists today.

Each party to this MOU respects the sovereignty and political integrity of the other party and the authority for each party to exist and to govern. The Parties respect the values and cultures represented by each government and desire to memorialize a written agreement that reflects a full government to government relationship. The Parties agree to work in good faith to achieve the goals of this MOU.

**PARTIES**

The Tribe is a federally recognized Indian tribe with a primary seat of government located in Mason County and the Kamilche Valley. The Tribe is a party to the Treaty of Medicine Creek. The Tribe historically lived throughout the Southern Puget Sound, and in particular through the Steh-Chass people in and around the area now known as the City of Tumwater. The Tribe has a vital interest in, and responsibility for, the planning and protection of the public health, safety, economic welfare and resource management needs and interests of its members and Tribal lands. The Tribe owns certain property within the City of Tumwater that is expected to be transferred to the United States to be held in trust for the benefit of the Tribe.

The City is a municipal corporation of the State of Washington. The City has a vital interest in, and responsibility for, the planning and protection of the public health, safety, economic welfare and resource management needs and interests of its residents, businesses, and visitors.

**GOALS**

This MOU reflects the commitment of the Parties to honor their government-to-government relationship. The Parties intend to respect the sovereign status of the Tribe and decision-making role of the City, enhance and improve communications between the two parties, facilitate the resolution of issues, and create a framework to mutually improve the community

The ultimate purpose of this MOU is to improve communication and mutual understanding so that people are better served by decisions made by these governments.

To facilitate this purpose, the parties will implement a forum in which to discuss, review and recommend procedures to strengthen their government-to-government relationship. This MOU also provides a foundation for subsequent agreements between the parties that address specific tasks or resolve specific issues.

The parties recognize the contributions, both unique to and shared by the parties, that each make for the broad cultural, economic and historical heritage of the Tumwater area. Better communication and more systematic opportunities to work and celebrate together will encourage respect and understanding of the parties' different cultures, link people to their heritage, create economic opportunity, foster a sense of place, deepen community pride, encourage civility and empathy, and offer hope for the future.

The parties acknowledge that actions by the Tribe or by the City can affect the natural and cultural resources, security, and the economic wellbeing of the parties. Dialog on these issues will alleviate misunderstandings and potential conflict and foster an environment of mutual cooperation and protection.

The parties recognize that the Tribe has vital economic, cultural and spiritual interests that may be affected by City activities. The parties further recognize the City's own economic and cultural interests which may be influenced by activities of the Tribe. Communication on these matters will foster a mutual understanding of what each community brings to the region as a whole.

The parties acknowledge that success in achieving these respective goals, responsibilities and interests requires an express commitment by the parties to these goals and ideals and is therefore in the interests of both parties to establish a process that facilitates cooperation between the parties and provides methods for better communication, continued education and resolution of various issues.

The parties recognize that implementation of this MOU may require educational efforts to promote understanding of the government-to-government relationship within their respective organizations and with the public.

The parties understand the need to provide safe, effective and efficient municipal services and will work together to ensure those services are available without regard to jurisdictional boundaries.

## IMPLEMENTATION

### PROVISIONS AND DUTIES OF INTERGOVERNMENTAL COMMITTEE

**Formation:** The Tribe and City will form an Intergovernmental Committee ("Committee") to be comprised of elected officials of each party and their designated representatives. The Tribe and City recognize the Committee as the appropriate forum to review and discuss issues of mutual concern and propose specific agreements to their respective governments that outline actions, initiatives and policies to resolve issues of mutual concern. The Committee shall be formed and conduct its first meeting within sixty (60) calendar days of the date this MOU is fully executed.

**Membership:** The Committee shall include two (2) elected officials from each party selected by and subject to removal and replacement by their respective governments. One Committee member from each party will be designated by its government to serve as a co-chair of the Committee. The co-chairs will set meeting dates and places, develop agendas and produce and distribute materials required for meetings. When a Committee member cannot attend a meeting, they may send a designated representative to the meeting. The designated representative may be another elected

official or a management level employee of the party. At or before the first meeting of the Committee, each party will provide written notification identifying its members and its designated representative. Designated representatives may attend any meeting of the Committee, whether or not they are attending as a member's designate. Staff of both parties may attend as non-voting participants with the agreement of the parties.

**Meetings:** The Committee shall meet quarterly for two (2) years following the adoption of this MOU. The Committee may opt, by mutual agreement, to alter the frequency of meetings as circumstances warrant. At least three Committee members must be present to establish a quorum for a meeting at which business is transacted or motions are adopted. The Committee will record the minutes of each meeting, with the parties alternating this duty each quarter. The party recording the minutes will prepare draft minutes for review and approval by the Committee at its next meeting. Each jurisdiction will be responsible for compliance with any public meetings regulations, to the extent applicable.

**Scope of Issues:** Matters brought before the Committee will be issues of intergovernmental interest to the Tribe and City and may include but are not limited to matters such as economic wellbeing, land use regulation, infrastructure planning and development, environmental protection, cultural events, historical and cultural resources protection, fisheries and habitat restoration. The Committee will decide, based on mutual agreement, whether it will address a particular matter.

**Decision-Making:** The Committee shall have wide flexibility in the manner in which matters before the Committee are handled. The Committee will endeavor to achieve consensus on matters requiring action by their respective governments. When deemed useful, the Committee may engage a qualified and neutral individual to serve as a facilitator for a meeting or series of meetings. Any facilitator must be jointly selected with costs shared equally by both parties.

**Technical Task Forces:** The Committee may elect to delegate specific technical issues to task forces for information gathering, study, and/or analysis. The composition, scope and responsibilities of the task forces will be determined by mutual agreement of the Committee at the time it decides to form such a task force.

**Amendment Procedures:** The provisions of this MOU may be amended by mutual written agreement of the parties duly executed by the lawfully authorized officers or officials of each party.

**Administration:** Each party shall be responsible for administering the terms of this MOU. No separate legal entity is created by reason of entering into this MOU. No common budget is to be established. No personal or real property is to be jointly acquired or held. To the extent any party furnishes property for purposes of carrying out this MOU, such property will be returned to that party upon termination. Each party agrees to supply its own personnel and supplies. Each party shall budget for and finance its own participation unless a separate agreement is entered into.

**Records:** Each party shall be responsible for maintaining its own records and shall respond to records requests received by it directly. Additionally, each party agrees to cooperate to the fullest extent in providing records related to this MOU requested by the other party in order to respond to records requests.

**Filing:** Prior to its entry into force, this MOU shall be filed with the Thurston County

Auditor's Office or posted upon the parties' websites as required by RCW 39.34.040.

**Notice:** Any notice required under this MOU shall be to the party at the address listed below and shall become effective as of the date of deposit in the United States Postal Service.

CITY OF TUMWATER  
Attn: City Clerk  
555 Israel Road SW  
Tumwater, WA 98501

SQUAXIN ISLAND TRIBE  
Attn: Legal Dep't  
3711 SE Old Olympic Hwy  
Kamilche, WA 98584

**SOVEREIGNTY AND DISCLAIMERS**

Each party respects the sovereignty of the other party. In executing this MOU, no party waives any rights, including treaty rights, immunities or jurisdiction. This MOU does not diminish any rights or protections; rather it seeks to strengthen the parties' collective ability to successfully resolve issues of mutual concern.

While the relationship described in this MOU provides increased ability to solve problems, it is not expected to resolve all issues. Inherent in the relationship is the right of each of the parties to elevate an issue of importance to its decision-making authority. Consistent with intergovernmental courtesy, a decision to elevate an issue of importance to its decision-making authority will only be made after reasonable written notification to the other party. Upon receipt of the notice, the Committee will cease any activity on the matter and the governing bodies of the parties shall directly address the matter if mutually desired.

**TERMINATION OF AGREEMENT**

Either party may terminate this MOU upon one hundred twenty (120) calendar days' written notice. Recommendations made by the Committee and all specific agreements executed by the parties during the term of this MOU shall survive the termination of this MOU and shall be binding on both parties and their successors.

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**EFFECTIVE DATE**

This MOU shall become effective upon authorized signatures by the parties below.

Dated: 5-25-2023

Dated: 5-25-2023

CITY OF TUMWATER:  
555 Israel Road SW  
Tumwater, WA 98501

SQUAXIN ISLAND TRIBE:  
10 SE Squaxin Lane  
Shelton, WA 98584

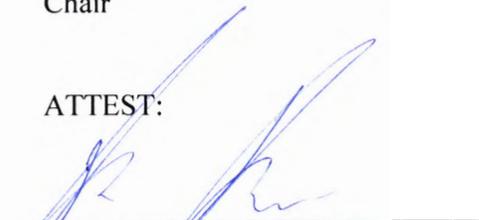
  
DEBBIE SULLIVAN  
Mayor

  
KRISTOPHER PETERS  
Chair

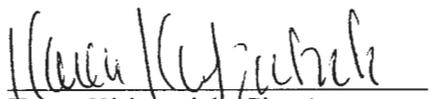
ATTEST:

  
Melody Valiant, City Clerk

ATTEST:

  
Patrick Braese, Secretary

APPROVED AS TO FORM:

  
Karen Kirkpatrick, City Attorney

APPROVED AS TO FORM:

  
Nathan Schremer, Tribal Attorney



# SQUAXIN ISLAND TRIBE

## LETTER OF UNDERSTANDING

The Squaxin Island Tribe recently acquired property within the City of Tumwater's limits located at 7249 & 7233 Old Hwy 99 SW, now held in trust for the benefit of the Tribe by United States of America. The City and the Tribe are party to a Letter of Understanding dated April 4, 2023, under which the City agreed to provide certain emergency services to the Tribal land and the Tribe agreed to make periodic contributions towards the cost of services. One of the key services identified is law enforcement.

In order for the City to exercise law enforcement jurisdiction on Tribal land and to clarify procedural issues related to providing those services, the Parties wish to identify their expectations regarding law enforcement in advance. Therefore,

1. Pursuant to RCW 10.93.070, the Tribe's Chief of Police authorizes any City of Tumwater general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington State Criminal Justice Training Commission may enforce the traffic or criminal laws of this state on this Tribal land;
2. The Tribe requests the City respond to any request for assistance in order to determine if a criminal incident has occurred on or involving the Tribal land in accordance with the City's normal policies and procedures;
3. The City will make best efforts to provide investigatory reports of any incident involving the Tribal land to the Tribe within one business day following the completion of the report;
4. In the event the City established probable cause to arrest a known Squaxin Tribal member, the City will confer with the Squaxin Island Police Department to determine whether a referral to Tribal prosecution is appropriate;
5. Nothing in this Letter of Understanding shall be construed to cede the jurisdiction or authority of either party, to modify the legal requirements for arrest or search and seizure or to otherwise modify the legal rights of any person, to accomplish any act violative of city, state, federal or tribal law or to subject the parties to any liability to which they would not be subject by law.

The City and Tribal Police Departments will communicate regularly to make sure that contact information is current and any unforeseen issues are promptly addressed in an amendment to this Letter of Understanding.

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